WHO PUBLISHES IN AUSTRALIA'S TOP LAW JOURNALS?

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I INTRODUCTION

The purpose of this article is to answer the question: which individuals, and law schools, publish in the top Australian law journals? The article contributes to studies which have examined which individuals, and law schools, are the most prolific publishers in the top law journals published in the United States[1] as well as studies which have examined the most prolific individuals, and schools, in the top journals in other disciplines.[2] The article is predicated on the belief that the

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1 For example, see The Executive Board, 'Chicago-Kent Law Review Faculty Scholarship Survey' (1989) 65 *Chicago-Kent Law Review* 195; Janet M Gumm, 'Chicago-Kent Law Review Faculty Scholarship Survey' (1990) 66 *Chicago-Kent Law Review* 509; Colleen M Cullen and S Randall Kalberg, 'Chicago-Kent Law Review Faculty Scholarship Survey' (1995) 70 *Chicago-Kent Law Review* 1445; James Lindgren and Daniel Seltzer, 'The Most Prolific Law Professors and Faculties' (1996) 71 *Chicago-Kent Law Review* 781; Theodore Eisenberg and Martin T Wells, 'Ranking and Explaining the Scholarly Impact of Law Schools' (1998) 27 *Journal of Legal Studies* 373; Brian Leiter, 'Measuring the Academic Distinction of Law Faculties' (2000) 29 *Journal of Legal Studies* 451; Bernard S Black and Paul L Caron, 'Ranking Law Schools: Using SSRN to Measure Scholarly Performance' (2006) 81 *Indiana Law Journal* 83.

2 See, eg, Jean L Heck, 'Most Prolific Authors in the Accounting Literature over the Past Half Century: 1959–2008' (Working Paper, Haub School of Business, St Joseph's University, 2009) <http://ssrn.com/abstract=1344072> (Accounting); Kenneth A Borokhovich et al, 'Finance Research Productivity and Influence' (1995) 50 *Journal of Finance* 1691; Jean L Heck and Philip L Cooley, 'Most Prolific Authors in the Finance Literature: 1959–2008' (Working Paper, Haub School of Business, St Joseph's University, 2009) <http://ssrn.com/abstract=1355675> (Finance); David A Pendlebury, 'Which Psychology Papers, Places and People Have Made a Mark?' (1996) 9 *APS Observer* 14 (Psychology); Pierre-Philippe Combes and Laurent Linnemer, 'Where are the Economists Who Publish? Publication Concentration and Rankings in Europe Based on Cumulative Publications' (2003) 1 *Journal of the European Economic Association* 1250; Frank Neri and Joan R Rodgers, 'Ranking Australian Economics Departments by Research Productivity' (2006) 82 (Special Issue) *Economic Record* S74; Brooke Cowper, *Ranking of Economics Departments in Australia* (Honours Thesis, School of Economics, Queensland University of Technology, 2008) (Economics); Richard A Wright, 'The Most-Cited Scholars in Criminology: A Comparison of Textbooks and Journals' (1995) 23 *Journal of Criminal Justice* 303 (Criminology).

time is ripe for a study which focuses on the top Australian law journals. The reason is that the top Australian law journals are the major outlets for Australian legal academics.[3] The major ranking of law journals in the United States is the Washington and Lee University Law Journal Rankings.[4] These rankings formed the basis for the original list of law journals used for Excellence in Research for Australia ('ERA') 2010. The original list, however, was later modified in recognition of the fact that the Washington and Lee University Law Journal Rankings draws its citation data from Westlaw, which only contains a limited number of Australian law journals. Hence, the rankings were heavily tilted against Australian journals.[5] As Bill Ford noted at the time the ERA rankings were being compiled, 'the judgments and quality on which the Washington and Lee list was constructed reflect the interests and concerns of courts, of practitioners and legal academics writing on United States law. Those judgments have little, if any, connection with law or legal writing in Australia'.[6] Those writing on Australian legal topics invariably find it almost impossible to publish in the top ranked law journals in the United States because there is a selection bias against international work, which relegates it to second-tier 'international' journals.[7]

Lindgren and Seltzer suggested that: '[p]eople seem to want to believe one of two things about studies such as this. Either they tell us nothing or they tell us everything. Neither is true.'[8] Hence, it is important to be clear from the outset about what this study does, and does not do, and what it can, and cannot, potentially achieve. The study measures success at placing articles in the top Australian law journals. As Lindgren and Seltzer put it: 'It is difficult to be a major law faculty with a significant influence on the interchange of scholarly ideas without being a major presence in the most-cited law reviews …'.[9] As such, we present one important indicator of which individuals, and law schools, are

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3 Christopher Arup, 'Research Assessment and Legal Scholarship' (2008) 18 *Legal Education Review* 31.

4 *Law Journals: Submissions and Rankings*, Washington and Lee University School of Law <http://lawlib.wlu.edu/LJ/>.

5 See Terry Hutchinson, 'Keeping Research on the Agenda' [2009] (3) *Australasian Law Teachers Association Newsletter* 18 <http://alta.edu.au/resources/PDFs/Newsletter/2009_alta_newsletter_edition_three.pdf>; David Hamer, 'ARC Rankings Poor on Law', *The Australian* (online), 25 June 2008 <http://www.theaustralian.com.au/higher-education/opinion/arc-rankings-poor-on-law/story-e6frgcko-1111116734303>. For examples of how inclusion in the Lexis and Westlaw databases can distort citations and law journal rankings see John P Joergensen, 'Second Tier Law Reviews, Lexis and Westlaw: A Pattern of Increasing Use' (2002) 21 *Legal Reference Services Quarterly* 43. For examples of how journal inclusion in a database can distort citations and rankings in another discipline, namely, the effect of inclusion in JSTOR on rankings of economics journals, see Craig A Depken and Michael R Ward, 'Sited, Sighted and Cited: The Effect of JSTOR in Economic Research' (Working Paper, Department of Economics, University of North Carolina, August 2009) <http://ssrn.com/abstract=1472063>.

6 Bill Ford, 'Council of Australian Law Deans – Chair's Report' [2009] (1) *Australasian Law Teachers Association Newsletter* 25 <http://www.alta.edu.au/resources/PDFs/Newsletter/2009_alta_newsletter_edition_one.pdf>.

7 Black and Caron, above n 1, 90.

8 Lindgren and Seltzer, above n 1, 781.

9 Ibid 781–2.

performing well in terms of research in an Australian context. The study does not, however, present a complete picture of research quality. For example, the study does not measure publications by Australian-resident authors in leading law journals published in other countries, nor does it measure publications in other outlets such as books with leading commercial publishers. Equally, there are other measures indicative of research quality, such as citations to one's work and research income received, which the study does not measure. And scholarship is just one part of what research and teaching academics do. Of course, a study such as this, which focuses on research and does not consider teaching at all, makes no claim to measure the full worth of a legal academic.[10]

II GOALS OF THE STUDY

The first goal of the study is to provide information to assist in assessing the performance of individuals and law schools and, by extension, assist in hiring, promotion and tenure decisions, for which publication in the top law reviews is becoming increasingly important.[11] The Chicago-Kent studies, which were the original studies of this sort in the United States,[12] were devised as a means of assessing the performance of academic staff to inform discussions with Chicago-Kent's central university administration.[13] In a market economy, distinction from publishing in top journals is a commodity that can be quantified.[14] The ERA has honed the rewards to individuals from publishing in top journals in terms of more rapid promotion. And those who publish in top journals are in strong demand from competing universities, meaning that they are better placed to bargain for higher salaries.[15]

Studies such as this, which provide information on research productivity, serve a coordination function and improve the efficient operation of the academic labour market.[16] Baker, Choi and Gulati have applied the notion of a tournament to law school rankings.[17] Specifically, they argue that in various employment contexts workers compete against one another for increased salary, promotion

10 See Michael P O'Connor, 'Perish the Thought of Publication?: Scholarship's Critical Role in Effective Teaching' (2010) 3 *Phoenix Law Review* 417.

11 See Tania Voon and Andrew D Mitchell, 'Professors, Footnotes and the Internet: A Critical Examination of Australian Law Reviews' (1998) 9 *Legal Education Review* 1, 2.

12 See Gumm, above n 1; Cullen and Kalberg, above n 1.

13 Randy E Barnett, 'Beyond the Moot Law Review: A Short Story with a Happy Ending' (1994) 70 *Chicago-Kent Law Review* 123.

14 Leiter, above n 1, 451.

15 See Joanna Mather, 'ERA Influences Talent Search', *The Australian Financial Review* (Canberra), 28 March 2011, 27.

16 See Russell Korobkin, 'In Praise of Law School Rankings: Solutions to Coordination and Collective Action Problems' (1999) 77 *Texas Law Review* 403; Lindgren and Seltzer, above n 1, 786.

17 Scott Baker, Stephen Choi and Mitu Gulati, 'The Rat Race as an Information-Forcing Device' (2006) 81 *Indiana Law Journal* 53. For a critique of the notion of a tournament applied to law school rankings see Michael E Solimine, 'Status Seeking and the Allure and Limits of Law School Rankings' (2006) 81 *Indiana Law Journal* 299.

and other prizes. This competition can be conceptualised as a tournament with the prizes inducing 'employees to work harder in their current positions'.[18] Studies such as the present one can complement the ERA in facilitating a tournament among law schools. Strong research performance is not only commodifiable in terms of salaries, but from an institution's perspective can be commodified in terms of alumni donations, application volumes and tuition dollars.[19] Law schools which performed well in the ERA rankings are using that information when promoting themselves to alumni, potential recruits and potential students. Studies such as this complement the ERA rankings at the institutional level and can be used for similar purposes in raising funds and recruitment.[20]

The second goal is to contribute to the literature on the scholarship of legal scholarship.[21] The scholarship of legal scholarship is an emerging area of research in the United States and has been the topic of at least two special issues of law journals in that country.[22] One of the founding fathers of this area of research, Fred Shapiro, has, somewhat tongue in cheek, described the scholarship of legal scholarship as a 'citation-analytic realm, where intellectual history and the sociology of legal scholarship intersect with parlor game'.[23] As Lindgren and Seltzer describe it: 'Studies such as this are of sociological interest. They reveal patterns of faculty publishing, which, when combined with information about the people and schools involved, can tell us what kinds of people and schools produce heavily.'[24] This study seeks to explore the characteristics of those who publish in the top Australian law journals. Specifically, among those who publish in the top Australian law journals we will examine what proportion are academics (as opposed to practitioners or judges), what proportion work in Group of Eight universities, what proportion work in law schools, what proportion are female and the law school at which they completed their undergraduate and postgraduate studies. These findings will complement the results of similar studies for the United States.[25]

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18 Baker, Choi and Gulati, above n 17, 54.

19 Leiter, above n 1, 451.

20 Lindgren and Seltzer, above n 1, 783.

21 Mary Beth Beazley and Linda H Edwards, 'The Process and the Product: A Bibliography of Scholarship about Legal Scholarship' (1998) 49 *Mercer Law Review* 741; Susan Bartie, 'The Impact of Legal Meta-Scholarship: Love Thy Navel' (2009) 18 *Griffith Law Review* 727.

22 Volume 71(2) of the Chicago-Kent Law Review and Volume 29(1) of the Journal of Legal Studies were dedicated to the scholarship of legal scholarship: 'Trends in Legal Citations and Scholarship' (1996) 71(2) *Chicago-Kent Law Review*; 'Interpreting Legal Citations' (2000) 29(S1) *Journal of Legal Studies*.

23 Fred R Shapiro, 'The Most-Cited Legal Scholars' (2000) 29 *Journal of Legal Studies* 409, 409.

24 Lindgren and Seltzer, above n 1, 783.

25 For US studies that examine the characteristics of those who publish in top journals see Lindgren and Seltzer, above n 1; Leiter, above n 1; Eisenberg and Wells, above n 1. See also Deborah Jones Merritt, 'Scholarly Influence in a Diverse Legal Academy: Race, Sex, and Citation Counts' (2000) 29 *Journal of Legal Studies* 345.

III SELECTING THE TOP AUSTRALIAN LAW JOURNALS

The first step in an exercise such as this is to determine what constitutes the top Australian law journals. Any attempt to rank law journals is controversial. Some are opposed to any attempt to rank law journals.[26] Those who oppose ranking law journals point to the ERA 2010 law journal rankings, and their demise, as evidence of their claim.[27] There are several problems inherent in attempting to rank law journals. One potential problem is that law journal rankings create big rewards for publishing in the top journals. It is argued that this creates incentives for academics to invest in publishing at the expense of teaching and the quality of teaching falls.[28] However, studies have found that research productivity is positively correlated with teaching evaluations among legal academics.[29] A second problem, it is argued, is that relying on journal rankings is no substitute for peer review when assessing the quality of an article. This point was emphasised by the law panel in the United Kingdom's Research Assessment Exercise ('RAE') in both 2001 and 2008.[30] A third potential problem

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26 See, eg, Dan Svantesson and Paul White, 'Entering an Era of Research Ranking – Will Innovation and Diversity Survive?' (2009) 21 *Bond Law Review* 173. Svantesson and White state: 'There is something fundamentally absurd about the idea of ranking research': at 173. For general critiques of ranking law journals see Ronen Perry, 'The Relative Value of American Law Reviews: A Critical Appraisal of Ranking Methods' (2006) 11 *Virginia Journal of Law & Technology* 1; Russell Korobkin, 'Ranking Journals: Some Thoughts on Theory and Methodology' (1999) 26 *Florida State University Law Review* 851; Alfred L Brophy, 'Law [Review]'s Empire: The Assessment of Law Reviews and Trends in Legal Scholarship' (2006) 39 *Connecticut Law Review* 101; Ronan Perry, 'The Relative Value of American Law Reviews: Refinement and Implementation' (2006) 39 *Connecticut Law Review* 1.

27 In a press release on 30 May 2011 announcing the ERA rankings would no longer be employed, the Minister for Innovation, Industry, Science and Research, Senator Kim Carr stated: 'There is clear and consistent evidence that the [ERA journal] rankings were being deployed inappropriately within some quarters of the sector, in ways that would produce harmful outcomes, and based on a poor understanding of the actual role of the rankings. One common example was the setting of targets for publications in A and A* journals by institutional research managers. In light of these two factors – that ERA could work perfectly well without the rankings, and that their existence was focusing ill-informed, undesirable behaviour in the management of research – I have made the decision to remove the rankings based on the ARC's expert advice': Kim Carr, 'Ministerial Statement to the Senate Economic Legislations Committee: Improvement to Excellence in Research for Australia (ERA)' (Media Release, 30 May 2011). Many who posted comments on blog sites welcomed this decision. See, eg, Legal Eagle, 'ERA Journal Rankings are Dead – Hurrah, Hurrah!', on SkepticLawyer (31 May 2011) <http://skepticlawyer.com.au/2011/05/31/era-journal-rankings-are-dead-hurrah-hurrah>. For a more general critique of the demise of the ERA journal rankings see Joshua Gans, 'The ERA: Getting Less Than What You Pay For' on Core Economics (30 May 2011) <http://economics.com.au/?p=7103>.

28 Jeff Sovern, 'Rankings: A Dramatization of the Incentives Created by Ranking Law Schools' (Legal Studies Research Paper No 08-0097, St John's University School of Law, February 2008) <http://ssrn.com/abstract=1097602>.

29 See Deborah Jones Merritt, 'Research and Teaching on Law Faculties: An Empirical Exploration' (1998) 73 *Chicago-Kent Law Review* 765; Benjamin Barton, 'Is There a Correlation Between Law Professor Publication Counts, Law Review Citation Counts, and Teaching Evaluations? An Empirical Study' (2008) 5 *Journal of Empirical Legal Studies* 619.

30 See RAE 2001: Law Panel, *Research Assessment Exercise RAE 2001* <www.rae.ac.uk/2001/Overview/docs/UoA36.doc>; RAE 2008: Panel J, *RAE 2008 UOA 38 Subject Overview Reports* (9 October 2008) RAE 2008 <http://www.rae.ac.uk/pubs/2009/ov/>.

is that top journals tend to publish articles that are consistent with the mainstream orthodoxy. Hence, a focus on journal rankings stifles diversity and innovation.[31] In the United States it has been argued that top journals discriminate against 'outsider scholarship' (for example, critical race theory, critical legal theory, radical feminism).[32] There is statistical evidence, though, that this is changing with an increase in outsider scholarship in top journals.[33] It is also argued that the top journals discriminate against empirical and multidisciplinary research because it is too hard to evaluate.[34] A fourth problem is that it is difficult to deal with newer journals that have not yet found their rightful place in the journal rankings.[35] Finally, it is argued that exercises such as the ERA in Australia and RAE in the United Kingdom encourage 'gaming' (submitting to law journals that rank highly, but are actually not of high quality and/or have high acceptance rates).[36] Indeed, it might be argued that the game is getting particular journals ranked highly in the first place, often because of importance as a publication outlet, rather than the quality of the research they carry.

The fact is, though, that multiple rankings of law journals do exist in Australia,[37] the United Kingdom[38] and the United States.[39] Publications in these

31 See Arup, above n 3; Svantesson and White, above n 26.

32 See Keith Aoki, 'The Scholarship of Reconstruction and the Politics of Backlash' (1996) 81 *Iowa Law Review* 1467; Milner S Ball, 'The Legal Academy and Minority Scholars' (1990) 103 *Harvard Law Review* 1855; Martha L Fineman, 'Challenging Law, Establishing Differences: The Future of Feminist Legal Scholarship' (1990) 42 *Florida Law Review* 25; Jean Stefancic, 'Listen to the Voices: An Essay on Legal Scholarship, Women and Minorities' (1991) 11(3–4) *Legal Reference Services Quarterly* 141; Jean Stefancic, 'The Law Review Symposium: A Hard Party to Crash for Crits, Feminists, and Other Outsiders' (1996) 71 *Chicago-Kent Law Review* 989; Jean Stefancic and Richard Delgado, 'Outsider Scholars: The Early Stories' (1996) 71 *Chicago-Kent Law Review* 1001.

33 See Robert C Ellickson, 'Trends in Legal Scholarship: A Statistical Study' (2000) 29 *Journal of Legal Studies* 517.

34 See Mark Tushnet, 'Interdisciplinary Legal Scholarship: The Case of History-in-Law' (1996) 71 *Chicago-Kent Law Review* 909; Tracey E George, 'An Empirical Study of Empirical Legal Scholarship: The Top Law Schools' (2006) 81 *Indiana Law Journal* 141; Theodore Eisenberg, 'The Origins, Nature, and Promise of Empirical Legal Studies and a Response to Concerns' (Research Paper, Cornell University School of Law, 17 December 2010) <http://ssrn.com/abstract=1727538>.

35 Gans, above n 27.

36 Ibid.

37 In addition to the ERA 2010 rankings, see Ian Ramsay and G P Stapledon, 'A Citation Analysis of Australian Law Journals' (1997) 21 *Melbourne University Law Review* 676; Ian M Ramsay and Geof Stapledon, 'The Influence of Commercial Law Journals: Citation Analysis' (1998) 26 *Australian Business Law Review* 298; Russell Smyth, 'Academic Writing and the Courts: A Quantitative Study of the Influence of Legal and Non-legal Periodicals in the High Court' (1998) 17 *University of Tasmania Law Review* 164; Dennis Warren, 'Australian Law Journals: An Analysis of Citation Patterns' (1996) 27 *Australian Academic and Research Libraries* 261.

38 In addition to the RAE rankings see Kevin Campbell, Alan Goodacre and Gavin Little, 'Ranking of United Kingdom Law Journals: An Analysis of the Research Assessment Exercise 2001 Submissions and Results' (2006) 33 *Journal of Law and Society* 335.

journals are used to rank the research output of individuals and law schools in Australia (ERA 2010), the UK (RAE) and in the United States.[40] Journal rankings serve a role because 'the fact of the matter is that scholars do judge journals on quality, however described. Researchers make judgments based on their individual notions or understandings of journal quality, visibility and recognition in the field'.[41] And while we may disagree at the margin about whether a particular journal should be ranked higher than another, there would be wide agreement that there are at least a small group of leading Australian journals.[42] The approach to be adopted in this study is to use several sets of rankings to take account of the strengths and weaknesses of alternative rankings. Because it is not possible to compile a journal ranking that is not going to be controversial, this approach provides a robust check.[43] The rankings used are (a) the ERA 2010 A* Australian law journals (Field of Research 1801 ('FoR 1801')); (b) the ERA A* and A Australian law journals (FoR 1801); (c) the top 10 Australian law journals according to Ramsay and Stapledon;[44] (d) the top 10 Australian law journals according to Smyth;[45] and (e) the law reviews associated with the Group of Eight law schools, which tend to be the leading Australian law schools.[46]

The ERA 2010 rankings are used because they were the main reference point for the ERA 2010 exercise. The A* journals represent a very select group of journals, while the A* and A journals combined represent a broader set of journals. Subject specific journals can be important in law.[47] The ERA A* and A

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39 In addition to the Washington and Lee University Law Journal Rankings see, for example, Cameron Allen, 'Duplicate Holding Practices of Approved American Law School Libraries' (1969) 62 *Law Library Journal* 191; Olavi Maru, 'Measuring the Impact of Legal Periodicals' (1976) 1 *American Bar Foundation Research Journal* 227; Richard A Mann, 'The Use of Legal Periodicals by Courts and Journals' (1986) 26 *Jurimetrics* 400; Scott Finet, 'The Most Frequently Cited Law Reviews and Legal Periodicals' (1991) 9(3–4) *Legal Reference Services Quarterly* 227; James Leonard, 'Seein' the Cites: A Guided Tour of Citation Patterns in Recent American Law Review Articles' (1990) 34 *Saint Louis University Law Journal* 181; Fred R Shapiro, 'The Most-Cited Law Reviews' (2000) 29 *Journal of Legal Studies* 389; Cullen and Kalberg, above n 1; Gumm, above n 1; Leiter, above n 1; Lindgren and Seltzer, above n 1. For a ranking of specialised law journals in the United States see Tracey E George and Chris Guthrie, 'An Empirical Evaluation of Specialized Law Reviews' (1999) 26 *Florida State University Law Review* 813.

40 See above n 1 and accompanying text.

41 Penelope Murphy, *Determining Measures of the Quality and Impact of Journals* (Commissioned Report No 49, National Board of Employment, Education and Training, August 1996) 4.

42 See, eg, Arup, above n 3. Arup states: 'Law academics can agree that there are well established journals – journals associated with prestigious law schools both local and abroad': at 42.

43 For the advantages of using multiple rankings see Michael Sauder and Wendy Nelson Espeland, 'Strength in Numbers? The Advantages of Multiple Rankings' (2006) 81 *Indiana Law Journal* 205.

44 Ramsay and Stapledon, 'A Citation Analysis of Australian Law Journals', above n 37.

45 Smyth, above n 37.

46 Seven of the eight 'Group of Eight' law schools scored a 4 or 5 in FoR 1801 (law) in ERA 2010. Griffith University was the one non-'Group of Eight' university to score 4, while the University of Western Australia scored 2: see *Excellence in Research for Australia 2010 National Report* (2010) Australian Research Council <http://www.arc.gov.au/era/era_2010/outcomes_2010.htm> ('ERA 2010 National Report').

47 See Voon and Mitchell, above n 11, 18.

journals cover some important 'outsider' and specialist journals, although the ERA rankings have been criticised for relegating other important specialist journals to B and C rankings.[48] The inclusion of some 'outsider' and specialist journals, but not others, potentially creates biases in favour of those who work in fields whose main specialist outlets were ranked as A* or A. Another potential problem with the ERA rankings is that some journals which are frequently read by judges and within the legal profession more generally – for example, the *Australian Bar Review* and *Australian Law Journal* – were not classified as either A* or A, and this was criticised by some.[49]

Ramsey and Stapledon compiled their rankings based on a citation analysis of all articles published in 14 Australian law journals during the years 1994 and 1995.[50] An advantage of this study is that the methodology is rigorous and that it conforms with the best practice in citation-based rankings of United States journals. In particular, it improved on the methodology of an earlier citation-based ranking of Australian law journals published by Warren.[51] However, a potential limitation of the study for our purposes is that because it was based on citations in articles published in the mid-1990s, it is now somewhat dated.

Smyth's rankings are based on citations to law journals in High Court cases decided between 1993 and 1997 that were published in the Commonwealth Law Reports.[52] We use these rankings because one measure of the value of academic scholarship is its effect on judges.[53] Several studies have examined the extent to which judges cite law reviews in Australia[54] and the United States,[55] suggesting

48 See James Eyers, 'Rank Outcome for Law Academics', *The Australian Financial Review* (Canberra), 2 October 2009, 20; Legal Eagle, above n 27; Jill Rowbotham, 'Dropping ERA Rankings "the Correct Decision": Ellen Hazelkorn', *The Australian* (Sydney), 6 July 2011, 24.

49 Eyers, above n 48. An alternative perspective, noted by one of the reviewers of this article, is that the criticism by some of the relatively low rankings of journals that are important to the legal profession (as opposed to legal academics) represents a lack of understanding of the aim of the ERA 2010 exercise. Specifically, the focus was on excellence within academia, not its impact on the judiciary or other end users and this was true for all disciplines, not just law. This represented a shift from the earlier Research Quality Framework. The approach used in this study of using a series of alternative rankings represents an attempt to satisfy adherents to these competing perspectives.

50 Ramsay and Stapledon, 'A Citation Analysis of Australian Law Journals', above n 37.

51 Warren, above n 37.

52 Smyth, above n 37.

53 For a contrary view, see John Gava, 'Law Reviews: Good for Judges, Bad for Law Schools?' (2002) 26 *Melbourne University Law Review* 560. Gava suggests, 'Law reviews have become the public face of an unpleasant and inappropriate form of academic life that degrades scholars, wastes valuable time and money and devalues the importance of good teaching and collegiality in law schools': at 576.

54 See, eg, Smyth, above n 37; Russell Smyth, 'Other than "Accepted Sources of Law"?: A Quantitative Study of Secondary Source Citations in the High Court' (1999) 22 *University of New South Wales Law Journal* 19 (High Court); Russell Smyth, 'The Authority of Secondary Authority: A Quantitative Study of Secondary Source Citations in the Federal Court' (2000) 9 *Griffith Law Review* 25 (Federal Court); Russell Smyth, 'Citing Outside the Law Reports: Citations of Secondary Authorities on the Australian State Supreme Courts over the Twentieth Century' (2009) 18 *Griffith Law Review* 692 (State Supreme Courts).

that the extent to which judges cite law reviews matters. Surveys of law review editors in the United States suggest that the potential to influence judges is one important factor in selecting manuscripts for publication.[56] In the United States, several judges have expressed dissatisfaction with the content of law reviews because they do not contain enough material that is relevant to the practical legal issues that they confront in their courtroom.[57] However, in Australia, judges have written of the value of legal scholarship when deciding cases.[58] There are limitations on using these rankings. One limitation on using rankings based on citations in law reports is that judges might be influenced by an argument in an article, but not cite it in their judgment.[59] A second limitation is that rankings which focus exclusively on citations in judicial appellate decisions understate the value of law reviews to other professional groups.[60] A final limitation is that these rankings, like the Ramsay and Stapledon rankings, are also somewhat dated.

Our final group of journals is the law reviews published by the Group of Eight universities. While using the Group of Eight law reviews can be criticised for excluding highly regarded specialist journals, it has the advantage that it does not include specialist journals associated with some fields, but exclude others. These law reviews are open to submissions from all fields. The proliferation of law journals in Australia has been criticised.[61] According to Gava, in 1960 there were nine law journals published in Australia. By the early 1990s this number had increased to over 40.[62] The increase in the number of journals is likely demand-driven and the result, at least in part, of the introduction of the Higher Education Research Data Collection ('HERDC') of publications in the early

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55 For example, see Chester Newland, 'Legal Periodicals and the United States Supreme Court' (1959) 7 *Kansas Law Review* 477; Louis J Sirico and Jeffrey B Margulies, 'The Citing of Law Reviews by the Supreme Court: An Empirical Study' (1986) 34 *UCLA Law Review* 131; Louis J Sirico and Beth A Drew, 'The Citing of Law Reviews by the United States Courts of Appeals: An Empirical Analysis' (1991) 45 *University of Miami Law Review* 1051; Bart Sloan, 'What Are We Writing For? Student Works as Authority and Their Citation by the Federal Bench, 1986–1990' (1992) 61 *George Washington Law Review* 221; Richard G Kopf, 'Do Judges Read the *Review*? A Citation-Counting Study of the *Nebraska Law Review* and the Nebraska Supreme Court, 1972–1996' (1997) 76 *Nebraska Law Review* 708; Michael D McClintock, 'The Declining Use of Legal Scholarship by Courts: An Empirical Study' (1998) 51 *Oklahoma Law Review* 659.

56 Jordan H Leibman and James P White, 'How the Student-Edited Law Journals Make Their Publication Decisions' (1989) 39 *Journal of Legal Education* 387.

57 Judith S Kaye, 'One Judge's View of Academic Law Review Writing' (1989) 39 *Journal of Legal Education* 313; Richard A Posner, 'The Present Situation in Legal Scholarship' (1981) 90 *Yale Law Journal* 1113; *US v Six Hundred Thirty-Nine Thousand Five Hundred and Fifty-Eight Dollars in U.S Currency,* 955 F 2d 712, 722 (DC Cir, 1992) ('many of our law reviews are dominated by the rather exotic offerings of increasingly out-of-touch faculty members…'); Harry T Edwards, 'The Growing Disjunction between Legal Education and the Legal Profession' (1992) 91 *Michigan Law Review* 34.

58 See, eg, Michael Kirby, 'Welcome to Law Reviews' (2002) 26 *Melbourne University Law Review* 1.

59 See Susan Kenny, 'The Melbourne University Law Review: 45 Years On' [2001] (1) *Melbourne University Law Review Alumni Association Newsletter* 1.

60 Deborah J Merritt and Melanie Putnam, 'Judges and Scholars: Do Courts and Scholarly Journals Cite the Same Law Reviews?' (1996) 71 *Chicago-Kent Law Review* 871, 873.

61 Kirby, above n 58; John Gava, 'Commentary' (1999) 73 *Australian Law Journal* 597.

62 Gava, above n 61, 599.

1990s, and the funding that was attached to this measure. Using the Group of Eight law reviews strips the issue back and focuses on those who publish in the traditional general law journals.

Table 1 presents the leading Australian law journals used in this study. A strength of this approach is that several of the leading journals show up across measures. The *Melbourne University Law Review, University of New South Wales Law Journal, Federal Law Review* and *Sydney Law Review* appear in all five measures of top journals, the *Monash University Law Review* appears in four of the five measures of top journals and the *Public Law Review* appears in three of the five lists of top journals. A further five journals (*Australian and New Zealand Journal of Criminology, Australian Law Journal, Journal of Contract Law, Griffith Law Review* and *University of Western Australia Law Review*) appear on two of the lists.

IV METHODOLOGICAL ISSUES

We present results on which individuals, and law schools, published in the top Australian law journals over the period 2000–10 inclusive. The methodology followed was similar to previous studies in the United States.[63] First, only full length articles were counted. Book reviews, notes, case notes, editorials and the like were not counted, Contributions to sections such as 'legal issues', 'medical issues' and 'nursing issues' in the *Journal of Law and Medicine* were not counted, although in some cases the contributions were quite lengthy. Second, we present data on both the number of articles and pages, but focus more on the number of articles, given the argument recognised in the United States studies that people should not be rewarded for being longwinded.[64] Cullen and Kalberg show a high, but not perfect, correlation between ranking law schools by pages and ranking law schools by number of articles in leading law journals. They also show that in ranking a law school's productivity it may not matter which measure is chosen.[65] Third, for co-authored articles, article counts (and page counts) were adjusted for partial authorship by dividing through by the number of co-authors.[66] Fourth, we present separate results including, and excluding, publications in the home law review. Here, home law review is defined as the law review published by the law school in which the person worked at the time the article was published. We follow this approach because it is generally recognised that '[l]aw

63 The methodology follows closest Lindgren and Seltzer, above n 1, 792–3. See also Black and Caron, above n 1; Leiter, above n 1; Eisenberg and Wells, above n 1.

64 Lindgren and Seltzer, above n 1, 792; Eisenberg and Wells, above n 1, 376–7 n 6.

65 Cullen and Kalberg, above n 1.

66 For evidence of the rising incidence of co-authorship in law, together with possible explanations, see Tracey E George and Chris Guthrie, 'Joining Forces: The Role of Collaboration in the Development of Legal Thought' (2002) 52 *Journal of Legal Education* 559; Tom Ginsburg and Thomas J Miles, 'Empiricism and the Rising Incidence of Coauthorship in Law' (John M Olin Law & Economics Working Paper No 545 (2D Series), University of Chicago Law School, February 2011) <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1762323>.

reviews are more likely to publish works by home-school authors'.[67] Fifth, we present separate tables for authors and schools for each of the five different approaches to determining what constitutes the top journals. We then average across the five approaches and present an overall ranking of authors and schools based on articles published in the top Australian law journals using pages as a tie breaker. Sixth, in ranking law schools, we present results on average articles per academic staff member employed by the school at Level B or above, excluding adjuncts and honorary appointments, at the time the data was collected (September 2011).[68] Not adjusting for the size of the school would favour large schools over small schools. If adjustments for size were not made, all things being equal, one simply needs more staff to rank highly.[69] Our approach also means that for those who have moved schools, their publications over the period 2000–10 are attributed to their new law school. This approach is consistent with that adopted in the ERA exercise where publications over the relevant period were attributed to the university for which a person worked on a specified census date. This approach has also been adopted in similar studies as this which rank individuals and law schools, based on publications, in the United States.[70]

V RESULTS

A The Most Prolific Publishers in the Top Journals

Tables 2A–6B provide the 50 most prolific authors based on each of the methods of classifying top journals. In Table 7 individuals are ranked based on the simple average of their rankings according to the five ways to classify the top journals. Hence, Table 7 provides an overall picture of the 50 most prolific publishers in the top journals variously defined. Based on the combined rankings in Table 7, Michael Kirby is the most prolific contributor to the top Australian law journals. This finding is consistent with previous research suggesting that Michael Kirby has been the most prolific contributor to law journals among the Australian judiciary.[71] The results here indicate that he not only publishes more academic articles than other judges, but he publishes more articles in the top law journals than everybody else.

Based on Table 7, the most prolific academics in the top Australian law journals are George Williams (University of New South Wales ('UNSW')),

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67 Black and Caron, above n 1, 90. An alternative approach, adopted by Leiter, above n 1, 461–2, is to give articles published in home law reviews half weight, but this approach seems arbitrary.

68 Effectively this restricts the sample to tenured and tenure-track academic staff, which is the approach adopted in studies in the United States: see, eg, Eisenberg and Wells, above n 1, 379.

69 Eisenberg and Wells, above n 1; Lindgren and Seltzer, above n 1.

70 Compare Eisenberg and Wells, above n 1, 379 with Leiter, above n 1, 457, 476–7. Leiter notes that, 'schools get better or worse as faculty leave or arrive, and a reliable ranking system should capture that': at 477.

71 Russell Smyth, 'Judges and Academic Scholarship: An Empirical Study of the Academic Publication Patterns of Federal Court and High Court Judges' (2002) 2 *Queensland University of Technology Law and Justice Journal* 198.

Andrew Lynch (UNSW), Greg Taylor (Monash University ('Monash')), Anne Twomey (Sydney University ('Sydney')), Matthew Groves (Monash) and Dan Meagher (Deakin University ('Deakin')). This is generally true irrespective of whether one includes the individual's home university law review. These individuals are also consistently in, or around, the top 10 across Tables 2A–6B. More generally, there is a significant presence of constitutional law/public law scholars among the most prolific publishers, including those named above that consistently rank well. This could reflect the fact that (a) the top Australian university law reviews appear to like articles in this area; (b) the *Federal Law Review,* in particular, mostly publishes articles in this area; and (c) most of the articles on constitutional law deal with issues that would be of no, or little, interest to overseas audiences and thus the leading journals outside of Australia.

There are several features of the tables worth noting. The first is that most of the leading contributors are Australian-based. In each of the tables less than 10 per cent of the 50 most prolific authors are based outside of Australia. In Table 2A (ERA 2010 A* journals), Geddis (Unversity of Otago ('Otago')) and Zanghellini (University of Reading ('Reading')) are based outside Australia. In Table 3A (ERA A* and A journals), in addition to Geddis and Zanghellini, Hunter (Kent Unversity ('Kent')) and Manderson (McGill Unversity ('McGill')) are based outside Australia. In Table 4A (Ramsay and Stapledon 'top 10'), Geddis, and McBain (Harvard Unversity ('Hardvard')) are based outside Australia. In Table 5A (Smyth 'top 10') three of the leading 50 contributors are based outside Australia (McBain, Phang (judge, Singapore) and Goudkamp (Oxford Unversity ('Oxford'))), while in Table 6A (Group of 8 law reviews) Mercurio (Chinese University of Hong Kong) is based outside Australia. Even among those based outside Australia, most have previously held academic positions in Australia or have affiliations with Australian universities.[72] That most of the leading contributors to Australia's top law journals are based in Australia likely reflects the subject matter typically published in the Australian journals. Most of the content in the Australian journals focuses on black letter law relevant to an Australian audience.

Second, some of the leading contributors to the top Australian law journals are judges or retired judges. One explanation for this result is that the student law reviews like to publish articles by senior Australian judges because of the

72 Rosemary Hunter joined Kent Law School in September 2006, having previously held appointments at the University of Melbourne (1990–97) and Griffith University (2000–06). Aleardo Zanghellini joined Reading in 2010 after being at Macquarie. Prior to joining McGill, Desmond Manderson was foundation Director of the Julius Stone Institute of Jurisprudence at the Faculty of Law at Sydney. In 2004 and 2005 James Goudkamp held an appointment in the Faculty of Law at the University of Wollongong. Goudkamp is currently a Junior Research Fellow at Jesus College, Oxford and a Visiting Fellow in the Faculty of Law at the University of Wollongong. Prior to relocating to Hong Kong in 2007, Bryan Mercurio spent five years at the Faculty of Law, UNSW, where he was the Director of the International Trade and Development Project at the Gilbert + Tobin Centre of Public Law.

prestige that publishing such articles brings to the law review.[73] They dominate the ranks of the top publishers in the Ramsay and Stapledon 'top 10' (Table 4A) and the Smyth 'top 10' (Table 5A). In Table 4A, five of the top 10 most prolific publishers are senior judges or retired judges (JJ Spigelman, Michael Kirby, Murray Gleeson, Ronald Sackville and Robert French). In Table 5A four of these same five (minus Sackville) appear in the top 10 prolific publishers. This result reflects the fact that the Ramsay and Stapledon journals contain the *Australian Law Journal, Australian Bar Review* and *Journal of Judicial Administration,* while the Smyth journals contain the *Australian Law Journal.* Each of these journals publishes a disproportionate number of articles written by judges. It is of note that the judiciary is so well represented among the leading contributors to the Smyth top 10 journals, given that these journals are the journals that the courts (or at least the High Court) cite the most. The journals which the judges are reading, and citing in their judgments the most, are the journals for which they are also contributing articles.

This said, there are only a relatively small number of judges who appear across the tables. This result reflects a range of issues including that judges are not under a compulsion to publish, so their willingness to do varies enormously and the prolific ones are invariably from the appeal courts or the High Court. However, even within those courts, only a select few appear. Hence, while Murray Gleeson, Robert French and Michael Kirby are all from the High Court and are prolific, Dyson Heydon publishes but does so in the form of a case book on trusts[74] and a book on evidence.[75] Both are standard works in their field and involve enormous effort on his part. Heydon works very hard on other writings but has clearly decided to eschew articles.

Third, outside of the judiciary, there are relatively few among the leading contributors to the top journals who are not academics. In Table 2A (ERA 2010 A* journals) Kirk and Mantziaris are Sydney barristers and in Table 3A (ERA 2010 A* and A journals) Edney is a Melbourne barrister. One might expect there to be more leading contributors to the Ramsay and Stapledon and Smyth lists from individuals who are not academics, given that these lists contain more journals widely circulated in the profession and presumably more articles of interest to practitioners. But, the numbers are small. In Table 4A, (Justin) Gleeson, Mantziaris, Croucher and Ross do not have university affiliations; in Table 5A, Croucher, (Justin) Gleeson and Kirk do not have university affiliations; while in Table 6A, Croucher and Kirk are the non-academics/judges in the top 50. Among those without current university affiliations, some have

73 See Leibman and White, above n 56; Leah M Christensen and Julie A Oseid, 'Navigating the Law Review Article Selection Process: An Empirical Study of Those with All the Power – Student Editors' (2007) 59 *South Carolina Law Review* 175; Jason P Nance and Dylan J Steinberg, 'The Law Review Article Selection Process: Results from a National Study' (2008) 71 *Albany Law Review* 565.

74 J D Heydon and M J Leeming, *Cases and Materials on Equity and Trusts* (Butterworths, 8th ed, 2011).

75 J D Heydon, *Cross on Evidence* (Butterworths, 8th Australian ed, 2010).

previously been academics[76] or have doctorates in law,[77] which perhaps indicates an academic leaning or proclivity to write journal articles. Among those without an academic affiliation, Croucher (Tables 4A, 5A, 6A), Kirk (Tables 2A, 5A, 6A), (Justin) Gleeson (Tables 4A, 5A) and Mantziaris (Tables 2A, 4A) are among the top contributors on multiple lists.[78]

Fourth, academics from the Group of Eight universities are heavily represented among the most prolific publishers in the leading Australian law schools. Based on the tables excluding publications in home reviews, academics from the Group of Eight account for approximately two-thirds of the leading 50 contributors to ERA 2010 A* journals (Table 2B) and ERA 2010 A* and A journals (Table 3B) and over one-half of the leading 50 contributors to the Group of Eight Law Reviews (Table 6B). Similar studies to this for the United States have also found that the leading contributors to the top journals are concentrated in relatively few top universities.[79] Academics from the Group of Eight, however, are less well represented among the leading contributors to the Ramsay and Stapledon and Smyth top 10 journals, accounting for just under one-half and one-third of the leading 50 contributors respectively. This result reflects the concentration of judges among the leading contributors to journals on these lists.

Fifth, there are several individual instances of prolific publishers not being at one of the elite law schools. Examples of such individuals appearing in the top 10 according to one or more way to categorise the top journals are Meagher (Deakin) and Warner (University of Tasmania ('Tasmania')). Douglas (LaTrobe University ('LaTrobe')) is also highly ranked in several lists and particularly in Tables 6B and 7. Lindgren and Seltzer also found instances of prolific publishers that were not at elite law schools in the United States. These authors speculate that such cases 'may reflect that these prolific publishers are content with their current jobs, that the quality of their work does not match their productivity, that elite law schools are not interested in hiring productive laterals, or that most faculty appointments committees lack the kind of information presented in this study'.[80]

Sixth, almost all of the academics among the leading contributors are located in law schools. The few exceptions are Morabito, Pearson and Smyth (each from Faculties of Business and Economics) and Uhr (Crawford School of Economics and Government). Morabito, Pearson and Smyth each have legal qualifications

76 Richard Edney was an academic for a period at Deakin University. Rosalind Croucher, who is currently the President of the Australian Law Reform Commission, was an academic for 25 years and most recently Dean of the Law School at Macquarie from 1999 to 2007.

77 Christos Mantziaris holds a PhD in law from Australian National University ('ANU'). Jeremy Kirk holds a DPhil from Oxford.

78 In addition are individuals, such as Ian Freckleton, who practise full time but are also affiliated with universities. Freckleton is also a Professor with Monash Law School and in the schools of Psychology, Psychiatry and Psychological Medicine. Others, such as David Bennett, have retired from practice and now have an affiliation with a university. David Bennett is a Senior Fellow of the Melbourne University Law School and Chairman of the Faculty of Law Advisory Board Specialisation in Construction Law.

79 Eisenberg and Wells, above n 1; Lindgren and Seltzer, above n 1.

80 Lindgren and Seltzer, above n 1, 805.

and Morabito and Pearson are business law academics. Weatherburn (featured in Table 5A) is the Director of the New South Wales Bureau of Crime Statistics and Research and is an Adjunct Professor with the School of Social Science and Policy at UNSW.

In the United States, a much higher proportion of contributors to the top law journals are from outside the law schools.[81] One possible explanation for the lack of contributors to the top law journals in Australia from outside the law schools is that, in contrast to the United States, interdisciplinary law approaches, such as law and economics, are not well established in Australia.[82] Another explanation is that in contrast to the United States, few people in Australia work in empirical legal studies.[83] In the United States much of the work in empirical legal studies published in the top law journals is co-authored, often with a co-author from the social sciences.[84] A third possible explanation is that the top Australian law journals are hostile to interdisciplinary research or lack the expertise to review it. However, this is less likely to be the explanation. For example, the ERA 2010 A* ranked *Griffith Law Review* explicitly states that it publishes 'interdisciplinary, social and critical legal research'.[85]

Seventh, among the academics at Australian law schools that appear on one or more of the top 50 lists, approximately 50 per cent were professors, 25 per cent were associate professors and 25 per cent were senior lecturers in September 2011. One reason routinely given for the higher productivity of senior academics is that they have more time available for research due to them having significantly lighter teaching loads. That the most prolific publishers in the top Australian law journals are concentrated in the senior academic ranks at the end of the sample period is not surprising given that academic rank in 2011 is likely to be correlated with how well one publishes in the top Australian journals over the sample period.

Eighth, similar studies in the United States to this have found that the most prolific publishers are educated disproportionately at a few elite law schools (Yale University ('Yale'), University of Chicago, Stanford University and Harvard).[86] Among law academics who appear in one or more of Tables 2A–6B, 75 per cent have an undergraduate law degree from one of six law schools; namely, ANU, Melbourne University ('Melbourne'), Monash, University of

81 See Eisenberg, above n 34; George, above n 34.

82 One interdisciplinary law movement that has become firmly established in the United States, but has received a relatively frosty reception in Australia is law and economics: see, eg, Michael Kirby, 'Law and Economics in the Courts: Is There Hope?' in Megan Richardson and Gillian Hadfield (eds), *The Second Wave of Law and Economics* (Federation Press, 1999) 114; Anthony Mason, 'Law and Economics: Monash Law School Foundation Lecture' (1991) 17 *Monash University Law Review* 167; Kevin McGuinness, 'Law and Economics – A Reply to Sir Anthony Mason CJ Aust.' (1994) 1 *Deakin Law Review* 117; Russell Smyth, 'Law or Economics? An Empirical Investigation into the Influence of Economics on Australian Courts' (2000) 28 *Australian Business Law Review* 5.

83 Among the exceptions are Christine Parker and Rosemary Hunter, who have published empirical research.

84 Ginsburg and Miles, above n 66.

85 See Griffith Law Review <http://www.griffith.edu.au/criminology-law/griffith-law-review>.

86 Eisenberg and Wells, above n 1, 387–92.

Queensland, Sydney and UNSW. Approximately 15 per cent of the prolific publishers completed their undergraduate studies at either Macquarie or Queensland University of Technology ('QUT'), which are the standouts among the non-Group of Eight Universities. Almost all of the prolific publishers also have postgraduate qualifications in law. Approximately 40 per cent of those with postgraduate qualifications in law completed them outside Australia, with the bulk of overseas postgraduate qualifications from either North America or the United Kingdom. The North American law schools from which the prolific publishers have postgraduate qualifications include University of California, Berkeley, Columbia University, Cornell University, Duke University, University of Illinois and Yale in the United States[87] and University of British Columbia and University of York in Canada. Cambridge, Oxford and London account for almost all of the postgraduate qualifications in law completed by the prolific publishers in the United Kingdom. Among those with postgraduate qualifications from Australian law schools, two-thirds have postgraduate qualifications from ANU, Melbourne, Monash or UNSW. Overall, these four law schools represent the elite Australian law schools in terms of educating individuals who later become academics who publish in the top Australian law journals.

Finally, with the exception of Table 3A (ERA 2010 A* and A journals), females are under-represented at the very top of the lists. Anne Twomey is the only female who is in the top 10 contributors across several lists. The poor representation of women among the most prolific publishers has also been observed in the United States studies.[88] One possible, albeit unlikely, explanation is that women are discriminated against in placing articles.[89] A second possibility is that women carry higher administrative or teaching loads than men or have more family responsibilities than men and, hence, do not have as much time for research.[90] The notion that women have higher administrative loads seems at odds, though, with women often being under-represented at higher levels of management. A third possibility is that women lack the male-style aggressiveness to publish at extraordinarily high levels in the top journals.[91] There is a large literature in psychology suggesting that men are more competitive than women, controlling for ability.[92] In laboratory experiments Niederle and Vesterlund found large gender differences in the propensity to choose competitive environments. They concluded that these differences were

87 See Theodore Eisenberg and Martin T Wells, 'Inbreeding in Law School Hiring: Assessing the Performance of Faculty Hired from Within' (2000) 29 *Journal of Legal Studies* 369, 384. According to Eisenberg and Wells, there are three groups of law schools, whose alumni account for 70 per cent of the most prolific publishers in the top US journals. Each of Berkeley, Columbia, Cornell, Duke, Illinois and Yale are in the top three groups.

88 Lindgren and Seltzer, above n 1.

89 Ibid 804.

90 See the various responses of female academics collected in Susan P Liemer, 'The Quest for Scholarship: The Legal Writing Professor's Paradox' (2001) 80 *Oregon Law Review* 1007.

91 Lindgren and Seltzer, above n 1, 804.

92 Anne Campbell, *A Mind of Her Own: The Evolutionary Psychology of Women* (Oxford University Press, 2002).

driven by gender differences in confidence and preferences for entering and performing in a competition.[93]

B The Most Prolific Law Faculties in the Top Journals

Table 8 presents the top 15 law schools in terms of a weighted average of publications across the five ways of classifying the top journals.[94] Law schools are ranked by the mean number of articles per staff member, including publications in the home law review. Table 9 presents the same information, but excluding publications in the home law review. Beginning with Table 8, the University of Melbourne comes out on top and is closely followed by the University of Sydney. These results are broadly consistent with the ERA 2010 rankings, with seven of the top eight placed law schools having received a 4 or 5 for FoR 1801 (law) in ERA 2010. The exception is seventh placed, Tasmania, which received a 3 for FoR 1801 (law) in ERA 2010.[95] The University of Tasmania has a relatively small number of articles in the top law journals, but it also has a small number of staff. Hence, it performs well in terms of average articles per staff. With a small number of staff, average articles per staff can be influenced by the outstanding performance of a few staff, such as Kate Warner.

Table 9 shows the effect of excluding publications in the home law review. The top seven law schools remain the same, but their rankings change with Queensland, Monash and Tasmania moving up the list and Melbourne and UNSW dropping places. La Trobe moves ahead of Griffith into eighth place. The fact that Melbourne and UNSW drop down the rankings in Table 9 is a reflection that their law reviews publish a relatively high number of articles by their own staff. Table 10 shows the number of articles published in each of the Group of Eight law reviews by members of their own law school. The University of Melbourne heads the list, closely followed by UNSW with a gap to the other law reviews.

One feature of Tables 8 and 9 that is perhaps surprising is that ANU does not perform as well as its ERA 2010 ranking of 5 would suggest. At one level, publications in leading Australian law journals are only one aspect of what is needed to be successful in the ERA. This study is silent on publications in other outlets and research income. Moreover, the rankings presented in Tables 8 and 9 are for law schools only. Hence, the results for ANU do not capture legal scholars affiliated with the research schools at ANU, whose publications and research income might have been crucial to that university scoring a 5 in the ERA exercise.

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93 Muriel Niederle and Lise Vesterlund, 'Do Women Shy Away from Competition? Do Men Compete Too Much' (2007) 122 *Quarterly Journal of Economics* 1067.

94 Articles are weighted by the number of journals in each classification.

95 ERA 2010 National Report, above n 46.

VI LIMITATIONS AND FUTURE RESEARCH

The objectives of this study were to identify the most prolific individuals, and law schools, based on articles published in the leading Australian law journals, variously defined. One criticism of a study such as this is, it is argued, that the results perpetuate existing hierarchies or demonstrate what is already known.[96] United States' studies of this sort are more likely to perpetuate hierarchies than Australian studies because of differences in the manner in which editors select articles for publication. In the United States '[t]he choices by student law reviews of which authors to publish suffers from a major school bias. … [law reviews] are more likely to publish articles by well-known authors (who tend to be from well-known schools) and by authors from major schools. This tendency is so well-established that many authors submit a resume along with their article. When an author fails to do so, student editors often do web searches to locate one'.[97] In contrast, several leading law journals in Australia are edited by academics or practitioners, rather than students, and, whether student-edited or not, tend to rely much more heavily on peer review.[98] The approach adopted by the Australian journals means that articles by academics are more likely to be selected on merit, rather than the previous record of the author or his or her affiliation. Whether the same level of peer assessment is applied to articles submitted by, or solicited from, judges is unclear.[99]

This study ranks individuals and law faculties based on publications in leading Australian journals. It does not consider alternative publication outlets to leading journals. It does not consider publications in books. Lindgren and Seltzer, who also do not consider books, defend their decision to not do so alternatively on the basis that publishing books is not as important for legal academics as publishing journal articles or that selecting the top publishers of books is too subjective.[100] Eisenberg and Wells point to the additional problem of ascertaining an appropriate transfer price between articles and books. For example, is one book worth three articles?[101] It is difficult to argue that books are less important than journal articles in an Australian context – indeed publishing in the form of books and book chapters represents a fertile publishing world outside journals for Australian legal academics. However, it remains that books are a ranking challenge for studies such as this.[102] This study also does not include submissions to parliamentary and law reform commission inquiries. The reason for not including such submissions is that these cannot be rated as they are not peer reviewed, have no quality control and can be as short as a page or 100 pages

96 Lindgren and Seltzer, above n 1, 785–6.
97 Black and Caron, above n 1, 90.
98 Voon and Mitchell, above n 11, 7–10.
99 See Michael Kirby, '50 Years in the Law: A Critical Self-Assessment' (2009) 32 *Australian Bar Review* 1.
100 Lindgren and Seltzer, above n 1, 784.
101 Eisenberg and Wells, above n 1, 376 n 6.
102 Arup, above n 3, 46–7 (discussing book publications in the context of the ERA).

long. They are, however, a research related output that sits outside the normal range of things.

Another potential limitation is that the study does not consider contributions to blogs. According to one study, in 2006 there were 600 law-related blogs and 235 law professor blogs, primarily in the United States.[103] Citations to blogs by judges and in journals have been steadily increasing over time.[104] Finally, the study does not consider working papers published on websites such as the Social Science Research Network ('SSRN').[105] A counter-argument to those who argue that self-publication on the web should be included as measures of scholarly output is that self-publication in the form of blog postings and working papers has not been subject to the same level of peer review as articles published in top journals.[106] That said, using blog postings or papers posted on the SSRN as the source material to rank Australian legal academics and faculties is an alternative means to assess influence. It is just not what we do in this study. Studies of this sort could fruitfully be the subject of future research, where the focus of the research is on the influence of blogs or websites such as SSRN on legal scholarship and reasoning in courts' decisions in an Australian context.

103 Paul L Caron, 'Bloggership: How Blogs are Transforming Legal Scholarship' (2006) 84 *Washington University Law Review* 1025, 1030.

104 J Robert Brown, 'Blogs, Law School Rankings and "The Race to the Bottom"' (Legal Research Paper Series Working Paper No 07-33, University of Denver Sturm College of Law, 2007) <http://ssrn.com/abstract=1003425>.

105 Social Science Research Network <http://www.ssrn.com/>. For a study that ranks law schools in the United States based on downloads from the SSRN see Black and Caron, above n 1.

106 Many Canadian and US law schools are now getting their academics to place PDF copies of their peer reviewed articles on their staff page. If Australian law schools started following this practice en mass and if download statistics were available, this would be an alternative way to measure impact.

Table 1: The Leading Australian Law Journals

Journal	ERA A*	ERA A*/A	Ramsay & Stapledon Top 10	Smyth Top 10	Go8
Adel. LR					√
Aust. & NZ Jnl. Crim.		√		√	
Aust. Bar Review			√		
Aust. Fem LJ		√			
Aust. J of Fam Law		√			
Aust. J of Human Rights		√			
Aust. J of Labour Law		√			
Aust. J of Legal Philos.		√			
Aust. LJ			√	√	
Aust. Tax Forum		√			
Crim. Law J		√			
J of Contract Law		√		√	
J of Judicial Admin			√		
J of Law and Med		√			
Law Text Culture		√			
Melb Uni LR	√	√	√	√	√
Mon Uni LR		√	√	√	√
Qld LJ					√
Torts LJ				√	
Uni Tas LR			√		
Uni WA LR				√	√
UNSW LJ	√	√	√	√	√
Griffith LR	√	√			
Federal LR	√	√	√	√	√
Public LR	√	√	√		
Sydney LR	√	√	√	√	√

Table 2A: Most Prolific Publishers in the ERA 2010 A* Journals (including Home Review)

No.	Name	Articles	Pages
1	George Williams	17.4	389.9
2	Andrew Lynch	14.33	376.8
3	Anne Twomey	12	236
4	Graeme Hill	10	246
5	Dan Meagher	10	236
6	Michael Kirby	9.5	184.5
7	Greg Taylor	9	276
8	Bradley Selway	9	202
9	Matthew Groves	8.5	257.5
10	Nicholas Aroney	8	260.5
11	Michael Whincop	8	222
12	Jeremy Gans	8	153
13	Andrew Geddis	7.5	89
14	Alex Steel	7	215
15	Simon Evans	7	153
16	Adrienne Stone	7	123
17	Cheryl Saunders	7	98
18	Amelia Simpson	6.66	161.1
19	Andrew Kenyon	6.5	179
20	James Stellios	6.5	179
21	Geoffrey Lindell	6.5	88
22	Graeme Orr	6.33	129.66
23	Charles Lawson	6	203
24	Mark Aronson	6	175
25	Emma Armson	6	116
26	Margaret Thornton	5.5	138
27	James Allen	5.5	75
28	Russell Smyth	5.33	145
29	Roger Douglas	5	189
30	Ben Saul	5	160
31	Savitri Taylor	5	143
32	Denise Meyerson	5	118
33	A J Brown	5	113

34	Ronald Sackville	5	88
35	George Winterton	5	52
36	Jenni Millbank	4.5	189.5
37	Chris Dent	4.5	122
38	Michael Legg	4.5	111
39	Anthony Mason	4.5	73
40	Christos Mantziaris	4.5	56
41	Sean Brennan	4.33	108.3
42	Fiona Burns	4	155
43	Jeremy Kirk	4	152
44	Sharon Rodrick	4	140
45	Peter Gerangelos	4	130
46	Gail Pearson	4	115
47	Anna Chapman	4	110
48	Aleardo Zanghellini	4	104
49	Andrew Mitchell	4	98
50	Nickolas James	4	97

Table 2B: Most Prolific Publishers in the ERA 2010 A* Journals (excluding Home Review)

No.	Name	Articles	Pages
1	Anne Twomey	12	236
2	George Williams	10.74	276
3	Graeme Hill	10	246
4	Dan Meagher	10	236
5	Michael Kirby	9.5	184.5
6	Greg Taylor	9	276
7	Bradley Selway	9	202
8	Andrew Lynch	8.8	263
9	Matthew Groves	8.5	258
10	Nicholas Aroney	8	260.5
11	Michael Whincop	8	222
12	Andrew Geddis	7.5	89
13	Jeremy Gans	7	126
14	Cheryl Saunders	7	98
15	Geoffrey Lindell	6.5	88
16	Graeme Orr	6.33	130
17	Emma Armson	6	116
18	Simon Evans	6	114
19	James Allen	5.5	75
20	Russell Smyth	5.33	145
21	Roger Douglas	5	189
22	Mark Aronson	5	144
23	Savitri Taylor	5	143
24	Denise Meyerson	5	118
25	Ronald Sackville	5	88
26	George Winterton	5	52
27	Jenni Millbank	4.5	189.5
28	Margaret Thornton	4.5	112
29	James Stellios	4.5	108
30	Anthony Mason	4.5	73
31	Christos Mantziaris	4.5	56
32	Sean Brennan	4.33	108
33	Amelia Simpson	4.16	97
34	Fiona Burns	4	155
35	Jeremy Kirk	4	152

36	Charles Lawson	4	146
37	Sharon Rodrick	4	140
38	Gail Pearson	4	115
39	Anna Chapman	4	110
40	Aleardo Zanghellini	4	104
41	Andrew Kenyon	4	103
42	Nickolas James	4	97
43	Michael Head	4	85
44	Tamara Walsh	4	83.5
45	Anthony Gray	4	76
46	Enid Campbell	4	46
47	Tim Stephens	4	44.5
48	Adrienne Stone	4	41
49	John Uhr	4	39
50	Caron Beaton-Wells	3.5	103

Table 3A: Most Prolific Publishers in the ERA 2010 A* and A Journals (including Home Review)

No.	Name	Articles	Pages
1	Michael Kirby	19.5	293
2	George Williams	18.9	420
3	John Carter	17.5	317
4	Margaret Thornton	15.5	272
5	Dan Meagher	15	299
6	Kate Warner	14.5	206.5
7	Andrew Lynch	14.3	377
8	Greg Taylor	14	420
9	Anne Twomey	12	236
10	Matthew Groves	11.5	334
11	Belinda Bennett	11.33	150.5
12	Michael Whincop	10.5	298
13	Charles Lawson	10.5	273
14	Graeme Hill	10	246
15	Bradley Selway	10	121
16	Richard Chisholm	9.5	165
17	Andrew Geddis	9.5	138
18	Alex Steel	9	251
19	Jeremy Gans	9	175
20	Elisabeth Peden	9	157
21	Patrick Parkinson	8.37	228.2
22	Nicholas Aroney	8	261
23	Roger Douglas	8	250
24	Savitri Taylor	8	242
25	Ian Freckelton	8	134
26	Adrienne Stone	8	133
27	Cheryl Saunders	8	104
28	Graeme Orr	7.83	176.5
29	James Stellios	7.5	194
30	Tamara Walsh	7.5	160.5
31	Mirko Bagaric	7.5	150.5
32	Heather Douglas	7.5	146.5
33	Bernadette McSherry	7.5	129
34	Margaret Otlowski	7.36	129.7
35	Joo-Cheong Tham	7	198

36	Andrew Kenyon	7	185
37	David Hamer	7	173
38	Rosemary Hunter	7	172.5
39	Simon Evans	7	153
40	Bob Williams	7	147
41	Enid Campbell	7	116
42	Stephen Gray	7	112
43	Lindy Willmott	6.93	130.63
44	Amelia Simpson	6.66	161
45	Jenni Millbank	6.5	245
46	James Allan	6.5	130
47	Geoffrey Lindell	6.5	88
48	Andrew Stewart	6.2	190.5
49	Fiona Burns	6	216
50	Ben Saul	6	202

Table 3B: Most Prolific Publishers in the ERA A* and A Journals (excluding Home Review)

No.	Name	Articles	Pages
1	Michael Kirby	19.5	293
2	John Carter	17.5	317
3	Dan Meagher	15	299
4	Margaret Thornton	14.5	252
5	Kate Warner	14.5	206.5
6	George Williams	12.2	306
7	Greg Taylor	12	331
8	Anne Twomey	12	236
9	Michael Whincop	10.5	298
10	Graeme Hill	10	246
11	Bradley Selway	10	121
12	Matthew Groves	9.5	276
13	Richard Chisholm	9.5	165
14	Andrew Geddis	9.5	138
15	Belinda Bennett	9.33	121.5
16	Andrew Lynch	8.8	263
17	Charles Lawson	8.5	216
18	Patrick Parkinson	8.37	228.2
19	Nicholas Aroney	8	261
20	Roger Douglas	8	250
21	Savitri Taylor	8	242
22	Jeremy Gans	8	148
23	Elisabeth Peden	8	140
24	Ian Freckelton	8	134
25	Cheryl Saunders	8	104
26	Graeme Orr	7.83	176.5
27	Tamara Walsh	7.5	160.5
28	Mirko Bagaric	7.5	150.5
29	Heather Douglas	7.5	146.5
30	Margaret Otlowski	7.36	129.7
31	Rosemary Hunter	7	172.5
32	Stephen Gray	7	112
33	Lindy Willmott	6.93	130.6
34	Jenni Millbank	6.5	245
35	James Allan	6.5	130

36	Bernadette McSherry	6.5	91
37	Geoffrey Lindell	6.5	88
38	Andrew Stewart	6.2	190.5
39	Fiona Burns	6	216
40	Aleardo Zanghellini	6	174
41	Anna Chapman	6	165
42	David Hamer	6	151
43	Desmond Manderson	6	147.5
44	Emma Armson	6	116
45	Simon Evans	6	114
46	Richard Edney	6	111.5
47	Ronald Sackville	6	108
48	Chris Corns	6	94
49	Michael King	6	89
50	Russell Smyth	5.83	156

Table 4A: Most Prolific Publishers in the Ramsay and Stapledon Top Ten Australian Journals (Including Home Review)

No.	Name	Articles	Pages
1	Jim Spigelman	39	482
2	Michael Kirby	33.5	505.5
3	Lee Aitken	21.5	222.5
4	George Williams	16.4	390.3
5	Andrew Lynch	16.33	420.8
6	Anne Twomey	15	275
7	Murray Gleeson	15	166.5
8	Greg Taylor	14	430
9	Ronald Sackville	13	215
10	Matthew Groves	11.5	346
11	Bradley Selway	11	251
12	Robert French	11	172
13	Enid Campbell	11	154
14	Andrew Cannon	11	149
15	Graeme Hill	10.5	261.5
16	Dan Meagher	10	236
17	Michael Legg	9.5	191
18	Robert Nicholson	9	151
19	David Ipp	9	99
20	Alex Steel	8	240
21	Michael Whincop	8	235
22	Nicholas Aroney	7.5	248
23	David Wright	7.5	167.5
24	Andrew Geddis	7.5	89
25	Bob Williams	7	164
26	Rosalind Croucher	7	154
27	Simon Evans	7	153
28	Jeremy Gans	7	138
29	Steven Rares	7	137
30	Adrienne Stone	7	123
31	David Ross	7	105
32	Michael King	7	102.5
33	Cheryl Saunders	7	98
34	Geoffrey Davies	7	94

35	Keith Mason	7	69
36	P.W. Young	7	59
37	Amelia Simpson	6.66	161.1
38	Christos Mantziaris	6.5	966
39	James Stellios	6.5	179
40	Geoffrey Lindell	6.5	88
41	Roger Douglas	6	226
42	Mark Aronson	6	175
43	Andrew Kenyon	6	172
44	Emma Armson	6	116
45	John Goldring	6	99
46	William Gummow	6	73
47	Anthony Gray	5.5	111.5
48	Graham McBain	5	208
49	Charles Lawson	5	204
50	Fiona Burns	5	196

Table 4B: Most Prolific Publishers in the Ramsay and Stapledon Top Ten Australian Journals (Excluding Home Review)

No.	Name	Articles	Pages
1	Jim Spigelman	39	482
2	Michael Kirby	33.5	505.5
3	Lee Aitken	20.5	222.5
4	Anne Twomey	15	275
5	Murray Gleeson	15	166.5
6	Ronald Sackville	13	215
7	Greg Taylor	12	341
8	Bradley Selway	11	251
9	Robert French	11	172
10	Andrew Cannon	11	149
11	Dan Meagher	10	236
12	Matthew Groves	9.5	287.5
13	David Ipp	9	99
14	Andrew Lynch	8.83	304.8
15	Graeme Hill	8.5	184.5
16	Michael Whincop	8	235
17	Robert Nicholson	8	134
18	Enid Campbell	8	84
19	P W Young	7	59
20	Nicholas Aroney	7.5	248
21	David Wright	7.5	167.5
22	Andrew Geddis	7.5	89
23	George Williams	7.16	276.5
24	Steven Rares	7	137
25	Michael King	7	133.5
26	Michael Legg	7	109
27	David Ross	7	105
28	Cheryl Saunders	7	98
29	Geoffrey Davies	7	94
30	Keith Mason	7	69
31	Rosalind Croucher	6.5	151
32	Christos Mantziaris	6.5	96
33	Geoffrey Lindell	6.5	88
34	Roger Douglas	6	226

35	Emma Armson	6	116
36	Simon Evans	6	114
37	Jeremy Gans	6	111
38	John Goldring	6	99
39	William Gummow	6	73
40	Anthony Gray	5.5	111.5
41	Graham McBain	5	208
42	Fiona Burns	5	196
43	Charles Lawson	5	175
44	Mark Aronson	5	144
45	Anna Chapman	5	143
46	Savitri Taylor	5	143
47	Bob Williams	5	119
48	Denise Meyerson	5	118
49	Michael McHugh	5	87
50	Justin Gleeson	5	77

Table 5A: Most Prolific Publishers in the Smyth Top Ten Australian Journals (Including Home Review)

No.	Name	Articles	Pages
1	James Spigelman	23	272
2	Michael Kirby	22.5	381.5
3	John Carter	17.5	317
4	George Williams	14.4	346.8
5	Andrew Lynch	12.83	369.3
6	Robert French	10	173
7	Murray Gleeson	10	112
8	Lee Aitken	9.5	78.5
9	Greg Taylor	9	347
10	Anne Twomey	9	209
11	Elisabeth Peden	9	157
12	Matthew Groves	9.5	303
13	Alex Steel	8	240
14	Nicholas Aroney	7.5	248
15	Anthony Mason	7.5	105
16	Michael Whincop	7	224
17	Dan Meagher	7	212
18	Peter Handford	7	171
19	Enid Campbell	7	131
20	Ronald Sackville	7	120
21	David Ipp	7	76
22	P.W. Young	7	59
23	Michael Legg	6.5	149
24	John Tarrant	6.5	99
25	Amelia Simpson	6.16	162.6
26	Fiona Burns	6	216
27	Andrew Kenyon	6	175
28	Joachim Dietrich	6	122
29	Russell Smyth	5.83	153
30	Rosalind Croucher	5.5	117
31	Justin Gleeson	5.5	93.5
32	Des Butler	5.45	145.4
33	Don Weatherburn	5.16	74.93
34	Patrick Parkinson	5.04	145.5

35	Roger Douglas	5	210
36	Graham McBain	5	208
37	Graeme Hill	5	187
38	David McLauchlan	5	176
39	James Goudkamp	5	163
40	Bradley Selway	5	155
41	Anna Chapman	5	143
42	Bob Williams	5	125
43	Margaret Thornton	5	122.5
44	Andrew Phang	5	122
45	Andrew Robertson	5	116
46	Adrienne Stone	5	112
47	Emma Armson	5	109
48	Keith Mason	5	47
49	David Malcolm	5	44
50	Greg Tolhurst	4.66	94

Table 5B: Most Prolific Publishers in the Smyth Top Ten Australian Journals (Excluding Home Review)

No.	Name	Articles	Pages
1	James Spigelman	23	272
2	Michael Kirby	22.5	381.5
3	John Carter	17.5	317
4	Robert French	10	173
5	Murray Gleeson	10	112
6	Anne Twomey	9	209
7	Lee Aitken	8.5	68.5
8	Elisabeth Peden	8	140
9	George Williams	7.74	232.8
10	Nicholas Aroney	7.5	248
11	Anthony Mason	7.5	101
12	Andrew Lynch	7.33	255.3
13	Greg Taylor	7	258
14	Michael Whincop	7	224
15	Dan Meagher	7	212
16	Ronald Sackville	7	120
17	David Ipp	7	76
18	P.W. Young	7	59
19	Matthew Groves	6.5	245
20	Fiona Burns	6	216
21	Joachim Dietrich	6	122
22	Russell Smyth	5.83	153
23	Rosalind Croucher	5.5	117
24	Justin Gleeson	5.5	93.5
25	Des Butler	5.45	145.4
26	Don Weatherburn	5.16	74.93
27	Patrick Parkinson	5.04	145.5
28	Roger Douglas	5	210
29	Graham McBain	5	208
30	Graeme Hill	5	187
31	David McLauchlan	5	176
32	James Goudkamp	5	163
33	Bradley Selway	5	155
34	Anna Chapman	5	143

35	Andrew Phang	5	122
36	Emma Armson	5	109
37	Keith Mason	5	47
38	David Malcolm	5	44
39	Paula Baron	4.66	77.8
40	Jenni Millbank	4.5	189.5
41	Jeremy Kirk	4.5	162
42	Samantha Hepburn	4.5	138.5
43	Mary Keyes	4.5	99.5
44	Tamara Walsh	4.5	97.5
45	James Allan	4.5	80
46	Charles Lawson	4	146
47	Sharon Rodrick	4	140
48	Alex Steel	4	138
49	Michael Duffy	4	125
50	Sivitri Taylor	4	120

Table 6A: Most Prolific Publishers in the Go8 University Law Reviews (Including Home Review)

No.	Name	Articles	Pages
1	Michael Kirby	19.5	373
2	Greg Taylor	15	491
3	George Williams	14.9	356.8
4	Andrew Lynch	13.83	393.3
5	Nicholas Aroney	10.5	330
6	Dan Meagher	9	276
7	Russell Smyth	8.83	271
8	Matthew Groves	8.5	303
9	Fiona Burns	8	294
10	Alex Steel	8	255
11	Anne Twomey	8	214
12	James Allan	7.5	166
13	Michael Whincop	7	224
14	Andrew Kenyon	7	207
15	Anthony Mason	6.5	106
16	Amelia Simpson	6.16	162.6
17	Roger Douglas	6	250
18	Bradley Selway	6	183
19	Peter Handford	6	155
20	Emma Armson	6	141
21	Enid Campbell	6	123
22	Robert French	6	123
23	Reid Mortensen	5.7	123.2
24	Graeme Hill	5.5	205
25	Adrienne Stone	5.5	130
26	Christine Parker	5.2	195.7
27	Anna Chapman	5	143
28	Bob Williams	5	125
29	Margaret Thornton	5	122.5
30	Darryn Jensen	5	118
31	Anthony Gray	5	115
32	Nickolas James	5	112
33	Tamara Walsh	5	107.5
34	Ronald Sackville	5	88
35	Jenni Millbank	4.5	189.5

36	Simon Evans	4.5	157
37	James Stellios	4.5	147
38	Michael Legg	4.5	121
39	Rosalind Croucher	4.5	118
40	John Gava	4.5	71
41	Paula Baron	4.33	75.5
42	Gary Edmond	4	238
43	Julie Debeljak	4	187
44	Jeremy Kirk	4	152
45	Ben Saul	4	148
46	Charles Lawson	4	146
47	Sharon Rodrick	4	140
48	Helen Anderson	4	138
40	Vince Morabito	4	137
50	Mark Aronson	4	134

Table 6B: Most Prolific Publishers in the Go8 University Law Reviews (Excluding Home Review)

No.	Name	Articles	Pages
1	Michael Kirby	19.5	373
2	Greg Taylor	13	402
3	Dan Meagher	9	276
4	Russell Smyth	8.83	271
5	Nicholas Aroney	8.5	290
6	Andrew Lynch	8.3	279
7	George Williams	8.24	243
8	Fiona Burns	8	294
9	Anne Twomey	8	214
10	Michael Whincop	7	224
11	Matthew Groves	6.5	245
12	Anthony Mason	6.5	106
13	Roger Douglas	6	250
14	Bradley Selway	6	183
15	Emma Armson	6	141
16	Robert French	6	123
17	Reid Mortensen	5.7	123
18	Graeme Hill	5.5	205
19	James Allan	5.5	96
20	Anna Chapman	5	143
21	Anthony Gray	5	115
22	Ronald Sackville	5	88
23	Jenni Millbank	4.5	190
24	Andrew Kenyon	4.5	131
25	Rosalind Croucher	4.5	118
26	John Gava	4.5	71
27	Christine Parker	4.2	141.5
28	Alex Steel	4	153
29	Jeremy Kirk	4	152
30	Charles Lawson	4	146
31	Sharon Rodrick	4	140
32	Savitri Taylor	4	120
33	Margaret Thornton	4	97
34	Nickolas James	4	97
35	Edwin Tanner	4	87

36	Tamara Walsh	4	84
37	Pamela Tate	4	58
38	Jim Spigelman	4	51
39	David Bennett	4	45
40	Patrick Parkinson	3.84	129.3
41	Andreas Schloenhardt	3.83	81.6
42	Amelia Simpson	3.66	99
43	Heather Douglas	3.5	139
44	Samantha Hepburn	3.5	128.5
45	Simon Evans	3.5	118
46	Pauline Ridge	3.5	90
47	Reg Graycar	3.5	51.5
48	Bryan Mercurio	3.33	109.7
49	Mark Aronson	3	103
50	Aleardo Zanghellini	3	100

Table 7: Overall Most Prolific Publishers in Leading Australian Law Journals

	Including Home Review		**Excluding Home Review**	
No.	Name	Simple Average	Name	Simple Average
1	Michael Kirby	2.4	Michael Kirby	4.4
2	George Williams	2.8	Anne Twomey	12.4
3	Andrew Lynch	4.6	Matthew Groves	12.6
4	Greg Taylor	6.8	Greg Taylor	13.6
5	Anne Twomey	7.8	Dan Meagher	14.4
6	Dan Meagher	9.8	George Williams	18.8
7	Matthew Groves	9.8	Andrew Lynch	22.4
8	Michael Whincop	14.6	Michael Whincop	24
9	Nicholas Aroney	14.6	Nicholas Aroney	25.6
10	Alex Steel	15	Bradley Selway	29.2
11	Bradley Selway	18.4	Graeme Hill	30.4
12	Graeme Hill	18.8	Roger Douglas	46
13	Andrew Kenyon	27.8	Ronald Sackville	46
14	Amelia Simpson	28	Fiona Burns	56.8
15	Adrienne Stone	28.4	Emma Armson	58.4
16	Roger Douglas	29	Russell Smyth	59.2
17	Enid Campbell	30.4	Charles Lawson	68.4
18	Ronald Sackville	30.8	Savitri Taylor	68.4
19	Margaret Thornton	31.4	Anthony Mason	68.4
20	Fiona Burns	35	James Allan	71.6
21	James Stellios	35.8	Anna Chapman	71.6
22	Michael Legg	36.4	Jenni Millbank	71.6
23	Russell Smyth	37.4	Margaret Thornton	77.2
24	Jeremy Gans	38	Tamara Walsh	84
25	Emma Armson	38.2	Jeremy Gans	95.2
26	Charles Lawson	39.6	Rosalind Croucher	96
27	Anthony Mason	39.8	James Spigelman	99.6
28	Simon Evans	41.2	Graeme Orr	100
29	James Allan	43.4	Jeremy Kirk	102.8
30	Anna Chapman	44.2	Mark Aronson	102.8
31	Bob Williams	45	Simon Evans	104.8
32	Jenni Millbank	46.6	Alex Steel	106.4
33	Savitri Taylor	47	Patrick Parkinson	107.2

34	Mark Aronson	47.4	Anthony Gray	110.4
35	Ben Saul	48.6	Sharon Rodrick	112.4
36	Tamara Walsh	49.4	Denise Meyerson	115.2
37	Rosalind Croucher	58.4	Amelia Simpson	119.6
38	Julie Debeljak	62	Andrew Kenyon	121.6
39	Jeremy Kirk	63.8	Nickolas James	122.4
40	James Spigelman	64.4	Aleardo Zanghellini	125.2
41	Graeme Orr	66.8	Edwin Tanner	125.2
42	Patrick Parkinson	69.2	Enid Campbell	129.2
43	Christine Parker	69.4	Samantha Hepburn	136
44	Sharon Rodrick	70.4	Bob Williams	136.4
45	Anthony Gray	71.4	James Stellios	138
46	Belinda Bennett	74.2	Reg Graycar	155.2
47	Nickolas James	74.2	Robert French	160.8
48	Denise Meyerson	77.6	Gail Pearson	164.8
49	Vince Morabito	78.4	James Goudkamp	170
50	David Hamer	80.8	Michael Head	174.4

Table 8: Top 15 Law Schools in Terms of a Weighted Average of Publications in Top Journals Ranked by Mean Articles per Staff Member (Including Publications in Home Law Review)

Law School	ERA A*	ERA A*+A	R+S Top 10	Smyth Top 10	Go8 Reviews	Weighted Average	Faculty Size	Average Articles per Staff
Melbourne	124	328	141	127	125	205	97	2.11
Sydney	85	257	93	134	85	165	80	2.07
UNSW	96	221	107	96	91	135	74	1.82
UQ	50	121	49	50	65	74	41	1.80
Monash	71	190	94	77	89	115	70	1.64
ANU	74	161	68	49	50	91	70	1.3
Tasmania	10	51	21	18	14	27	23	1.17
Griffith	41	97	22	25	22	48	43	1.12
LaTrobe	20	65	21	21	22	35	43	0.81
Adelaide	20	59	31	22	31	35	47	0.74
Deakin	22	68	24	14	21	35	49	0.71
UTS	28	78	28	31	29	44	69	0.64
Macquarie	14	31	17	9	10	18	32	0.56
QUT	7	30	18	25	15	21	46	0.46
UWA	9	26	18	36	31	22	52	0.42

Table 9: Top 15 Law Schools in Terms of a Weighted Average of Publications in Top Journals Ranked by Mean Articles per Staff Member (Excluding Publications in Home Law Review)

Law School	ERA A*	ERA A*+A	R+S Top 10	Smyth Top 10	Go8 Reviews	Weighted Average	Faculty Size	Average Articles per Staff
UQ	50	121	49	50	51	72	41	1.76
Sydney	58	204	67	107	59	115	80	1.44
Melbourne	81	240	103	80	80	135	97	1.39
Monash	71	171	74	57	61	94	70	1.34
Tasmania	10	51	18	18	14	27	23	1.17
UNSW	53	137	65	54	48	81	74	1.09
ANU	51	115	46	27	28	62	70	0.89
LaTrobe	20	65	21	21	22	35	43	0.81
Griffith	19	56	22	25	22	32	43	0.74
Adelaide	20	59	31	22	19	34	47	0.72
Deakin	22	68	24	14	21	35	49	0.71
UTS	28	78	28	31	29	44	69	0.64
Macquarie	14	31	17	9	10	18	32	0.56
QUT	7	30	18	25	15	21	46	0.46
UWS	10	24	12	11	11	15	42	0.36

Table 10: Number of Home Law Review Articles Published in the Go8 Law Reviews 2000–10

Law Review	**Articles**
Melbourne	45
UNSW	43
Monash	28
Sydney	26
ANU	22
UWA	20
UQ	14
Adelaide	12