

INTRODUCTION

LAW REVIEW READERSHIP – WHAT MAKES STUDENTS TICK

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CITED: (2008) 13 Appeal 1-6

INTRODUCTION

Founded in 1993, Appeal is a student-run journal dedicated to publishing student legal writing. In publishing this thirteenth volume, the editors were plagued with questions that student editors across Canada are all too familiar with. What types of articles do we want to publish? Who is our audience? How can we create student interest? Are there topics that are overwritten? Lastly, and most importantly, how can we get students to read more of Appeal?

There are many audiences for a law journal, and they include academics, practitioners, students and the judiciary. The fact that law journals are cited in judgments has been well documented. One study has found that the University of Toronto Faculty of Law Review alone was cited in forty-nine judgments in courts across Canada by the year 2001.¹ This, however, is only one of the benefits of the law review. There are many other, perhaps more important, advantages to keeping alive the law review. Some of these include prestige for the law school, advancement of the law through the accumulation of knowledge and debate, and last, but not least, the pure experience that student editors gain in publishing such a review.

This rosy image however, is only one side of the coin. The debate on the future of student run journals and their usefulness for practitioners is a “hot” discussion even today and has been the topic of many such articles.²

Thus, we are faced with the question of publishing as an educational experience in itself that does not need some greater good as compared to publishing articles that will be considered by courts and practitioners. Professor Hutchinson is critical of the view that academic work should serve the end goal of judicial needs, the results of which are measured through the number of judicial citations. He argues that scholars owe their allegiance to academia, not the courts, and should engage in work that has critical bite and intrinsic value.³ On the other

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1 Patricia McMahon, “Canadian Judicial Citations of Articles Published in the University of Toronto Faculty of Law Review” (2001) 59 U.T. Fac. L. Rev 367 at 5.

2 For an excellent bibliography on the role of law reviews and the surrounding debate, see Tracie Scott, “The Role of the Law Review: A Select Bibliography” (2001) 39 Alta. L. Rev. 690.

3 Allan Hutchinson “The Role of Judges in Legal Theory and the Role of Legal Theorists in Judging” (2001) 39 Alta. L. Rev. 657 - 667 cited in Bruce Ziff, “The Canadian Law Review Experience; Introduction to the Symposium” (2001) 39 Alta. L. Rev. 611 at 8 [Ziff].

hand, the influential article by Fred Rodell, “Goodbye to Law Reviews”, argues that law is supposed to be a device to serve society and law reviews should discuss important problems of the day and contribute to solutions.⁴ Professor Greschner notes that by their existence alone, law reviews remind us that the law is not only a practice, but also an intellectual discipline and pursuit.⁵

Regardless of the ultimate goal of the law review, law reviews do not fulfill any goal if they are not being read. Some authors even comment that more law review editors read their article in the editing process than the article is ever read after it is published.⁶

In considering these issues and the broader debate, we noted that there is very little written about law reviews in Canada, let alone any studies of who reads law reviews and how they are used. Professor Ryder notes that there is almost a complete absence of published scholarship about scholarly legal periodicals in Canada.⁷ The Canadian law review experience has been building without any apparent overall design, examination of organizational structure, practices and procedures and their scholarly and educational aims.⁸

Thus, we set out to find out what law students want from a law journal. In doing so, we operated from the premise that, at least for Appeal, our primary audience is students. We conducted a survey in an attempt to identify what law students want from a legal journal and how we can publish a review that is a welcome and anticipated forum for students.

FINDINGS

Fifty randomly selected law students from the University of Victoria participated in the survey (attached as Appendix A with aggregate results in percentages). The survey took approximately ten minutes to complete, with respondents equally divided between second and third year students. No significant difference was found between the answers of second and third year students.

The first set of questions surveyed the frequency of journal readership. Seventy-two percent of students responded that they had read a law journal article for school purposes in the last week and 12 percent in the last month. Only eight percent of students had never read an article for law school. It should be kept in mind that the survey was conducted in November; prime season for law papers.

When we asked students the last time they read a journal article for their own interest, the results were much starker. Forty-six percent had read one in the last month, as compared to 26 percent who had never read an article for their own interest.

Sixty-four percent of students stated that they are more likely to read journal articles found online than in print. However, there was no significant difference between journal articles actually read online and in print. This disparity may be explained by the fact that the majority of students were reading articles for school purposes and thus may have had to find and read the article regardless of its source. The majority of students, 72 percent, stated that they were comfortable searching for articles.

Lastly, and somewhat encouragingly, 84 percent of students said they had discussed a law

4 Fred Rodell, “Goodbye to Law Reviews” 23 Va. L. Rev. 38 (1936-1937), cited in Donna Greschner, “Law Reviews as Cultural Narrative” (2001) 39 Alta. L. Rev. 616 at 1-2.

5 *Ibid.* at 15.

6 Frances Olsen, “The Role of Student-run journals in opening North American Law” (2001) 39 Alta. L. Rev. 678 at 18 [Olsen].

7 Bruce Ryder, “The Past and Future of Canadian Generalist Law Journals” (2001) 39 Alta. L. Rev. 625.

8 *Ibid.* at 1.

journal article with a friend or colleague within the last month. Twelve percent of students had submitted an article for a law review and two thirds of those were actually published. From this, we see that students are relatively engaged with law reviews, both in terms of readership and discussions, but that most have not submitted articles. When we asked students what would encourage them to submit articles, we received little guidance. Seventy-two percent of students stated that the prize or monetary award associated with publishing had little or no affect on submissions. Similarly, only 12 percent stated that they would submit more articles if there were less requirements and formalities to follow.

The next set of questions focused on the style of law journal articles. Only 12 percent of students found articles difficult to understand. However, 64 percent stated that they would read more journal articles if they were written in a plain and clear language, with only 16 percent disagreeing with this statement. Similarly, 44 percent of students stated that law journals would not lose credibility if they were not written in a formal tone. Thus, we see that while students do not have trouble reading articles as they are currently written, they would prefer clear and plainly written articles. When we asked students what they thought were the most important attributes of law journals, the highest ranked attribute was articles written by leading academics and experts, followed by online availability, originality of the subject matter, and clarity in language.

Critics charge that much of what student-run journals publish is conventional, irrelevant and over-footnoted.⁹ We therefore decided to ask students about the content of law reviews. Twenty-six percent agreed that law journals have articles on latest events while the majority, 66 percent, neither agreed nor disagreed. This suggests that most students are not sure whether law reviews contain articles on latest events, likely because they use them to research for school purposes and not for current events or interest. Interestingly, 60 percent of students stated that law journals have many articles on developing areas of law. This is in line with Professor Olsen's statement that several new fields in legal scholarship such as feminist legal theory and critical race theory would not have been nearly as easy to get going had it not been for the institution of the law journal.¹⁰ Lastly, 44 percent of students stated that they would read more articles if they had edgy or "off the beaten track" subjects, while only 18 percent disagreed with this statement.

Critics also argue that the law review has a very limited audience. One such quote summarizes the pessimist camp:

We do not need to worry about the consumers of law reviews because they really do not exist. A few professors who author texts must read some of the articles, but most volumes are purchased to decorate law school library shelves. The only purchasers of law reviews outside of academe are law firms which gladly pay for volumes even though no one reads them.¹¹

Thus, we decided to ask students questions regarding who they thought composed the audience of law journals. Sixty-six percent of students agreed that law journals are written for academics and researchers, while only 12 percent disagreed. On the other hand, 70 percent disagreed that law journals are not very relevant for practitioners. This suggests that students see law reviews as being written for and by academics and that practitioners are left to sort through them to find articles of use.

Lastly, we asked students about the promotion of law journals. The results were quite

⁹ Olsen, *supra* note 6 at 6.

¹⁰ *Ibid.*, at 6.

¹¹ John E. Nowak, "Woe Unto You, Law Reviews!" 27 Ariz. L. Rev. 317 (1985).

awakening in that 64 percent of students surveyed stated that there is not a lot of promotion of law journals while only two percent agreed that there was. Eighty-four percent of students stated that there are no law journals that they read regularly. These results lend themselves to a certain hypothesis. Perhaps students do not read law articles for their own interest because they have not specialized in the law and see no use in regularly following an area of law. Also, they do not receive communications on what law reviews have to offer. Thus, there is a niche for Appeal to fill by offering edgy articles on current topics that will be of interest to students. The key is that this message must be communicated clearly.

CONCLUSION

The overall picture we are left with at the end of this survey is that students see the law review as a source of legal opinion when they are in a situation where they are required to research such opinions. Regrettably, they are not reading law reviews for their own interest. Thus, the challenge for Appeal and law reviews in general is to create this interest. One way that we can change these results is through the promotion of law reviews and their content.

Appeal's advantage is that it publishes student writing; presenting a medium for students, by students. In meeting this goal it has the opportunity to focus more on what students look for in a law review. We have found that these are clarity, relevant and current subject matter, and pushing the boundaries through "off the beaten track" and perhaps even controversial articles. In presenting this forum, it is our hope to create interest in law reviews overall and encourage regular law review readership in students as the practitioners of tomorrow.

Professor Ziff's remarks state precisely the void that Appeal seeks to fill: "while the large number of journals might suggest that the quality of some published material is questionable, the array of choice increases the likelihood that worthwhile writing will see the light of day, including articles that are unorthodox, even radical."¹²

Taking the opinions of these students into account, Appeal will strive to provide a medium where students of the law can publish topics they are interested in and be inspired by the work of others. As students specialize in their chosen areas of law, they may begin to regularly follow specialized law reviews. For the time being, Appeal can act as the law journal tailored to meet student needs.

¹² Ziff, *supra* note 3 at 10.

APPENDIX A: The Survey

1. What year of law school are you in? 2nd ___ (48%)
3rd or higher ___ (52%)

2. What is your academic background? Social Sciences (36%)
Business/Commerce (18%)
Science/ Engineering (20%)
Applied Programs (music, fine arts, physical education) (6%)
Arts (20%)
Other (specify) _____

3. When was the last time you...

WITHIN THE:		LAST WEEK	LAST MONTH	LAST TERM	LAST YEAR	NEVER
A	read a journal article for school purposes?	72%	12%	4%	4%	8%
B	read a journal article for your own interest?	26%	20%	6%	20%	26%
C	read a journal article online?	64%	12%	6%	14%	4%
D	read a journal article in print?	48%	24%	8%	16%	4%
E	read an article in the Appeal Law Journal?	0	2%	4%	22%	72%
F	read industry publications such as Canadian Lawyer or Lexpert?	14%	34%	26%	14%	12%
G	read a magazine?	62%	28%	10%	0	0
H	discussed an article with a friend or colleague?	62%	22%	6%	2%	8%

4A. Have you ever submitted an article to a law journal? Yes ___ (6)
No ___ (44)

B. If yes, was it published? Yes ___ (4)
No ___ (2)

5. Please rate each statement:

		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
A	Law journal articles are difficult to understand	8%	28%	52%	8%	4%
B	There are law journals that I read regularly	32%	52%	14%	2%	0
C	I am more likely to read journals online rather than in print	10%	6%	20%	38%	26%
D	I feel comfortable searching for law journal articles	4%	12%	12%	64%	8%
E	Whether or not I submit an article for a law journal has a lot to do with the prize or monetary award offered	14%	30%	28%	20%	8%
F	Law journals regularly have articles on latest events	2%	4%	66%	22%	4%
G	Law journals are written for academics and researchers	4%	8%	22%	54%	12%
H	Law journals are not very relevant for practitioners	18%	52%	20%	8%	2%
I	I would submit more articles to law journals if there were not as many requirements and formalities to follow	10%	34%	38%	18%	0
J	I would read more articles if law journals were more popular culture or magazine like	8%	20%	40%	28%	4%

		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
K	Judges refer to law journal articles in their judgments	2%	24%	34%	40%	0
L	There is a lot of promotion of law journals	8%	56%	34%	2%	0
M	Law journals have many articles on developing areas of law	0	4%	38%	46%	12%
N	I would read more journal articles if they had edgy or 'off the beat' articles	2%	16%	38%	38%	6%
O	I would read more journal articles if they were written in a plain and clear language	2%	14%	20%	58%	6%
P	A law journal would not be credible if it was not written in a formal tone following academic writing guidelines	12%	32%	28%	28%	0

6. Please **rank** the following attributes of a law journal from 1 to 7 where 1 is the most important attribute and 7 is the least important.

- A. Originality of the subject matter _____ (52% ranked in top 3)
- B. Articles written by leading academics and experts _____ (64 % ranked in top 3)
- C. Layout of the journal in terms of visual appeal _____ (30% ranked in top 3)
- D. Clarity in language _____ (52 % ranked in top 3)
- E. Online availability _____ (62 % ranked in top 3)
- F. How well known the journal is and its prestige _____ (36 % ranked in top 3)
- G. How often the journal is cited in court _____ (16 % ranked in top 3)

7. What is the first law journal that comes to your mind? _____

8. In the space below, please provide your comments on topics or stylistic features you would like to see more of in law journals and/or qualities that you dislike about law journals.