

DEPARTMENT OF LAW
ZICKLIN SCHOOL OF BUSINESS
BARUCH COLLEGE (CUNY)

POLICY ON RESEARCH AND PUBLICATION

DECEMBER 2022

I. GENERAL RESEARCH AND PUBLICATION EXPECTATIONS

The Department of Law expects its faculty to engage in legal scholarship on significant topics that are related to the mission of the Department and the Zicklin School of Business. Faculty members are encouraged, but not required, to produce scholarship related to courses that they currently teach or may teach in the future. **A consistent record of high quality, impactful “A” or a mix of “A” and “A-” level legal scholarship is required for reappointment, promotion and tenure.**

The primary mode of academic discourse in business law is the publication of articles in law reviews because they afford the greatest opportunity to address legal issues in a sophisticated and comprehensive manner. Nevertheless, the Department recognizes that other forms of legal writing may make a scholarly contribution, and these other forms of legal writing may count to some extent for promotion and tenure. Interdisciplinary work published in the scholarly journals of other disciplines should receive full consideration for tenure and promotion. Other work such as books, amicus curiae briefs, articles in legal periodicals, conference presentations, and government and bar association reports may count as scholarship and thus, to some extent, aid candidacy for promotion and tenure if they make “a significant, original contribution to knowledge about the law” or offer “original insights and ideas about the law.”¹

II. SPECIAL PUBLICATION CHALLENGES FACING BUSINESS LAW SCHOLARS

Law professors at business schools face several special publication challenges, which need to be taken into consideration when evaluating article placements and scholarly achievements.

- 1) **Fewer Articles Per Issue/Longer Articles:** Law reviews publish far fewer articles per issue than do journals in other disciplines. Law review articles commonly range from 30-70 printed pages, so most law reviews only publish about nine unsolicited articles per year.
- 2) **Preference Against Business Law Topics:** General law reviews favor topics that are of broad interest, such as Constitutional and Criminal Law. Only about 15% of general law review articles are on business law topics, which translates into approximately one article per general law review per year being devoted to a

¹ Erwin Chemerinsky & Catherine Fisk, *In Defense of the Big Tent: The Importance of Recognizing the Many Audiences for Legal Scholarship*, 34 TULSA L. J. 667, 674-75 (1999).

business law topic.

- 3) **Low Acceptance Rates:** There are numerous scholars competing for the limited publishing opportunities at general law reviews, including about 3,000 business law professors at U.S. business schools, business law experts among the 8,000 law professors at U.S. law schools, academics in related fields such as political science and philosophy, foreign professors, practicing lawyers, legislators and judges. **Thus, some prestigious law reviews have acceptance rates as low as .2% (2/10 of one percent).**²
- 4) **Lack of Blind Review & Reserved Slots:** Law reviews typically do not review articles blindly and a strong preference is given to authors from highly ranked law schools, especially for invitation-only symposia issues. Moreover, a number of article slots at top law reviews are reserved for in-house law school professors. Therefore, while we have included the top 14 general law reviews in the “A” category, these journals are not a realistic publication option for most business school law faculty.

Because of the challenges discussed above, law professors in business schools publish in additional outlets. The data in a recent article shows that a sample of law professors in business schools published only approximately 25% of their articles in general law reviews, while 44% of articles were published in specialized law reviews and 25% of articles were placed in the publications of related business school disciplines.³ In recent years, despite the difficulties outlined above, many members of the Department have had their articles published in “A” and “A-” law reviews. The Department’s publication record compares favorably with the publication records of business law faculty at top 25 business schools.

III. “A” Publications for the Department of Law

The following publications currently count as “A” publications within the Department of Law:

- (1) Scholarly articles published in top 50 general/flagship, general print law reviews.⁴

² Kevin M. Yamamoto, *What’s In a Name? The Letterhead Impact Project*, 22 JOURNAL OF LEGAL STUDIES EDUCATION 65, 69 (2004).

³ Robert S. Rubin, et al., *The Quandary of Serving Multiple Masters: An Institutional Exploratory Analysis of Publishing in Business Law*, 20 MIDWEST L. J. 1, 7 (2006).

⁴ Faculty may use either: (1) the law school’s ranking according to the most recently published U.S. News & World Report’s Law School Ranking; or (2) the law review’s ranking in Washington & Lee’s rankings of law reviews. For the latter, faculty should use the following Journal Criteria: Subject – General; Country – All Countries; Journal Type – General/Flagship. Then choose the following Ranking Criteria: Combined Score.

This refers only to the general/flagship, print version of a school's law reviews.⁵ Online supplements or companion publications to flagship law reviews are not included as "A" journals here.⁶

- (2) Scholarly articles published in any specialty law review or law journal at a top 14 law school in the U.S. News & World Report Law School Rankings.⁷ Online supplements or companion publications to print specialty law journals do not generally count as "A" specialty journals.
- (3) Scholarly articles published in any specialty law review or law journal within the top 10% of all of the journals within its specialty, as ranked on the Washington & Lee website.⁸ Once again, online supplements or companion publications to flagship law reviews or print specialty journals do not generally count as "A" specialty journals.
- (4) Scholarly articles published in the AMERICAN BUSINESS LAW JOURNAL.⁹
- (5) Scholarly books, chapters or monographs published at preeminent academic presses. This includes publishers such as the Harvard University Press; Oxford University Press; University of Chicago Press; Yale University Press; Cambridge University Press; and Princeton University. Textbooks and books published at non-academic presses are not "A" publications under this policy.
- (6) Any publication or journal that counts as an "A" publication in any other department within the Zicklin School of Business.

⁵ As of today, no top 50 law school has eliminated the print version of its general/flagship law review. If a top 50 law school moves its general/flagship law review completely online in the future, we will consider such law reviews to be "A" journals.

⁶ Online supplements or companions are separate publications with different acceptance rates and prestige within the legal academy. Washington & Lee separately ranks the online supplements to the flagship law reviews and they typically rank much lower than the print, general/flagship law review.

⁷ As always, faculty should use the latest school rank available at the time of article acceptance. Faculty are strongly encouraged to maintain a hard copy printout of the applicable rankings of their publications from their preferred of the two sources from the date in which their publication offer is obtained.

⁸ Faculty should not select or check any limiting factors in the Journal Criteria Section in the Washington & Lee search engine. All journals within a specialization count. For example, there currently are 75 total journals listed in the Business, Corporations and Securities Law specialization. For Ranking Criteria, the box Combined should be ticked.

⁹ The ABLJ falls within the top 10% of specialty journals. It is currently ranked #3 out of 75 journals listed in the Business, Corporations and Securities Law specialization. Nevertheless, it has been the policy of the Department of Law to specifically identify the ABLJ as an "A" journal. This policy is consistent with the practice at top U.S. business law departments.

IV. ADDITIONAL LAW REVIEW RANKINGS

The standards for “A” law reviews and law journals are stated above. A table of rankings of law reviews follows below.¹⁰ Separate rankings are provided for “General Law Reviews,” which publish articles on any legal topic, and “Specialty Law Reviews,” which publish only articles within a given legal specialty. In both sets of rankings, “A” law reviews represent the top-tier in prestige with rankings of “A-” through “C” representing decreasing levels of prestige. We have used objective criteria for ranking publications based upon the day in which the publication offer is received: a combination of U.S. News & World Report Law School rank and the “Combined Score” rank based on the Washington & Lee Law School Library Most-Cited Legal Periodicals Index.¹¹ This approach is consistent with how law reviews are ranked by top 25 business schools such as the Kelley School of Business at Indiana University-Bloomington and the Ross School of Business at the University of Michigan.¹²

GENERAL/FLAGSHIP LAW REVIEW RANKINGS¹³

Journal Level	Law Review/School Ranking
A	Top 50 law reviews.
A-	Law reviews ranked 51 to 75.
B+	Law reviews ranked 76 to 100.
B	Law reviews ranked 101 to 125.
B-	Law reviews ranked 126 to 150.
C	Law reviews ranked 151 or lower.

¹⁰ The Chair, in consultation with the Department of Law Executive Committee, will make the final assessment of a publication ranking should any discrepancy arise.

¹¹ Washington and Lee University School of Law, Law Journals, Submissions and Ranking, combined scores, found at <https://managementtools4.wlu.edu/LawJournals/>.

¹² The information stated herein is partly derived from a memo on law review scholarship by George Siedel, Ross School of Business, University of Michigan and Thomas Dunfee, The Wharton School, University of Pennsylvania, which was distributed at the ALSB Annual Conference in August 2005.

¹³ As discussed above, this category includes only the general/flagship, print version of a school’s law reviews. Online supplements or companion publications to flagship law reviews are not included as “A” journals here.

SPECIALTY LAW JOURNAL RANKINGS¹⁴

Journal Level	US News Law School Ranking	<i>or</i>	Journal Ranking in Specialty
A	Top 14	<i>or</i>	Top 10% specialty journals and the AMERICAN BUSINESS LAW JOURNAL.
A-	15 to 20	<i>or</i>	11% to 20%
B+	21 to 30	<i>or</i>	21% to 30%
B	31 to 40	<i>or</i>	31% to 40%
B-	41 to 50	<i>or</i>	41% to 50%
C	51 to 60	<i>or</i>	51% to 60%

¹⁴ As discussed above, online supplements or companion publications generally would not be counted as “A” journals.