

5-1-1991

# The Citing of Law Reviews by the United States Courts of Appeals: An Empirical Analysis

Louis J. Sirico Jr.

Beth A. Drew

Follow this and additional works at: <http://repository.law.miami.edu/umlr>

---

## Recommended Citation

Louis J. Sirico Jr. and Beth A. Drew, *The Citing of Law Reviews by the United States Courts of Appeals: An Empirical Analysis*, 45 U. Miami L. Rev. 1051 (1991)

Available at: <http://repository.law.miami.edu/umlr/vol45/iss5/5>

This Article is brought to you for free and open access by Institutional Repository. It has been accepted for inclusion in University of Miami Law Review by an authorized administrator of Institutional Repository. For more information, please contact [library@law.miami.edu](mailto:library@law.miami.edu).

# The Citing of Law Reviews by the United States Courts of Appeals: An Empirical Analysis

LOUIS J. SIRICO, JR.\*  
BETH A. DREW\*\*

## I. INTRODUCTION

Recent studies have analyzed the citation practices of legal periodicals<sup>1</sup> and some courts.<sup>2</sup> However, none has given attention to the United States Courts of Appeals. Next to the United States Supreme Court and some state supreme courts, the federal circuit courts may be the most policy-oriented tribunals and hence the most receptive to the theory-oriented discussions of the law reviews. An inquiry into their citation practices could furnish insight into how useful these courts find legal scholarship.<sup>3</sup> This study launches the inquiry by examining the frequency with which the federal circuit courts cite legal periodicals.

---

\* Professor of Law, Villanova University School of Law. B.A., Yale University, 1967; J.D., University of Texas, 1972.

\*\* B.A., Pennsylvania State University, 1987; J.D., Villanova University, 1990. We wish to thank Christine Keating and Karen Purcell for their assistance.

1. See Ellman, *A Comparison of Law Faculty Production in Leading Law Reviews*, 33 J. LEGAL EDUC. 681 (1983); Leonard, *Seein' the Cites: A Guided Tour of Citation Patterns in Recent American Law Review Articles*, 34 ST. LOUIS U.L.J. 181 (1990); Maru, *Measuring the Impact of Legal Periodicals*, 1976 AM. B. FOUND. RES. J. 227; *Chicago-Kent Law Review Faculty Scholarship Survey*, 65 CHI.-KENT L. REV. 195 (1989). For the identity of law review articles that other legal periodicals most frequently cite, see Shapiro, *The Most-Cited Law Review Articles*, 73 CALIF. L. REV. 1540, 1549 (1985).

2. See, e.g., Bernstein, *The Supreme Court and Secondary Source Material: 1965 Term*, 57 GEO. L.J. 55, 67 (1968); Daniels, *"Far Beyond the Law Reports": Secondary Source Citations in United States Supreme Court Opinions, October Terms 1900, 1940, and 1978*, 76 LAW LIBR. J. 1, 30-32 (1983); Maggs, *Concerning the Extent to Which the Law Review Contributes to the Development of the Law*, 3 S. CAL. L. REV. 181 (1930); Mann, *The North Carolina Supreme Court 1977: A Statistical Analysis*, 15 WAKE FOREST L. REV. 39, 61 (1979); Newland, *Legal Periodicals and the United States Supreme Court*, 7 U. KAN. L. REV. 477, 481-82 (1959); Sirico & Margulies, *The Citing of Law Reviews by the Supreme Court: An Empirical Study*, 34 UCLA L. REV. 131 (1986); see also Archibald, *Stare Decisis and the Ohio Supreme Court*, 9 W. RESERVE L. REV. 23, 26-28 (1957) (citations to all secondary sources in opinions from 1951 to 1955); Scurlock, *Scholarship and the Courts*, 32 UMKC L. REV. 228, 232-58 (1964) (citations to all secondary sources in criminal case opinions for three states' courts and the United States Supreme Court from 1958 to 1962). For a study of citations to legal periodicals both by other legal periodicals and courts, see Finet, *The Most Frequently Cited Law Reviews and Legal Periodicals*, 9 LEGAL REFERENCE SERVICES Q. 227 (1989); Mann, *The Use of Legal Periodicals by Courts and Journals*, 26 JURIMETRICS J. 400 (1986).

3. For a discussion of the usefulness of citation studies as a qualitative measuring device in other academic fields, see Shapiro, *supra* note 1, at 1541-44.

In collecting data for our study, we examined 1200 memorandum opinions. We reviewed 100 recent opinions from each of the eleven numbered circuits, as well as from the United States Court of Appeals for the District of Columbia.<sup>4</sup> We chose not to include opinions of the United State Court of Appeals for the Federal Circuit because it has a specialized docket different from the general dockets of the other circuits.<sup>5</sup> Including its citations could distort the results of a study dealing with courts of a more general jurisdiction.

Three findings merit discussion. First, the federal circuit courts cite law reviews infrequently. Second, they cite primarily the elite journals. Third, they cite mostly recent articles.

## II. THE PAUCITY OF CITATIONS

The 1200 opinions yielded only 221 citations to legal periodicals. Of those opinions, ten percent contain at least one citation,<sup>6</sup> and fewer than forty-five percent contain more than one.<sup>7</sup> Though statistics concerning the United States Supreme Court fail to offer a precise comparison,<sup>8</sup> they indicate that the Court is far more disposed to cite law reviews. On average, 100 Supreme Court opinions will contain 138 citations, while 100 circuit court opinions will contain eighteen

4. The courts issued all the opinions in our sample in 1989. Locating the citations required reading the opinions and spot-checking the results with computer searches.

5. The Federal Circuit hears appeals in a variety of specialized fields, most notably copyright, patent, and trademark. *See* 28 U.S.C. § 1295 (1982).

6. One hundred sixteen cases contain at least one citation (9.67% of 1200 cases). A study of selected law reviews published in 1960 and 1985 found that nearly 12% of the 1960 articles and over 17% of the 1985 articles were cited at least once in a judicial opinion. *See* Saks, *Law Journals: Their Shapes and Contents, 1960 and 1985* (Jan. 6, 1989) (preliminary partial draft report presented at the Annual Meeting of the Association of American Law Schools, AALS Executive Committee Symposium on Legal Scholarship).

7. Fifty-two cases contain more than one citation (44.83% of 116 cases).

8. Unlike the federal courts of appeals, the Supreme Court enjoys almost complete discretion in selecting its cases. The federal courts of appeals hear many routine cases in which the legal rules are uncontroverted and to which scholarly articles could contribute little. At the same time, the federal circuit courts deal with a substantial number of routine and less-than-routine cases by rendering a decision, but not publishing an opinion. The courts' criteria for deciding which cases merit published opinions are designed to select only opinions likely to have precedential significance. *E.g.*, 3D CIR. R., *Internal Operating Procedures*, c. 5, ¶ 5.5.1 ("An opinion is published when it has precedential or institutional value. . . . [A]n opinion which appears to have value only to the trial court or the parties is ordinarily not published."); 11TH CIR. R. 36-2, *Internal Operating Procedures*, ¶ 3 ("The policy of the court is: The unlimited proliferation of published opinions is undesirable . . . . Opinions that the panel believes to have no precedential vlaue are not published."); *see also* R. POSNER, *THE FEDERAL COURTS: CRISIS AND REFORM* 120 (1985). The success of the system is open to debate. *See id.* at 120-21. For criticisms of the nonpublication rules, *see* Martineau, *Practice in the Sixth Circuit: Oral Argument and Decisions from the Bench*, 16 U. TOL. L. REV. 655, 659-64 (1985); Reynolds & Richman, *The Non-Precedential Precedent—Limited Publication and No-Citation Rules in the United States Courts of Appeals*, 78 COLUM. L. REV. 1167, 1189-1204 (1978).

citations.<sup>9</sup>

Though we can only speculate as to why the federal circuit courts cite law reviews so infrequently, we suggest three reasons. First, the judges may find legal periodicals to be of limited value.<sup>10</sup> Second, the heavy workloads of the judges and their clerks may prevent them from delving deeply into academic literature.<sup>11</sup> Third, some judges may have a bias against frequent citation of legal periodicals.

As for the third proposed reason, the bias may reflect two possible viewpoints. It may reflect the view that legal periodicals offer authority far inferior to that of case law and therefore merit citation only rarely.<sup>12</sup> The bias may also reflect the view that the federal circuit courts have a different function than the Supreme Court. Circuit judges may see their function not as making policy, but as deciding specific disputes. In contrast, the Supreme Court not only resolves disputes, but also consciously makes policy. Therefore, a circuit judge may find it inappropriate to cite policy-oriented articles or even articles with themes more general than the precise dispute at bar. If the circuit judge is willing to note only articles useful in deciding the narrow dispute before the court, he or she may find few pieces worth

---

9. We base the Supreme Court statistic on the data in Sirico & Margulies, *supra* note 2. Between 1981 and 1983, the Court issued 551 memorandum opinions and cited law reviews 760 times (excluding seven citations to articles in the Federal Rules Decisions, a periodical that we did not cover in the present study). *Id.* at 144. The statistic excludes the possibility that some justices may have cited legal periodicals in nonmemorandum opinions; for example, dissents from the granting or denying of certiorari. In the present study, the courts of appeals cite law reviews 221 times in 1200 opinions. For a summary of the data, see Appendix I.

10. For judges' criticisms of legal scholarship, see, e.g., Edwards, *The Role of Legal Education in Shaping the Profession*, 38 J. LEGAL EDUC. 285, 291 (1988) (deploring the gulf between legal academics and practitioners); Kaye, *One Judge's View of Academic Law Review Writing*, 39 J. LEGAL EDUC. 313, 320 (1989) (finding treatises to be better source material than law reviews "though they have neither the purpose nor the potential of law review articles"); Newman, *Between Legal Realism and Neutral Principles: The Legitimacy of Institutional Values*, 72 CALIF. L. REV. 200, 216 (1984) (criticizing legal commentary for limiting itself to analyzing the formal reasoning of an appellate opinion or assessing the merits of a result and not identifying the institutional values implicit in a decision and assessing the appropriateness of permitting those values to influence the outcome); Wald, *Teaching the Trade: An Appellate Judge's View of Practice-Oriented Legal Education*, 36 J. LEGAL EDUC. 35, 42 (1986) (too few law reviews are helpful in appellate decisionmaking).

11. For a discussion of the caseload of the federal circuit courts, see FEDERAL COURTS STUDY COMMITTEE, REPORT OF THE FEDERAL COURTS STUDY COMMITTEE 110 (1990); W. McLAUCHLAN, FEDERAL COURT CASELOADS 73-109 (1984); R. POSNER, *supra* note 8, at 59-93.

12. Optimists long have advanced the position that the bias against law reviews is vanishing. See, e.g., Cardozo, *Introduction*, in SELECTED READINGS ON THE LAW OF CONTRACTS FROM AMERICAN AND ENGLISH LEGAL PERIODICALS vii (Comm. of the Ass'n of Am. Law Schools ed. 1931).

citing.<sup>13</sup>

The data we have collected offer no help in evaluating the possible reasons for the paucity of citations. For example, if the federal circuit courts are more likely to cite pieces dealing with narrow issues, and if student works are more likely to deal with narrow issues than are nonstudent works, then one might expect many citations to student works. On the other hand, the courts might consider nonstudent works more authoritative and, therefore, more desirable to cite. We found 169 citations to nonstudent articles and fifty-two citations to student works. This statistic is inconclusive.

Partly as a result of the paucity of citations, the data also offers no help in identifying the typical characteristics of an article that the circuit courts are likely to cite. A large number of citations to a few articles might suggest the characteristics of such an article. However, no article received more than two citations, and only five articles received that many.

The data also fail to identify the types of cases that most commonly cite law review articles. If our study had found a small number of citation-laden opinions, their subject matter might have indicated the types of cases that are likely to include citations. However, the data does not identify many such cases.<sup>14</sup>

### III. THE DOMINANCE OF ELITE JOURNALS

In our study, most citations refer to journals that are generally regarded as elite. The *Harvard Law Review*, with thirty-four citations, garners over fifteen percent of the citations.<sup>15</sup> The *Columbia Law Review* follows with fourteen citations, and the *University of Chicago Law Review* comes next with ten. The eight next most cited periodicals are the *Texas Law Review*, the *American Bankruptcy Law Journal*, the *Seton Hall Law Review*, the *Virginia Law Review*, the *Yale Law Journal*, the *Duke Law Journal*, the *Michigan Law Review*, and the *Vanderbilt Law Review*.<sup>16</sup> Nine of these eleven periodicals—not including the *American Bankruptcy Law Journal* and the *Seton*

---

13. Conversations with former judicial clerks suggest that all of these reasons play a role, and the relative importance of each reason varies with the judge.

14. Two cases have seven citations, two cases have six, two cases have five, nine cases have four, 11 cases contain three citations each, 26 cases contain two citations, and 64 cases contain one. The identity of the judges also is of little help, because no small group of judges clearly dominates.

15. It received 15.38% of the 221 citations.

16. In our sample, the federal courts of appeals cited the *Texas Law Review* seven times. They cited the *American Bankruptcy Law Journal*, the *Seton Hall Law Review*, the *Virginia Law Review*, and the *Yale Law Journal* each six times and cited the *Duke Law Journal*, the *Michigan Law Review*, and the *Vanderbilt Law Review* each five times. Five journals each

*Hall Law Review*—are the source of over forty percent of all journal citations.<sup>17</sup> Seventy-six other periodicals account for the remaining citations.

Other citation studies confirm the dominance of elite journals. A study of the Supreme Court's citation practices found that thirteen journals accounted for over fifty-six percent of all journal citations by the Court.<sup>18</sup> Another study focused on citations within law review articles and found that five journals accounted for over twenty-five percent of all citations,<sup>19</sup> and twenty-one journals accounted for fifty percent.<sup>20</sup>

Though our data does not explain the dominance of elite journals in the citations of the federal courts of appeals, we suggest three reasons. First, articles in these journals may be qualitatively more helpful to the courts. Second, judges may be more likely to cite articles that appear in the appellate briefs. The briefs, in turn, may include articles from elite journals on the assumption that the citations increase a brief's persuasiveness. Third, judges may hire clerks largely from elite schools who have a predilection for citing journals that they formerly staffed.<sup>21</sup>

#### IV. THE DOMINANCE OF RECENT ARTICLES

The federal courts of appeals tend to cite current articles. Nearly

---

received four citations, six each received three citations, 17 journals each received two citations, and 45 journals each received one citation. The data appear in Appendix I.

17. The 92 citations account for 41.63% of all journal citations. Inclusion of citations to the *American Bankruptcy Law Journal* and the *Seton Hall Law Review* would show 104 citations from 11 journals accounting for 47.05% of all citations.

18. During the 1971-73 period, 13 journals accounted for 58.36% of all citations (562 out of 963). In the 1981-83 period, 13 journals accounted for 56.84% (436 out of 767). Sirico & Margulies, *supra* note 2, at 133 n.7. Another study examined citations to articles published in 161 journals in 1978-79 and employed SHEPARD'S LAW REVIEW CITATIONS (through the January 1984 issue) to count citations. It found that the Supreme Court cited only 25 journals for a total of 54 citations. The Court cited only seven journals more than twice, and these journals accounted for 33 citations. See Mann, *supra* note 2, at 417. The same study found 1400 citations by all courts. Fifteen journals account for 563 (38.7%) of all the citations. Seven of the 15 journals would not be considered elite: *Judicature* (36 citations), *Southwestern Law Journal* (27), *Oklahoma Law Review* (25), *Louisiana Law Review* (25), *Massachusetts Law Review* (24), *Wayne Law Review* (20), and the *Texas Tech Law Review* (20). See *id.* at 404. Some of these journals may have benefited from many citations by state courts in the journal's state of publication. See *id.* at 414.

19. The journals were *Harvard Law Review* (accounting for 9.3% of all citations), *Yale Law Journal*, *Columbia Law Review*, *Stanford Law Review*, and *University of Pennsylvania Law Review*. See Leonard, *supra* note 1, at 191.

20. The 21 journals accounted for 50.7% of the citations. Leonard, *supra* note 1, at 191. Sixty-five journals accounted for 75% of the citations. *Id.*

21. See Sirico & Margulies, *supra* note 2, at 133-34 (suggesting these reasons to help explain the dominance of citations to elite journals in Supreme Court opinions).

forty-eight percent of all citations in our study are to articles published since 1985.<sup>22</sup> Over seventy-one percent of all citations are to articles published since 1980.<sup>23</sup>

This finding demonstrates the transitory nature of scholarly achievement.<sup>24</sup> Judges undoubtedly cite to recent articles, because they deal with the most recent statutes, cases and modes of analysis. Therefore, judges may perceive that these articles offer superior support for legal conclusions.

## V. CONCLUSION

Our study clearly shows that federal courts of appeals infrequently cite legal periodicals. Furthermore, most citations are to recent articles from a small group of elite journals.

This paucity of citations demonstrates the continuing tension in legal education resulting from two conflicting definitions of the enterprise. One definition identifies legal education as professional training. The other identifies it as an academic endeavor.<sup>25</sup> Yet, citation studies demonstrate that legal scholarship makes only a modest direct contribution to the daily practice of law.<sup>26</sup> Thus, the time has come to

---

22. One hundred and six citations (47.96%) refer to articles published in 1985 through 1989 (determined by identifying the year on the spine of the journal as opposed to identifying the actual date of publication). For a graphic representation of the data, see Appendix II.

23. Fifty-two citations (23.52%) refer to periodicals published from 1980 through 1984. One hundred fifty-eight (71.49%) citations refer to articles published from 1980 through 1989.

24. The findings are consistent with the results of citation studies in other scholarly fields. See Leonard, *supra* note 1, at 204-05. The five oldest articles cited are Hand, *Historical and Practical Considerations Regarding Expert Testimony*, 15 HARV. L. REV. 40 (1901); Isaacs, *Law and the Facts*, 22 COLUM. L. REV. 1 (1922); Patterson, *Insurable Interest in Life*, 18 COLUM. L. REV. 381 (1918); Scott, *Trial by Jury and the Reform of Civil Procedure*, 31 HARV. L. REV. 669 (1918); Warren, *New Light on the History of the Federal Judiciary Act of 1789*, 37 HARV. L. REV. 49 (1923).

25. See R. STEVENS, *LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980s* at 38-39, 138-40, 156-57, 191-92, 264-70 (1983).

26. All the citation studies referenced in note 2, with the arguable exception of the Supreme Court studies (Bernstein, Daniels, Sirico & Margulies), demonstrate the scarcity of citations to legal periodicals. See also Harrison, *Trends and Traces: A Preliminary Evaluation of Economic Analysis in Contract Law*, 1988 ANN. SURV. AM. L. 73, 79-83, 98-99 (finding only a modest impact by "law and economics" scholarship on the courts thus far). Even on the realistic assumption that lawyers and judges read more than they cite, any experience in law practice or discussions with practitioners should persuade an academic that few articles are read. If citations are only the tip of the iceberg—an iceberg of articles—it is a shallow one. On the other hand, one study found that articles published in 1985 by selected journals were of greater potential utility to judges, legislatures, and legal scholars and of less potential utility to practitioners than were articles published in 1960 by those journals. See Saks, *supra* note 6, at 5. The study nonetheless found that articles of both years were of greater potential utility to practitioners than to judges, legislatures, or scholars. See *id.* The study also found that practical articles outnumbered theoretical articles in both years. However, it revealed that 1985 saw a dramatic decrease in the number of practical articles as compared to the articles

acknowledge that legal scholarship is overwhelmingly an academic endeavor of little immediate perceived value to the rest of the profession.<sup>27</sup>

---

from 1960. *See id.* at 6. The findings were based on a review by legal academics. *See id.* at 2. If the findings are accurate, they may suggest that, despite potential utility, the bench and bar may not perceive the articles as useful, may not have the time to use them or may have a bias against citing them. *See supra* notes 10-13 and accompanying text.

Law reviews historically perform functions other than supplying direct assistance to the bench and bar: to induce the law professor to write and thus study, acquire knowledge, keep current, gain prestige, and become a better instructor; to provide an educational experience for participating law students; to enable sponsoring schools to gain prestige and enjoy the educational benefits that flow from its teachers and students participating in the endeavor; and to provide a long-term contribution to law reform. *See Maggs, supra* note 2, at 184-89.

27. As academic undertakings, only 10 of 314 journals make a statistically significant contribution to scholarship. *See Leonard, supra* note 1, at 191-92. Of the 50 articles most frequently cited in law reviews, 44 appear in one of the 10 journals. *See id.* at 193 n.40 (referring to Shapiro, *supra* note 1, at 1549-53). For a telling critique of the heavy emphasis on written scholarship in legal academia, see Bard, *Legal Scholarship and the Professional Responsibility of Law Professors*, 16 CONN. L. REV. 731 (1984). For recent critiques of law reviews, see Lasson, *Scholarship Amok: Excesses in the Pursuit of Truth and Tenure*, 103 HARV. L. REV. 926 (1990); *Student-Edited Law Reviews*, 36 J. LEGAL EDUC. 1 (1986). The emphasis among law professors on writing for law reviews dates only to the 1950's, and, even then, the writing was oriented towards problem-solving rather than to theoretical analysis. *See Stevens, supra* note 25, at 271. The comparative youth of modern legal scholarship makes it possible to rethink the task of legal academics and perhaps consider a redirection of efforts.

APPENDIX I  
FREQUENCY OF CITATION PER CIRCUIT

LAW REVIEWS	TOTAL	1ST	2D	3D	4TH	5TH	6TH	7TH	8TH	9TH	10TH	11TH	D.C.
HARV. L. REV.	34	3	5	6	-	4	4	1	-	2	2	3	4
COLUM. L. REV.	14	-	2	3	-	1	-	2	-	1	1	2	2
U. CHI. L. REV.	10	2	-	-	-	2	-	2	-	-	2	1	1
TEX. L. REV.	7	-	-	2	1	3	-	1	-	-	-	-	-
AM. BANKR. L.J.	6	1	-	-	-	-	-	4	1	-	-	-	-
SETON HALL L. REV.	6	-	-	5	-	1	-	-	-	-	-	-	-
VA. L. REV.	6	-	1	3	-	-	-	1	-	1	-	-	-
YALE L.J.	6	2	-	-	1	2	-	1	-	-	-	-	-
DUKE L.J.	5	-	1	-	-	-	-	1	-	-	1	2	-
MICH. L. REV.	5	1	-	1	-	-	-	1	-	1	1	-	-
VAND. L. REV.	5	-	1	-	-	-	-	1	-	1	-	1	1
B.U.L. REV.	4	2	2	-	-	-	-	-	-	-	-	-	-
CALIF. L. REV.	4	-	-	-	-	-	1	-	-	3	-	-	-
FORDHAM L. REV.	4	1	1	-	1	-	-	-	-	-	1	-	-
N.Y.U. L. REV.	4	-	-	-	1	1	-	-	1	-	1	-	-
U. PA. L. REV.	4	-	-	1	1	-	-	-	1	-	1	-	-
CORNELL L.Q.	3	-	-	1	-	1	-	-	-	1	-	-	-
GEO. WASH. L. REV.	3	-	-	1	-	-	-	-	-	-	1	-	1
MINN. L. REV.	3	-	-	1	-	1	-	1	-	-	-	-	-
OHIO ST. L.J.	3	-	-	2	-	-	1	-	-	-	-	-	-
UCLA L. REV.	3	-	-	1	1	-	-	-	-	1	-	-	-
WIS. L. REV.	3	-	-	1	-	-	-	-	-	-	2	-	-
ADMIN. L. REV.	2	-	-	-	-	-	-	2	-	-	-	-	-
ANTITRUST L.J.	2	-	-	-	-	-	-	1	-	-	1	-	-
ECO. L.Q.	2	1	-	-	-	-	-	-	-	-	-	-	1
EMORY L.J.	2	-	-	-	1	-	1	-	-	-	-	-	-
ENERGY L.J.	2	-	-	-	-	2	-	-	-	-	-	-	-
ENVTL. L. REP.	2	-	-	-	-	-	-	-	-	-	-	-	2
GA. L. REV.	2	1	-	-	-	-	-	-	-	-	-	1	-
MD. L. REV.	2	1	-	-	-	-	-	-	-	-	-	-	1
N.C.L. REV.	2	-	-	-	-	-	-	-	1	-	1	-	-
STAN. L. REV.	2	-	1	-	-	-	-	-	-	-	-	-	1
SW. U.L. REV.	2	-	-	-	-	-	-	-	-	2	-	-	-
TULANE L. REV.	2	-	-	-	-	-	-	1	-	1	-	-	-
U. CHI. LEGAL F.	2	-	-	-	-	-	-	2	-	-	-	-	-
U. CIN. L. REV.	2	1	-	-	-	-	-	-	-	1	-	-	-
U. PITT. L. REV.	2	-	-	1	-	-	-	-	-	-	-	-	1
VA. TAX REV.	2	-	1	-	-	-	-	-	-	-	-	1	-
W. VA. L. REV.	2	-	-	1	-	-	-	-	-	-	1	-	-
AKRON L. REV.	1	-	-	-	-	-	-	-	-	-	1	-	-
ALBANY L. REV.	1	-	-	-	-	-	-	1	-	-	-	-	-
AM. CRIM. L. REV.	1	-	-	-	-	-	-	1	-	-	-	-	-
AM. J. CRIM. L.	1	-	-	-	-	-	-	-	1	-	-	-	-
ARK. L. REV.	1	-	-	-	-	-	-	1	-	-	-	-	-

## FREQUENCY OF CITATION PER CIRCUIT

LAW REVIEWS	TOTAL	1ST	2D	3D	4TH	5TH	6TH	7TH	8TH	9TH	10TH	11TH	D.C.
B.C. ENVTL. AFF. L. REV.	1	-	-	-	-	-	-	-	-	-	-	-	1
BROOKLYN L. REV.	1	-	-	1	-	-	-	-	-	-	-	-	-
BUS. LAW J.	1	-	-	-	-	-	-	-	-	-	-	1	-
CARDOZO L. REV.	1	-	-	-	-	-	-	-	-	1	-	-	-
CATH. U.L. REV.	1	-	-	-	1	-	-	-	-	-	-	-	-
CLEV. ST. L. REV.	1	-	-	-	-	-	-	-	-	-	-	-	1
CUMB. L. REV.	1	-	-	-	-	-	-	-	-	-	-	1	-
DUQ. L. REV.	1	-	-	-	-	-	-	-	-	-	-	1	-
FAM. L.Q.	1	-	-	-	-	-	-	-	1	-	-	-	-
GEO. L.J.	1	-	-	-	-	1	-	-	-	-	-	-	-
HOFSTRA L. REV.	1	-	1	-	-	-	-	-	-	-	-	-	-
HOUS. L. REV.	1	-	-	-	-	-	-	-	-	-	1	-	-
IND. REL. L.J.	1	-	-	-	-	-	-	-	-	-	1	-	-
IOWA. L. REV.	1	-	-	-	-	-	-	-	-	-	-	1	-
J. AIR. L. & COM.	1	-	-	-	-	-	1	-	-	-	-	-	-
J. LEGAL STUDIES	1	-	1	-	-	-	-	-	-	-	-	-	-
J. PUB. L.	1	1	-	-	-	-	-	-	-	-	-	-	-
J. TAX'N	1	-	-	-	-	-	-	-	-	-	-	1	-
JUST. SYS. J.	1	1	-	-	-	-	-	-	-	-	-	-	-
LABOR L.J.	1	-	-	-	-	-	-	-	-	-	-	-	1
LA. L. REV.	1	-	-	-	-	1	-	-	-	-	-	-	-
LAW Q. REV.	1	1	-	-	-	-	-	-	-	-	-	-	-
MISS. L.J.	1	-	-	-	-	-	-	-	-	-	1	-	-
NAT. RESOURCES J.	1	-	-	-	-	-	-	-	-	1	-	-	-
N.D. L. REV.	1	-	-	-	-	-	-	-	-	-	-	-	1
NOTRE DAME L. REV.	1	1	-	-	-	-	-	-	-	-	-	-	-
PUB. CONT. L.J.	1	1	-	-	-	-	-	-	-	-	-	-	-
S.D.L. REV.	1	1	-	-	-	-	-	-	-	-	-	-	-
SUFFOLK U.L. REV.	1	-	-	-	-	-	-	1	-	-	-	-	-
SYRACUSE L. REV.	1	-	-	-	1	-	-	-	-	-	-	-	-
TAX L. REV.	1	-	-	-	-	-	-	-	-	-	-	1	-
TEMP. L.Q.	1	-	-	1	-	-	-	-	-	-	-	-	-
U. FLA. L. REV.	1	-	-	1	-	-	-	-	-	-	-	-	-
U. MIAMI L. REV.	1	-	-	-	-	-	-	-	1	-	-	-	-
U. PUGET SOUND L. REV.	1	-	-	-	-	-	-	-	-	1	-	-	-
U. TORONTO L.J.	1	-	-	1	-	-	-	-	-	-	-	-	-
VA. J. INTL. L.	1	1	-	-	-	-	-	-	-	-	-	-	-
WASHBURN L.J.	1	-	-	-	1	-	-	-	-	-	-	-	-
WASH. L. REV.	1	-	-	-	-	-	-	-	1	-	-	-	-
WM. & MARY L. REV.	1	1	-	-	-	-	-	-	-	-	-	-	-
TOTALS	221	24	17	34	10	20	8	26	8	18	20	17	19

APPENDIX II  
THE DOMINANCE OF RECENT ARTICLES

