A Report into Methodologies Underpinning Australian Law Journal Rankings

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A report into methodologies underpinning Australian law journal rankings

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Overview

Law schools face significant institutional pressure to adopt journal ranking lists that are used to inform comparative assessment of the Faculty, School and individual researcher performance. CALD has commissioned a written report that:

1. critically evaluates the methodology of up to eight Law journal lists or rankings agreed to by the parties;
2. make recommendations about the suitability of the lists to act as a proxy for academic research quality, including suggesting revisions or modifications to methodology and reference to how to maintain the currency of any proposed list, as appropriate;
3. comment on the utility of the list(s) in view of the suggested purposes for which it may be used.

This report is in four parts.

Part One provides a brief overview of bibliometric databases and indices currently in use in the higher education sector to assess research productivity, quality and influence. New non-citation based alternative metrics for the Humanities and perception surveys are also discussed. There is also discussion of the Washington & Lee journal ranking list, which underpinned the original CALD/ERA lists. An updated version informed the Deakin List. This part also contains comments on difficulties in applying existing bibliometrics to the output of Australian legal researchers.

Part Two provides analysis of the following Australian law journal ranking methodologies and lists:
- CALD list (2009)
- ERA 2010
- Australian Business Deans Council Journal Quality List 2013
- Deakin University Law Journal Rankings
- University Of Tasmania Law Journal Rankings

Part Three addresses new developments in research assessment and current critical literature on the use and misuse of metrics.

Part Four provides recommendations to guide future discussion of the use of metrics to assess legal research.
None of the available lists studied are currently appropriate to adopt as a measure to assess the quality of legal research journals of relevance to Australian researchers. Metrics remain insufficiently developed to provide a credible and robust proxy to assess law journal quality.

Whether CALD wishes to advance participation in the further development of quantitative metrics is a complex political question, likely to generate differing views. However it is an issue that requires a collective response.

The report includes recommendations about how discussion on this issue could be advanced.
Part One: Overview of bibliometric tools in use

Non-Law Sources of Citation-Based Rankings

- Web of Science (Thomson Reuters)
- Journal Citation Reports (JCR)
- Scopus (Elsevier)
- Google Scholar
- H-index
- Non-citation based measures: Altmetrics

Law Sources of Citation-Based Rankings

- Washington and Lee Law Library

Perception Surveys
Non-Law Sources of Citation-Based Rankings

Bibliometrics analysis requires access to relevant databases of books and journals that capture relevant publications. Multinational commercial publishers own the majority of databases that are relied upon in the higher education sector as the source of information about what is being published where and what is being cited.

Citation metrics were developed to help the publisher identify the respective value of journals and to inform recommendations to librarians of which journals to purchase. This is one reason why citation counts did not consider the context of the citation. These tools have since been refined to track journal impact in response to sector interest in provision of these facilities.

Raw numbers of ‘cites’ may inflate the importance of descriptive summary articles and updates that are widely used but not considered of high academic quality. Poor quality papers may be cited in papers that criticise or refute analysis. Basic data about the number of cites is now often weighted in recognition of the prestige of the source of the citation.

Database content coverage has considerably expanded into the Social Sciences and to some extent into the Arts and Humanities in recent years.

**Most commercial databases now wrongly claim to cover the entire field.**

Web Of Science includes Social Science and Arts & Humanities Indexes. These indexes capture some law titles. Scopus includes Law as a distinctive field of research. However both databases index miniscule numbers of law journals.

Australian law journals are generally not represented in any of these databases in significant numbers. This makes the use of citation reports based upon the data sets unsuitable as an aid to assess the quality or impact of Australian legal research.
Web of Science (Thomson Reuters)

**Arts & Humanities Citation Index**
- 1766 Journals total
- 5 Law Journals total
- Zero Australian Law Journals

**Social Science Citation Index**
- 3224 Journals total
- 135 Law Journals total
- One Australian Law Journal only

**Appendix 1** lists law journal titles indexed in the indexes referred to above.

**Journal Citation Reports (JCR)** can be generated for titles listed in the Web of Science database.

Reports are based on yearly data indicating the following information about a journal:

**Total Cites:**
Total number of times a journal has been cited by all journals included in the database within the current product year. Citation counts in JCR do not distinguish between citations to letters, reviews, or original research articles. If the journal publishes many ‘non-citable’ articles, e.g. book reviews, and these are cited, this will increase the journal’s impact factor unfairly.

**Self-cites:**
A calculation of self-citation of the journal. The Impact Factor (2-year) is recalculated to exclude self-cites. The self-citation percentage is also included to allow for comparison between journals.

**Impact Factor (2 year):**
Only original research and review articles are used in impact factor calculations. This measure provides a way to evaluate or compare a journal’s relative importance to others in the same field. The calculation measures the frequency with which the average article in a journal has been cited within a particular year. The algorithm divides the number of citations in a year (e.g. 2013) to articles published in previous two years (2011-2012), by the total number of articles published in the previous two years (2011-2012).

Data used to calculate the Journal Impact Factors is neither transparent nor openly available to the public. Impact factors are not calculated for the Arts and Humanities Citation Index.

**5-Year Impact Factor:**
This is the same calculation as above over a five year period.

**Immediacy Index:**
A calculation of how often articles published in a journal are cited during their year of publication.

**Articles:**
This measures the number of research and review articles published in a journal in a particular year. A review article is defined as a paper that cites more than 100 references, or appears in a review publication or a review section of a journal, or the word review or overview appears in its title, or the abstract states that it is a review or survey. Editorials, letters, news items, and meeting abstracts are not counted in JCR calculations “because they are not generally cited” (JCR Journal Source Data, 2012).

**Cited Half-Life:**
Median age of articles cited by the selected journal in its article references.

**Source Data:**
This tallies the number of original research and review articles published in the current year; the number of references published by the selected journal in the current year and notes document types not included in the number of citable items.
Web of Science (Thomson Reuters)

published by this journal (e.g. letters, news items, editorials, etc).

**Eigenfactor (TM) Score:**
The Eigenfactor Score algorithm uses the structure of the entire network to evaluate the importance of each journal, cutting across all disciplines. Self-citations are excluded. Journals are considered to be influential if they are cited often by other influential journals as indicated by JCR data. Eigenfactor calculations take into consideration a 5-year span of citation activity utilizing data from the Journal Citation Reports.

**Article Influence (TM) Score:**
Based on JCR data this measures the average influence of individual articles appearing in the same journal, translated to the importance of an article published in that journal.
A report into methodologies underpinning Australian law journal rankings. February 2016.

A sample JCR report: Melbourne University Law Review

The JCR generated for the Melbourne University Law Review helps demonstrate some of the problems with the data set used for assessing legal research published in this journal.

Key Indicators

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Cites Graph</th>
<th>Journal Impact Factor Graph</th>
<th>Impact Factor Without Self Citations Graph</th>
<th>5 Year Impact Factor Graph</th>
<th>Immediacy Index Graph</th>
<th>Citable Items Graph</th>
<th>Citing Half-Life Graph</th>
<th>Eigenfactor Score Graph</th>
<th>Article Influence Score Graph</th>
<th>% Articles in Citable Items Graph</th>
<th>Normalized Eigenfactor Graph</th>
<th>Average JIF Percentile Graph</th>
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<tbody>
<tr>
<td>2014</td>
<td>107</td>
<td>0.205</td>
<td>0.153</td>
<td>0.299</td>
<td>0</td>
<td>15</td>
<td>&gt;10.0</td>
<td>0.00025</td>
<td>0.137</td>
<td>100.00</td>
<td>0.02947</td>
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<td>0.194</td>
<td>0.112</td>
<td>0.269</td>
<td>0</td>
<td>13</td>
<td>Not A…</td>
<td>0.00022</td>
<td>0.097</td>
<td>100.00</td>
<td>0.02470</td>
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<td>2012</td>
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<td>0.036</td>
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<td>0</td>
<td>19</td>
<td>&gt;10.0</td>
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<td>0.058</td>
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<td>Not A…</td>
<td>0.00027</td>
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<td>2009</td>
<td>98</td>
<td>0.139</td>
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<td>100.00</td>
<td>Not A…</td>
<td>6.190</td>
</tr>
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</table>

Citing Journal Graph

![Citing Journal Graph](image)
A report into methodologies underpinning Australian law journal rankings. February 2016.

A sample JCR report: Melbourne University Law Review

Citing Journal Data

The JCR report for the MULR produces total citation data that is reasonably stable but how that data is generated defies explanation. Excluding self-citation the MULR was most cited by the “Australian Journal of Labour Law” (Lexis-Nexis/Elsevier) and a source called “Communication” (11 times total 2014-2005). However given neither of these outlets is listed as having its content indexed by Scopus it is unclear where the citation information was gathered from. It is not clear what kind of publication or journal “Communication” is, however based upon number of cites in the past ten years the data suggests that it has greater connection to the MULR than Harvard Law Review.

Many of the citation sources listed are so non-specific that it is impossible to discern what is being referred to, examples being “Children Cross Exam”, “Boundaries Frontiers” and “Restitution Overpaid”. The tally includes law and non-law journals and media outlets that would not normally be considered as relevant sources of scholarly citation including: “Aust Dictionar,” ABC News, Sydney Morning Herald, The Age, The Courier Mail, Sunday Mail, The Advertiser and the Huffington Post. Other curious sources of citation that are impossible to decode include: “Challenging Legal Bo”, “Tell Me Whats Happen”, “Reaching Further Inn”.

Citing Journal Data

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
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<tr>
<td>1</td>
<td>ALL Journals</td>
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<td>26</td>
<td>77</td>
<td>85</td>
<td>85</td>
<td>81</td>
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<tr>
<td>2</td>
<td>ALL OTHERS (506)</td>
<td>506</td>
<td>20</td>
<td>41</td>
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<td>3</td>
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<td>0</td>
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<td>0</td>
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<td>4</td>
<td>MULR LAW REV</td>
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<td>5</td>
<td>AUST J LABOUR LAW</td>
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<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
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<td>COMMUNICATION</td>
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<td>1</td>
<td>1</td>
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<td>0</td>
<td>0</td>
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<td>0</td>
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<td>LAW QUART REV</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>9</td>
<td>U NEW S WALES LAW J</td>
<td>9</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
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<td>0</td>
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<td>CRIM LAW J</td>
<td>8</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>12</td>
<td>MOD LAW REV</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>13</td>
<td>PUBLIC LAW REV</td>
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<tr>
<td>14</td>
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<tr>
<td>16</td>
<td>LEGAL STUD</td>
<td>7</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
A sample JCR report: Melbourne University Law Review

The MULR Journal Impact Factor excludes many of these sources as it is only generated with reference to the journals that Scopus indexes. Thus the MULR impact factor is generated from a paltry number of cites in a very small number of law journals over ten years. The impact factor that is generated thus excludes consideration of a large number of cites from well known law journals, along with the ‘junk’ cites. The list below shows that to calculate the combined value of the top ten citations, information from 28 sources would be excluded. The minimal and selective data underpinning the impact analysis means it is completely unreliable as an indicator of Australian law journal quality or impact.

JCR: MULR Top Ten Citation Sources 2005-2014

<table>
<thead>
<tr>
<th>Rank in terms of Number of cites</th>
<th>Journal</th>
<th>Total Number of Cites</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Harvard Law Review</td>
<td>10</td>
</tr>
<tr>
<td>10</td>
<td>Yale Law Review</td>
<td>9</td>
</tr>
<tr>
<td>12</td>
<td>Modern Law Review</td>
<td>8</td>
</tr>
<tr>
<td>21</td>
<td>Socio-Economic Review</td>
<td>6</td>
</tr>
<tr>
<td>24</td>
<td>American Journal of Comparative Law</td>
<td>5</td>
</tr>
<tr>
<td>26</td>
<td>British Journal of Learning Disability</td>
<td>5</td>
</tr>
<tr>
<td>28</td>
<td>Law &amp; Society Review</td>
<td>5</td>
</tr>
<tr>
<td>29</td>
<td>Legal &amp; Criminological Psych</td>
<td>5</td>
</tr>
<tr>
<td>34</td>
<td>U Penn Law Review</td>
<td>5</td>
</tr>
<tr>
<td>38</td>
<td>Business History</td>
<td>4</td>
</tr>
</tbody>
</table>

The significance of a JCR report as an indicator of Australian journal quality

The JCR produces very mysterious results that cannot be accepted as a valid indication of citation practice or impact of Australian legal journals. Though Scopus resources are huge, there has been no real consideration of how to gather reliable information about law within these systems.
Scopus (Elsevier)

- Scopus Indexes 540 Law Journals total (All Science Journal Classification CODE 3308)
- This includes 5 Australian Law Journals only.

Appendix 2 lists the law journal titles indexed in the Scopus database.

Scopus is an abstract and citation database of research literature including books, peer-reviewed journals, Open Access journals, conference proceedings, trade publications, patent records, and scientific web page.

In the past few years Scopus has sought to significantly increase Social Science and Humanities coverage. Scopus claims 22% of all content indexed February 2014 relates to Social Science. This includes almost 3,500 humanities titles (4,200 when including humanities-related titles such as those listed in project MUSE). In 2014 Scopus initiated the Book Titles Enhancement Program in recognition that humanities publish in books which had not historically been captured by their databases. Publishers beginning to be indexed in Scopus include: Elsevier, Springer, Wiley-Blackwell, Taylor & Francis, Sage, Wolters Kluwer, Oxford University Press, Cambridge University Press and Macmillan. Author profiles and h-indexes can be calculated from this data.

Scopus claims to cover more content from Australia and New Zealand than Web of Science though the number of titles is so small that it is impossible to discern the numbers from their graph. There are significantly less Australian and New Zealand titles indexed than for the Middle East & Africa, Central and South America, and the Asia Pacific. (Scopus Content Coverage Guide, 2014, p.18).

Scopus uses Journal Analytics to produce a ScImago Journal Rank (SJR) and Source Normalised Impact per Paper (SNIP).

The SJR accounts for both the number of citations received by a journal and assesses the importance or prestige of the journals where such citations come from. It ranks journals by their ‘average prestige per article.’ Scopus claims that unlike Web of Science’s JCR, only citations to primary research articles, reviews and conference papers are included.

SNIP measures contextual citation impact by weighting citations based on the total number of citations in a subject field. As a field-normalized metric SNIP can be used to compare the value of journals from quite different fields with different citation behaviours, because the impact of a single citation is given a higher value in a subject where citations are less likely, and vice versa. This addresses a criticism of the Web of Science Impact Factor, which can have wildly different values in different fields.

Scopus data is updated every two months, whereas data in JCR is generated annually.

Elsevier/Scopus provided the citation data used in the Excellence in Research Initiative 2012 and 2015 for disciplines where citation was considered a relevant indicator of research quality.
Scopus (Elsevier)

A comparison of SCOPUS data for five Australian law journals listed is provided below.

Table 1. SJR Chart

Table 2. Impact
Scopus (Elsevier)

Table 3. SNIP

Table 4. Source citations
Scopus (Elsevier)

Table 5. Documents

<table>
<thead>
<tr>
<th>SJR</th>
<th>IPP</th>
<th>SNIP</th>
<th>Citations</th>
<th>Documents</th>
<th>% Not cited</th>
<th>% Reviews</th>
</tr>
</thead>
</table>

Source documents by year

Note: Scopus does not have complete citation information for articles published before 1996.
Calculations last updated: 07 Nov 2015

Table 6. Not cited

<table>
<thead>
<tr>
<th>SJR</th>
<th>IPP</th>
<th>SNIP</th>
<th>Citations</th>
<th>Documents</th>
<th>% Not cited</th>
<th>% Reviews</th>
</tr>
</thead>
</table>

Percent of published documents not cited by year

Note: Scopus does not have complete citation information for articles published before 1996.
Calculations last updated: 07 Nov 2015
Scopus (Elsevier)

Table 7. Reviews

<table>
<thead>
<tr>
<th>SJR</th>
<th>IPP</th>
<th>SNIP</th>
<th>Citations</th>
<th>Documents</th>
<th>% Not cited</th>
<th>% Reviews</th>
</tr>
</thead>
</table>

Percent of documents that are review articles by year

Note: Scopus does not have complete citation information for articles published before 1996. Calculations last updated: 07 Nov 2016.

Table 8. Comparison with elite UK journals

SCImago journal rank by year

Note: Scopus does not have complete citation information for articles published before 1996. Calculations last updated: 13 Jun 2014.
Scopus (Elsevier)

The significance of a SJR and SNIP report as an indicator of Australian journal quality

Scopus lists 540 law journals total (including only five Australian journals). The ERA 2010 list included a total of approx. 1,100 law journals. Were the titles in the two lists to all correspond, Scopus would include about 50% of law journals included in the ERA 2010 list.

As can be seen from Appendix 2 the source list is very biased toward US publications. However the Washington & Lee Law Library includes 1630 titles and thus Scopus only includes at best approx. 33% of the W&L list.

As might be expected the data pertaining to Australian journals is very small. However the low ranking of elite UK law journals such as the Cambridge Law Journal and wildly fluctuating scores of others such as the Modern Law Review shows that Scopus citation unreliability is not confined to Australian journals. The number of citations of non-US law journals captured by Scopus is also so small and statistically marginal that even the slightest change in citation appears to be significant.
Google Scholar

Google is not a publisher and thus indexes different kinds of material to Thomson/Reuters and Elsevier. Google Scholar uses robots to scan webpages for ‘scholarly content’.

Google does not publicly disclose:
- how Google Scholar retrieves information,
- what content is covered,
- what information Google Scholar presents, and
- what potential technical, professional or commercial considerations drive the way the literature is collected and represented to searchers.

Google Scholar Metrics does disclose that it cannot always tell in which journal a particular article has been published.

Sources listed include:
- journal articles from websites that follow their inclusion guidelines (personal webpages, institutional repositories, publisher databases). Some publishers may choose not to allow Google Scholar to crawl their material. Other publishers that allow Google Scholar to crawl their material may have a distinct advantage or disadvantage for being discovered through Google Scholar based on their resources;
- items such as student handbooks, library guides, and editorial notes that meet technical inclusion criteria;
- selected conference articles in Computer Science and Electrical Engineering;
- preprints from arXiv, SSRN, NBER and RePEC.

Google Scholar seeks to exclude the following sources:
- court opinions, patents, books, and dissertations;
- publications with fewer than 100 articles published between 2010 and 2014;
- publications that received no citations to articles published between 2010 and 2014.

Google Scholar Metrics only cover articles published in the last five years (currently 2010 -2014). Calculations are currently based on citations from all articles that were indexed in Google Scholar in June 2015. Metrics also only claim to cover a “substantial fraction” of scholarly works published in the last five years. It is acknowledged that they do not currently cover a large number of articles from smaller publications.

An individual researcher can create their own profile in Google Scholar and create a list of their publications which automatically includes a constantly updated cited-by number. This is a link to the citing papers in Google Scholar. A h5-index is automatically calculated.

There are free software tools such as Publish or Perish that allow a research to clean the data-set and remove duplicates or erroneous citations to improve the reliability of the calculation.

Google scholar generates journal rankings in particular fields, based on calculating an h-index for articles published in the last 5 years and median H5-index scores. Law is classified as a Social Science.

Appendix 3 contains the list of Top 20 Law publications (2015) as generated by Google Scholar.

All are American journals and, with one exception, they are all general law journals that publish numerous editions per year. Citation counts would include introductions, book reviews, notes, commentaries and letters. The frequency of publication, the inclusion of sections beyond peer reviewed articles and lack of apparent tracking of self-citation would skew results.

Care needs to be exercised in comparing Google Scholar based citation scores where one knows little of the data from which it is drawn. A lack of transparency makes Google Scholar difficult for bibliometric and computing experts to study and thus few consider it a robust source of information about journal citation.
H-Index

The h-index was developed to add refinement to raw citation counts where the valuation of the scholar could be skewed toward one highly-cited paper. The H-index represents a single metric measure of productivity (number of publications published) and impact (how often they are cited). It is calculated where \( h \) number of publications have been cited \( h \) or more times. For example: A researcher with an h-index of 6 has at least 6 papers which have been cited 6 times. Citations are much higher in some research fields than others so comparisons should be made within the same field of research. Different citation patterns across disciplines make comparisons difficult.

As h-indexes are accumulative, years of service affect one’s ranking.

A h-index ranking can be obtained by creating a user profile in Web of Science, Scopus or Google Scholar. However even within a discipline, comparing h-index values is only useful if all information has been found using the same database and the same method.

It is important to identify the source of the H-index e.g. ‘Scopus h-index’. There is not generally considered to be enough citation data in Arts and Humanities to generate a useful measure, however H-indexes are now commonly referred to in the Social Sciences.

An example of how universities are using H-indexes can be seen from work done at the London School of Economics. Data was produced to enable a comparison of publication and citation practices of five senior LSE researchers from: Economics, Geography, Political Science, Law, and Sociology.

One senior academic from each discipline included in the Impacts Project’s database was chosen because their longer career time, plus their greater prominence in their academic disciplines, was thought to help to bring out patterns more clearly.

Among the chosen professors the top-cited publications had from 40 to 250 references each. In most cases there are only one or a few such papers or books.

Figure 3.2: Publication profiles for six senior social science academics
Tables of average h-scores were also produced. In reviewing these LSE tables it is important to note that we do not know how different disciplines are impacted by deficits in the source databases for citation that inform the H-score. We also do not know whether the “Senior Law researcher” has published in many journals captured by the database used.

Graphs and data from:
The Impact Blog, Key Measures of Academic Influence, London School of Economics
H-Index

The significance of H-Factor scores in Law

The lack of coverage of Australian legal publications in Web of Science, Scopus and (presumably) Google Scholar makes any reference to H-Indexes of Australian legal researchers meaningless.
Non-citation based measures: Altmetrics

Altmetrics developed alongside Web 2.0 as new media and advertising companies sought to track social media influence for clients beyond quantitative metrics such as ‘hits’, so that corporations could gain greater insight into their reputation by analysing social media resources. In the higher education sector Altmetrics is referred to as an alternative metrics that is useful because altmetrics draws on a wider range of information sources than the larger proprietary databases that rely on citation. However the large proprietary databases are also now starting to incorporate altmetrics.

Altmetrics measures the visibility and promotion of research across social media sites and other web sources. It is referred to as a measure of ‘research impact’, but what is being generated by these tools is a list of mentions, profile and plotting of digital networks or connections that relate to particular outputs.

Altmetrics draws upon a wide range of sources:
- Tweets with links/citations
- Facebook/Google+/LinkedIn citations
- Blog/comment citations
- News mentions
- Redditors
- YouTube and other video uploads
- Cite you like
- Comments on articles/post-publication peer review
- Mendeley readers (Elsevier PDF article manager)

Tools include:

**Altmetric.com**
Altmetric.com is used by Scopus and Public Library of Science (PLoS) to track altmetrics for articles on social media sites like Twitter, Facebook, science blogs, news sites and reference managers like Mendeley.

**ImpactStory**
This is a Web-based application that makes it easy to track the impact of a wide range of research artefacts (such as papers, datasets, slides, research code). The system aggregates impact data from many sources, from Mendeley to GitHub to Twitter etc, and displays it in a single, permalinked report.

**PLoS Impact Explorer**
PLoS allows you to browse the conversations collected by altmetric.com for papers published by the Public Library of Science.

**PlumX**
PlumX tracks more than 20 different types of records, including journal articles, books, videos, presentations, conference proceedings, datasets, source code and more, by collecting impact metrics across usage, captures, mentions, social media, and citations.
Non-citation based measures: Altmetrics

What they track
For a comparison of data sources and the differences in coverage see below and see Appendix 4 Altmetric Data Sources.

<table>
<thead>
<tr>
<th>Research output type</th>
<th>Altmetric</th>
<th>Impactstory</th>
<th>PLoS (ALMs)</th>
<th>PlumX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blogs</td>
<td>Y</td>
<td>-</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Books</td>
<td>Y</td>
<td>-</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Book chapters</td>
<td>Y</td>
<td>-</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Cases</td>
<td>Y</td>
<td>-</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Clinical trials</td>
<td>Y</td>
<td>-</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Conference Papers</td>
<td>Y</td>
<td>-</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Datasets</td>
<td>Y</td>
<td>Y</td>
<td>-</td>
<td>Y</td>
</tr>
<tr>
<td>Dissertations</td>
<td>Y</td>
<td>-</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Figures</td>
<td>Y</td>
<td>-</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Grants</td>
<td>Y</td>
<td>-</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Interviews</td>
<td>Y</td>
<td>-</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Journal articles</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Media</td>
<td>Y</td>
<td>-</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Patents</td>
<td>Y</td>
<td>-</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Posters</td>
<td>Y</td>
<td>-</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Slide Presentations</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Software/Sourcecode</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Videos</td>
<td>Y</td>
<td>-</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Web Pages</td>
<td>Y</td>
<td>-</td>
<td>N</td>
<td>Y</td>
</tr>
</tbody>
</table>

Y = site reports tracking this output type
N = site reports not tracking this output type
- - = site does not confirm

Last update: 7 Nov 2014. Click on tool name to see data source.


Altmetric Scores
Altmetrics can generate scores for articles. For example, the Altmetric donut shows the extent to which a paper is being engaged with across different media platforms. Articles which record no mentions are scored 0. The colours surrounding the donut reflect the mix of sources mentioning that item - blue for Twitter, yellow for blogs, red for mainstream media sources and so on.
Non-citation based measures: Altmetrics

Altmetrics is claimed to offer a more nuanced understanding of research impact by showing which scholarly works are read, discussed, saved and recommended as well as cited. The data retrieved can track engagement across days, whereas the citation databases gauge citation across months or years.

**The significance of altmetrics as an indicator of Australian journal quality**

Altmetrics are not configured to measure research quality across particular disciplines or to assess the impact of particular journals.

**The significance of altmetrics as an indicator of Australian legal researcher’s quality**

Altmetrics tools provide an alternate or supplementary measure of impact to citation-based impact scores for particular research articles, by making apparent the extent of public engagement with research, including by other scholars, practitioners and the general public. Altmetrics can be used selectively which is especially useful to those academics who curate an online profile.

Altmetrics is a tool that can also be used to help trace possible sources that might inform a more qualitative evaluation of research quality and impact.
Law Sources of Citation-Based Ranking
The Washington & Lee Law Library (W&L)

- 1630 Law Journals total
- 3 Australian Law Journals only

The Washington & Lee Law Library (W&L) is well known to most Australian law researchers. It generates journal ranking lists based upon citation data from Thomson Reuter’s Westlaw Journals and Law Reviews (JLR) database (primarily U.S. articles), and Westlaw’s ALLCASES database (U.S. federal/state cases). The interface to the JLR has changed recently with the new WestlawNext version of the database however the underlying data sources appear to remain the same. Citation sources include a very broad range of literature (articles, symposium, forewords, notes, letters, book reviews, bar reviews, CLE materials) and court documents associated with US litigation. There is no apparent tracking of self-citation.

There are 1630 journal titles included in W&L ranking searches, and the library does nominally include a large number of Australian titles. However only the content of three Australian journals is included in the Westlaw “Australian journals” database: The Melbourne Journal of International Law, Melbourne University Law Review, The Sydney Law Review. Thus any citation data generated for Australian journal content generated by Westlaw/W&L is only measuring cites in publications originating in jurisdictions outside of Australia, plus cites in these three Australian journals. Given Australian scholarship is likely to be referred to most by other Australian scholars in works published in Australian law journals W&L cannot provide reliable information about how Australian scholarship is being used. Any W&L ranking of Australian law journals is thus meaningless.

W&L databases generally use the Bluebook format in use in the U.S. (volume journal [page] year). Citations utilizing a non-U.S. legal citation format (year volume journal) would generally not have been counted. As W&L notes “Thus it is important to realize that this survey is primarily intended to be a ranking from the perspective of U.S. legal scholarship” (Most-Cited Legal Periodicals: U.S. and Selected Non-U.S.). It is likely that the content in the three Australian journals included in the database is also under-reported due to their citations following the Australian Guide to Legal Citation.

Appendix 4 shows the total cites for Australian general law journals on Westlaw.

The substantially different data sets generated by the search=University of New South Wales Law Journal (368) and search =UNSWLJ (180) shows the difficulty of tracing citation of Australian articles in US journals due to varying interpretations of the Bluebook rules for non-US sources.

W&L contains five journal performance measures.

Journal cites:

All cited counts are limited to citations to journal volumes published in the preceding eight years. The “Journals” column(s) shows the number of articles that cite to each journal (within our date period) that were found in the full-text Westlaw journals database “Journals and Law Reviews (JLR)”.

Currency-Factor:

This is a method for comparing how rapidly the average article in a particular journal will be discovered and cited. Eg. The 2004 immediacy index figures are based on the number of articles citing each journal’s articles dated 2004, where the citing articles are dated 2003 or 2004, and the citing articles were added to Westlaw’s JLR database between Jan 1, 2003 and Sep 30, 2005.
Law Sources of Citation-Based Ranking
The Washington & Lee Law library (W&L)

**Impact-Factor:**

This shows the average number of citations to articles in each journal (rounded to one decimal place). Westlaw advises that citations-per-article impact factor rankings should be used cautiously as they are biased against journals that publish a larger number of shorter articles, such as book reviews. There are a very large number of journals listed that have a zero impact factor leading to 377 journals sharing the bottom ranking of 1255. Nearly all of these titles originate outside of the US reflecting the source from which this impact information is drawn. Many Australian journals show a zero impact score for this reason.

**Case cites:**

This count is limited to cases included in Westlaw’s ALLCASES database.

**Cites per Cost:**

The Cites per Cost ranking is the average yearly number of cites to the journal divided by the annual US$ cost to U.S. academic libraries.

**Combined Score:**

The combined-score is a composite of each journal’s impact-factor and total cites count. The combined-score is, by default, weighted with approximately a third of the weight given to impact-factor and two-thirds given to total cites. The resulting score is then normalized.

**Reliability of W&L as an indicator of journal quality**

Despite use of the W&L Library facilities in the US to inform a wide range of decisions affecting legal researchers and law schools it needs to be noted that there is very significant criticism of the US ranking processes, including the reliance on citation metrics. Major distortions arise from the influence of the US News and World Ranking (US News) of law schools on editorial and researcher decision-making processes. These distortions undermine the reliability of US law journal citation counts as an indicator of quality or impact.

**Whose articles get accepted where?**

The US News has been decried for years by nearly every US law school dean.¹ This ranking continues to influence hierarchy driven decision-making of student journal editors. A 2007 report for the US Law School Admissions Board noted the ongoing influence of the US News rank on decisions to accept manuscripts:

>We did not systematically interview student editors, but several current editors with whom we did discuss this issue strongly agreed that the school reputation of submitters shaped the chances of manuscripts getting accepted in their journal. These editors reported that, given the high volume of manuscripts they receive and their limited knowledge about the subject matter, they often consider the author’s institutional affiliation in making decisions.²

This observation is backed up by another 2014 study:

>Placement of articles, not surprisingly, tends to replicate existing hierarchies, and faculty at more highly ranked schools and those with strong network connections to faculty at highly ranked schools are generally believed to have greater ability to place articles at more highly ranked law reviews.³


³ Arewa, n.1 at 1012.
Law Sources of Citation-Based Ranking
The Washington & Lee Law library (W&L)

Who is cited most in the highest ranking outlets?

Studies also find that the likelihood of any author being cited is impacted by consideration of the ranking of the journal where is the citation is published and the ranking of the law school where the author is from.

A recent comparative study has concluded that the W&L journal ranking is preferable to Web of Science Journal Citation Reports (JCR) to assess US law journal quality due to the relatively small number of law journals (135) included in the JCR:

If citations to law-related articles can be reasonably expected to occur in law journals, then a database that emphasizes non-law journals may underestimate the impact of law journals in their core field of interest, law.\(^4\)

It is worth noting that Thomson Reuter owns both platforms and it is not clear why there remain two separate Law citation tools drawing upon different sources. The maintenance of both platforms is most likely due to commercial considerations and to copyright licence restrictions.

A 2015 empirical investigation evaluated Westlaw total citations, judicial citations, and citations found in secondary sources in approximately 400 law journal articles published in 2003. The citation search extended for almost a decade, until mid-2014. The authors:

“found that citation by other authors is highly influenced by the rank of the review in which a work is published and the school from which the author graduated.”\(^5\)

This study also evaluated the purpose of citation. For 198 works found in principal law reviews, 200 citations to those works were examined to assess the use to which the cited work was put. A second sample of 100 additional citations was also selected from articles published in 2001. Their conclusion throws serious doubt about the merit of drawing any conclusions about quality with reference to Westlaw citation counts:

when the purpose of the citation is examined, a very small handful of those citing a work do so for anything related to the ideas, reasoning, methodology, or conclusions found in the cited work.\(^6\)

The Eisenberg and Wells study also suggested that interdisciplinary scholarship might be disadvantaged in the W&L rankings compared with the JCR because the majority of US law journal articles are not peer reviewed:

Student law journals are rarely interdisciplinary because the student editors tend to lack expertise outside of law and because the supply of pure law articles is sufficient to populate the many existing journals……. it is questionable whether student journals should be included in the same category as refereed journals. Refereed law journals tend to publish different kinds of articles than student journals and the articles tend to be much shorter. These characteristics have unknown effects on citation patterns.\(^7\)

Given that W&L journal rankings are based upon citation counts that do not necessarily reflect a scholar’s reliance on the research cited and the figures hide a range of other distortions there is reason to be extremely cautious in using the W&L journal ranking list to compare US law journal quality.

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\(^6\) Ibid.

\(^7\) Ibid, 1310.
Experience with the history of journal ranking in Australia has demonstrated that it is widely accepted that the W&L list is inappropriate as a measure of quality for Australian law journals.¹ The small coverage of Australian source material poses an insurmountable obstacle.

It has been argued that given US academics accept the validity of the W&L ranking as an indicator of journal quality this list should be adopted as a proxy to assess the quality of Australian research published in US journals (Deakin submission). As discussed above, it is likely US researchers “accept” the validity of the W&L rankings in the same way that Australian researchers “accept” the original ERA law journal rankings.

It is impossible to determine how many researchers would be affected by the adoption of the W&L ranking for US law journals in Australia. There is no publicly available data that allows for measurement of the frequency with which Australians overall, or Australian researchers from particular subject areas, publish in US law journals.

The previous study Report to Council of Australian Law Deans, Assessing Research Performance in the Discipline of Law, 2006-2011 pp72-87 showed an approximate number of relevant publications in different subject areas, noting the availability of international outlets, as well as whether Australian general law journals also regularly published the subject matter in the relevant period assessed. The analysis showed that coverage across subject matter is very uneven with some specialisations well served in journal choices, others having very few. This variability also makes any comparison of international publication practice amongst Australian researchers very problematic.

Regardless of the relatively small number of researchers who might be affected by the adoption of the US list, if W&L journal rankings are thought to be, to a significant extent, a reflection of history, social hierarchy and competition dynamics internal to US law schools there is little to be gained by importing these corrupting influences into assessments of Australian research by applying the W&L rankings of Australian research published in US journals to Australian legal researchers.

¹ Kathy Bowrey, ‘Audit culture: why law journals are ranked and what impact this has on the discipline of law today’ (2013) 23(2) Legal Education Review 291-312.
Perception Surveys

The perceived quality of a journal in which an article was published has long influenced the decision-making of staff involved in appointment, promotion and grant assessment processes. Perceptions are also informally shared through personal networks and in research training. However for the most part the judgement criteria used to assess respective quality is opaque. Knowledge often reflects personal experiences, academic interests, one’s range of professional contacts and degree of familiarity with a journal, the editorial board or other authors published in the outlet. Understanding current thinking is dependent upon one having access to ‘those that know’.

The development of formal lists codifies ‘tacit’ knowledge that may be in operation to assess the quality of law journal publications. Lists have the benefit of transparency and direct researcher attention in institutionally desired directions. The costs and benefits are evaluated in the following table:


<table>
<thead>
<tr>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development can be arduous and time-consuming</td>
<td>Provides an explicit measure of the value of research output</td>
</tr>
<tr>
<td>May be damaging to interpersonal relations</td>
<td>Establishes explicit publication targets</td>
</tr>
<tr>
<td>Compromises may lead to rewards for mediocre work</td>
<td>Reduces uncertainty in planning and evaluation</td>
</tr>
<tr>
<td>May induce rigidity in research standards</td>
<td>Provides guidance in publication strategies</td>
</tr>
<tr>
<td>Could discourage faculty from reading colleagues’ work</td>
<td>Provides useful information on journal quality</td>
</tr>
<tr>
<td>Focus on inputs (articles) rather than on outputs (effect of contribution to the field)</td>
<td>Reduces time and effort in evaluations</td>
</tr>
<tr>
<td>Subject to biases and political processes</td>
<td>Provides defensible information in grievance situations</td>
</tr>
<tr>
<td>May hinder career development if standards are too institutionally specific</td>
<td>Useful in benchmarking/baselining</td>
</tr>
<tr>
<td>Could overestimate actual productivity</td>
<td></td>
</tr>
<tr>
<td>Could disadvantage those who do specialized work, especially if they publish in newer journals</td>
<td></td>
</tr>
<tr>
<td>Could add to power of editors and review boards</td>
<td></td>
</tr>
</tbody>
</table>
Internal lists tend to reflect what is known, local politics, and other strategizing relevant in that workplace. The development of contrary rankings for some journals in lists created by other law schools is unsurprising. There are an extremely large number of law journals and knowledge of all of them is impossible. Reasonable people may well differ in opinion about particular titles. But a large number of contrary rankings is also suggestive of gaming and bias, leading to problems of credibility.

Externally generated lists are thus preferred. These tend to draw upon multiple information sources that helps those compiling the list to understand and mediate discrepant feedback. Common sources of information include the opinion of local researchers, relevant expert groups, journal editors, and international opinion, to ensure proposed rankings are not out of step with broader sector expectations.

Perception surveys in law

Legal scholarship is very diverse. With over 1,600 English language law journals in circulation a good working knowledge of the entire field is impossible. Some individuals work in highly specialised areas where there are no Australian peers or few relevant outlets. As a matter of logistics, it is difficult to consult the diversity of relevant researchers who may have knowledge and interest in ranking outcomes. All feedback will reflect partiality.

Journal acceptance rates as reported by law journal editors are generally considered as unreliable. In law smaller numbers of submissions may also relate to the size of the field, rather than reflect overall quality. Acceptance rates may also reflect a need to publish excellent and weaker articles side by side in order to maintain frequency of output.

A major problem with perception surveys is that it is often impossible to account for conflicts of interest across feedback received. In conducting the CALD journal ranking survey it was apparent that some academics and editors considered the invitation to provide scholarly feedback as an opportunity to lobby the ranking committee and other academics in Australia and abroad, including past authors and the legal profession, in order to try to achieve a particular rating of their preferred journal and/or on occasion, to garner feedback that might help demote what was perceived to be a rival journal.

A poorly ranked journal may lose significant resources, esteem, future submissions or be closed down as a result. Careers and financial interests are impacted by the production of journal rankings lists. In Australia legal action has also been threatened in an attempt to influence results. Crude attempts to influence results can be readily identified, but one cannot discount all feedback received on the basis of a suspicion. Where lobbying affects multiple sources of feedback from individual researchers, institutional input, and international expert input, a veil of confidentiality operates to protect self-seeking conduct.

It takes significant time and resources to conduct large perception surveys. Data needs to be periodically reviewed and re-evaluated to reflect current developments and thinking. The failure to revise lists can encourage conservatism and stagnation, disadvantaging new comers, experimental titles that might polarise, and interdisciplinarity work that is especially transgressive.
Part Two: Analysis of Australian law journal ranking methodologies and lists

This part discusses the methodology of three Australian lists that are publicly available:

- CALD (2009)
- ERA (2010)
- Australian Business Law Deans Council (2013)

And a further two law ranking lists provided to me by CALD:

- Deakin University Law List
- UTAS Law List

All Associate Deans (Research) and Research Directors were invited to share relevant information or concerns relevant to the current CALD brief. Comments were also received from Southern Queensland University and Flinders University. This feedback is also noted below.
Analysis of Australian law journal ranking methodologies and lists

Baseline Data for Ranking

The ERA 2010 list continues to operate as a baseline for journal ranking for Australian law journal lists. The genesis of the ERA list is well known. It is also discussed in some detail in ‘Part 3. Specialist Law journal Ranking’ in Kathy Bowrey, Report to Council of Australian Law Deans, Assessing Research Performance in the Discipline of Law, 2006-2011 and ‘Audit culture: why law journals are ranked and what impact this has on the discipline of law today’ (2013) 23(2) Legal Education Review 291-312.

Ranking systems are usually informed by the original Australian Research Council journal ranking scale:

- A* top 5-7%  
- A next 15-25%  
- B next 35-40%  
- C remainder

CALD (2009)

The law publications included in the ERA 2010 list were derived from the CALD 2009 list. This list was generated over 2008-2009. It includes:

- Original journal ranking data provided by the Australian Research Council (ARC) based on the W&L list 2008;  
- Feedback from 22 Australian law schools on all journals;  
- Information provided by 82 journal editors in line with template produced by the ARC;  
- 34 General Submissions received from law schools and interested individuals.  
- Twenty-five specialist and professional bodies were invited to review.  
- 61 eminent international reviewers (2-3 for each area of specialisations)

This list was compromised by its origins. Whilst extensive feedback was received about Australian and UK journals, there was minimal information received about the majority of the American journals. This was especially problematic as the task was essentially one of modifying a list with inflated values associated with American journals due to the original ranking data being generated by W&L.

ERA (2010)

This list was based upon the CALD 2009 list. It incorporated new rounds of consultation conducted by the ARC which led to changes in some rankings and removal of some journals. It is not clear how the ERA team moderated the input they received. Not all suggestions were incorporated. Possibly reflecting a lack of confidence in their own processes I was requested to change data back as desired but without information about the sources which led to changes in the first place, or any details of what had been changed, this was a difficult task in the time frame allocated.

As is well known the ARC withdrew support for the journal ranking list in May 2011 and it will no longer be maintained or used by the ARC. Elsevier provides the ARC with metrics on journal impact for disciplines where citation is considered as an appropriate proxy to measure research performance.
Analysis of Australian law journal ranking methodologies and lists

**Australian Business Deans Council (ABDC) Journal Quality List (2013)**

Assessment of law journals was assigned to the Business and Taxation Law (BTL) Panel. The BTL Panel was responsible for 2 fields of research (FoR): commercial and contract law 180105 (LAW) and taxation law 180125 (TAX). The Panel comprised Professors Margaret McKerchar (chair) (UNSW), Kerrie Sadiq (Queensland University of Technology) and Vincent Morabito (Monash). As well as relying upon their combined knowledge and networks the Panel was informed by new submissions received in response to invitations issued by Business Deans. They also referred to the ratings of journals assigned in ERA 2010 and CALD 2009.

The BLT rankings in the ABDC 2013 list originated in 2008, as updated 2010.

In 2012 the Business Academic Research Directors’ Network agreed that the list should be updated with six key process principles:

(a) transparency  
(b) consistency  
(c) independence  
(d) external validation  
(e) “business scope”  
(f) incrementality.

Feedback was received from:

- institutions (19 in total, 18 from UNSW; 1 from the University of Sydney);  
- peak bodies (9 in total, all from the Australasian Tax Teachers Association (ATTA));  
- individuals (10 in total, 3 being editors of the relevant journals);  
- 14 eminent international reviewers (2 for each area of specialisation)

Feedback from UNSW Business, the School of the Panel Chair, dominated the institutional feedback that informed the 2013 survey, but these views were moderated by external review. The international reviewers were drawn from the following Field of Research codes: 0806 Information Systems; 1401-1499 Economics; 1501 Accounting; 1502 Finance; 1503 Management; 1504-07 Marketing Tourism Logistics; 180105 & 1801025 Business & Taxation Law.

As a result of feedback received there were:

- 6 additions to the list (3 LAW and 3 TAX). These were mainly new journals entered with a C ranking with 1 journal referred to the Management Panel;  
- 2 TAX journals downgraded (plus an additional 4 LAW journals downgraded at the initiation of the Panel);  
- 7 journal upgrades (3 LAW and 4 TAX).

The BTL 2013 list currently comprises 292 law journals total. The distribution of rankings is summarised in the following table.
Analysis of Australian law journal ranking methodologies and lists

**ABDC BTL 2013 Ranking Distributions**

<table>
<thead>
<tr>
<th>FoR</th>
<th>Description</th>
<th>Total Journals</th>
<th>COMBINED A* &amp; A</th>
<th>A*</th>
<th>A</th>
<th>B</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>180105</td>
<td>Commercial &amp; Contract Law</td>
<td>244</td>
<td>37.4%</td>
<td>6.2%</td>
<td>31.2%</td>
<td>26.6%</td>
<td>36.0%</td>
</tr>
<tr>
<td>180125</td>
<td>Taxation Law</td>
<td>48</td>
<td>22.9%</td>
<td>4.1%</td>
<td>18.8%</td>
<td>29.2%</td>
<td>47.9%</td>
</tr>
</tbody>
</table>

“Quality” journals are those that sit within the A* - A band (top 20-32% of journals). BTL researchers are thus well served by the rankings in terms of the quantity of top-tier outlets recognised.

**Comparison of Australian General Law Rankings: CALD, ERA and ABDC**

<table>
<thead>
<tr>
<th>JOURNAL TITLE</th>
<th>CALD</th>
<th>ERA</th>
<th>ABDC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adelaide Law Review</td>
<td>B</td>
<td>B</td>
<td>A</td>
</tr>
<tr>
<td>Alternative Law Journal</td>
<td>B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Australian Law Journal</td>
<td>C</td>
<td>B</td>
<td>A</td>
</tr>
<tr>
<td>Bond Law Review</td>
<td>C</td>
<td>C</td>
<td>B</td>
</tr>
<tr>
<td>Canberra Law Review</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Federal Law Review</td>
<td>A*</td>
<td>A*</td>
<td>A</td>
</tr>
<tr>
<td>Flinders Journal of Law Reform</td>
<td>B</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Griffith Law Review</td>
<td>B</td>
<td>A*</td>
<td>C</td>
</tr>
<tr>
<td>James Cook University Law Review</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Macquarie Law Journal</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Melbourne University Law Review</td>
<td>A*</td>
<td>A*</td>
<td>A</td>
</tr>
<tr>
<td>Monash University Law Review</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>New England Law Review</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Queensland University of Technology Law and Justice Journal</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>The Sydney Law Review</td>
<td>A*</td>
<td>A*</td>
<td>A</td>
</tr>
<tr>
<td>The UTS Law Review</td>
<td>C</td>
<td></td>
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</tr>
<tr>
<td>University of New South Wales Law Journal</td>
<td>A*</td>
<td>A*</td>
<td>A</td>
</tr>
<tr>
<td>University of Notre Dame Australia Law Review</td>
<td>C</td>
<td>C</td>
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</tr>
<tr>
<td>University of Queensland Law Journal</td>
<td>B</td>
<td>B</td>
<td>B</td>
</tr>
<tr>
<td>University of Tasmania Law Review</td>
<td>B</td>
<td>B</td>
<td>B</td>
</tr>
<tr>
<td>University of Western Australia Law Review</td>
<td>B</td>
<td>B</td>
<td>B</td>
</tr>
<tr>
<td>University of Western Sydney Law Review</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>
Analysis of Australian law journal ranking methodologies and lists

As noted in the previous section, inevitably perception surveys reflect the interests and expertise of those surveyed. The various surveys that inform the ABDC list were also conducted over different time spans and reflect requests for feedback on very different numbers of journals to the CALD/ERA ranking exercises. The much smaller number of BTL journals assessed means particular care needs to be exercised in making comparisons between the ABDC list and the other law journal lists, especially as the ranking scheme is directed to comparative evaluation amongst titles included in the survey and with a view to consideration of “business scope”.

How differences play out with perceptions surveys can be seen from a comparison of the rankings of General Law Journals between the CALD 2009, ERA 2010 and BTL 2013 lists.

As can be seen from the table, BTL ranks three of the GO8 law journals (SLR, MULR and UNSWLJ) A rather than A*. Two B & C law journals are also promoted (Adelaide LR, Bond LR). Griffith LR is demoted.

All Law schools share an interest in how their general law journal is perceived. Discordant results across surveys can produce unrest and claims of unfairness. Differences do not necessarily indicate gaming. Changes reflect difference in expert opinion, preferences for particular methodologies, different sub-disciplinary priorities, past experience and familiarity. It may also be that BTL academics are infrequently sought as peer reviewers of articles that appear in the SLR, MULR, UNSWLJ and GLR.

The suitability of the CALD 2009, ERA 2010 and ABDC 2013 lists as an indicator of Australian journal quality

The CALD 2009 and ERA 2010 lists are now far too out of date to be considered a current indicator of law journal quality.

The ABDC 2013 list does not aspire to be a list that encompasses all relevant Australian law journals. It only surveys two areas of specialisation. It does not draw upon feedback from the wider cohort of Australian legal researchers. Many legal researchers not associated with Business faculties would have relevant expertise in Commercial & Contract Law, in Taxation Law and in other journals included in the ABDC list. Some ‘business law’ titles included in the list such as intellectual property journals, are not generally considered as business law journals. Intellectual property is considered a specialist law field and has a separate Law field of research code.

These kinds of issues indicates the perversity of institutionally driven ranking exercises that require inclusion of titles so that individuals in particular schools can be included in assessments, overriding consideration of how research fields and excellence may be judged in wider scholarly circles.

It is inappropriate to judge the output of legal academics outside of Business Law and Taxation Schools with reference to the ranking of particular titles listed by the ABDC 2013 Journal Quality list.

Deakin Law Ranking List

This ranking list is based on three sources: ERA 2010, ABDC 2013 and W&L. The Deakin list combines the three lists attempting to minimise perceived deficits with each.

Problems noted with the ERA 2010 list are:
- it lists less than two-thirds of journals (1280);
- it is out-dated;
- it will not be updated;
- it is expressly repudiated by ERA; and
- is too Australian-centric – “there are a number of top 50 ranked US journals (the gold standard for American academics) that are ranked C (eg Wake Forest Law Review; Lewis and Clarke Law Review).”

Problems with the ABDC list is that it “ostensibly it
Analysis of Australian law journal ranking methodologies and lists

relates to business law journals (although in fact it contains many generalist journals) and it only ranks a small number (205) of journals. The advantage of the list is that it is relatively current and will continue to be updated”.

The W&L list is considered as the best source as it is “the most comprehensive (1646 journals); it is updated annually and the least impressionistic given that it uses objective metrics (citations and impact)”.

The disadvantage noted that it is too US-focused: “there are only 11 non-US journals in the top 500 (8 from the UK; 2 from Canada and one Israel). The highest ranked Australian journal is the Sydney Law Review - at 531.”

The methodology used was to combine the ERA 2010 and ABDC list to rank non-US law journals. The W&L is primarily used to rank US journals, applying the ARC rank percentages for A*, A, B, C to the serial rankings.

The result is two separate lists: non-US and US titles.

The suitability of the Deakin list as an indicator of Australian law journal quality

With respect to the non-US (Australian) list, it is based upon the CALD/ERA and ABDC lists. Both of these sources relied upon perception surveys with feedback moderated by expert opinion.

The Deakin method generally discounts the broader and much more wide ranging feedback that underpins the ERA list out of respect for feedback from the ABDC list as it is more recent information. It is however feedback that is derived from a much smaller cohort of specialist researchers. Their input only relates to a comparatively small number of journals (approx. 30% of the ERA list) and ranking is a comparative exercise. To defer to a more recent source on that sole ground is illogical. It fails to account for the problems in applying BLT expertise to the wider field as noted above.

The Deakin list also sets aside the ABDC rankings selectivity so that the A* ERA rankings of the GLR MULR, SLR, UNSWLJ are retained. However the ABDC ‘upgrade’ of Adelaide LR from B to A is also retained. No doubt this is because to accept lower ranking for General Law Journals would alarm many legal researchers. Picking and choosing rankings based on intuitions about what researchers might tolerate is not methodologically sound.

The top 50 W&L rankings were considered the “gold standard” but the rankings were also applied selectively to US journals, in deference to ABDC rankings. The inclusion of a very small number of US journals in the ABDC list should not lead to the according of any particular greater weight to the ranking of the title included. For example, to choose one example randomly, the most likely reason the Arizona Law Review appears in the ABDC list at all is that someone from a Business or Taxation Law school published in it in the recent past. The ABDC Panel followed the ERA ranking of A but did not see it necessary for their purposes to consider the inclusion and comparative rank of all the other US law school journals to help inform that decision. Deakin then follows the ABDC Panel ranking of A, whereas today W&L affords it an A*.

The original CALD/ERA assignment of an A to this journal was in this particular case rather arbitrary. The baseline ranking for the Arizona Law Review originated from the W&L list and based on its then internal rank this title was assigned an A in the CALD process. This was not a straightforward or mathematical application of the ARC grading to the W&L list because the more compelling need was to demote a significant number of US journals to create space in the upper echelons for journals published outside of the US. This ‘moderation’ process led to Arizona Law Review receiving an A score. To suggest that due to this peculiar history the Arizona Law Review should now be considered
Analysis of Australian law journal ranking methodologies and lists

as inferior to other highly ranked US titles that would mathematically convert to a W&L A* today, but were not considered by the ADBC Panel at all, is completely arbitrary and unfair.

With respect to the adoption of the W&L list for ranking US journals, problems with the credibility of this list are noted in the previous section.

It is not recommended that the Deakin methodology be adopted to assess law journal quality.

University of Tasmania Law Ranking List

The UTAS brief was to rank the top quartile to enable bonus research points for these better ranked journals for the purposes of calculating research performance. UTAS sought to identify and include a wide range of subject matter in the top journals relevant to particular sub-disciplines. This meant that that even though a title may otherwise have been ranked a B, it may be the best place to publish Australian-relevant material on a particular topic. Thus UTAS took into account the ranking biases against journals serving newer/“boutique” sub-disciplines and acknowledged the importance of the key Australian journals for a particular sub-discipline.

The University’s starting point was to include all the ERA 2010 A and A* journals. The University also took account the ABDC rankings and where available, information on journal impact.

The brief given to the Law Faculty was to advise the University on increasing the list to expand it to register the top 25% of the Law journals. The committee advised:

“there was no interest in dislodging anything that was already recognised as a ‘quality’ journal. Rather the priority was to augment where appropriate - in particular to consider which (if any) B ranked journals may be justified for inclusion in the top quartile.”

The UTAS list is an internally produced list with a specific policy informing it. Data underpinning a previous research report to CALD was made available to assist in identifying specialisations requiring particular attention in view of institutional goals.

The top tier was supplemented by accepting the ABDC rankings of law journals where these were higher than the ERA rank. Differences between A and A* did not matter in this task. There was no need to consider how to read the BTL Panel rankings of general law journals.

The suitability of the UTAS list as an indicator of Australian law journal quality

The list fits the brief given to the law faculty, however the methodological problems underpinning the sources that were combined to produce the list remain. It is not appropriate as a general indicator of law journal quality for the discipline. The application of the list to assess individual researcher performance raises concerns of arbitrariness and stagnation, notwithstanding a genuine attempt to treat all researchers and specialisations fairly.

Feedback from Southern Queensland University

SQU are using the UTAS list:

“as an interim measure – aspirationally and in the context of a requirement to consider research quality in workload calculations.”

They also advised:

“There’s no great discouragement to publish books here – always some room for argument around the edges, but book chapters are counted and books handled reasonably well.

“There are concerns about provisions in the University
Analysis of Australian law journal ranking methodologies and lists

Workload policy that effectively encourages multiple authorship and hence tends to discourage sole or dual authorship – and more broadly about the inability of Humanities disciplines in the university to neatly fit the standards perhaps designed more around science models of publishing. No doubt this is a common problem across law schools.”

Feedback from Flinders University

Flinders University advised:

“At Flinders University and in the Law School, we do not have any mechanism for ranking journals or books. Our workload formula is currently based on a quantity model (number of publications) which does not distinguish between journal articles and book chapters, and nor does it distinguish between the quality of different outputs (all ERA and HERDC-eligible outputs are included). Therefore, we do not have an open system to discourage submission of book chapters. However, and increasingly, there is a more pressing recognition of the need to maximise quality and we have been generally encouraged to consider this when selecting platforms for publication. …

“In the past few months we have considered (but never put into practice) a system of ranking books based on identifying the top end of publishers, which included all university press and top commercial publishers. We have assumed that it would be possible to identify publishers that account for the top 50% of books, without being able to differentiate further within the list.

“In general, if a defensible method for ranking journals (and book publishers) can be found we would prefer this over a university-based system. It would be good to retain a jurisdictional distinction in which Australian journals are represented appropriately. It would also be beneficial to have good specialist and interdisciplinary journals recognised at the top end of the list.”

Secondary sources

There are numerous articles from which conclusions are drawn about law research quality and research performance based upon existing data sets. Some of these, such as scholarship by Smyth seeks:

“to provide information to assist in assessing the performance of individuals and law schools and, by extension, assist in hiring, promotion and tenure decisions” (2012, 203).

Secondary sources include:


Any conclusions that can be drawn from metrics can only claim validity with respect to a small time frame following the generation of the original data sets. Commercial databases such as Web Of Science generates citation data every year; Scopus every two months. The twenty-first century articles draw respectively upon RAE 2001 and ERA 2010 data. There are problems with currency and, for the ERA 2010 data set, further issues are noted above.
The Smyth articles are particularly problematic. The first study determines the top journals with reference to ERA lists, the ‘top ten’ from Ramsay’s ancient study and another ‘top ten’ based upon the authors’ previous study of articles cited in the High Court. High court citation reflects areas of litigation before the court. The “top journals” are not considered with reference to subject matter bias, self-citation bias and other known factors that skew ‘counts’.

The “most prolific academics” represented in Smyth’s top legal researchers list were ALL public lawyers: George Williams (UNSW), Andrew Lynch (UNSW), Greg Taylor (Monash), Anne Twomey (Sydney), Matthew Groves (Monash) and Dan Meagher (Deakin). There was weighting for co-authorship but no distinction was made between Fellowship recipients, research only and regular teaching and learning staff. One would hope a Laureate Professor would publish more often than academics with much more diverse workload obligations. Whilst it may be that Australian public lawyers are performing at a higher level by producing many more high quality law journal articles than all other Australian legal researchers and areas combined, the apparent ‘over-representation’ of public law suggests serious problems with the methodology used that one would have thought would have warranted further investigation.

The existence of data sets that purport to accurately reflect ‘quality’ creates opportunities for the production of endless ‘merit’ lists. However without understanding the underlying data sources these can lead to very dubious misrepresentations of research performance. These secondary sources are dangerous to use as measures of individual performance, to inform hiring, promotion and tenure decisions or as evidence of track record or distinction in grant applications. Simplistic scholarship made possible by the existence of lists only distorts understanding of the legal discipline.

Analysis of Australian law journal ranking methodologies and lists
Analysis of Australian law journal ranking methodologies and lists

Soundness of the methodologies currently in use in law journal ranking lists

It is clear that there is significant institutional pressure to produce law journal rankings. These are then used to assess individual research performance and workload allocations.

It needs to be noted that journals only constituted 64% of the research output reported in ERA 2015 submissions for field of research code 1801 Law. Research assessments based on journal ranking alone may discount a major proportion of the output of some Australian legal researchers. This poses a significant problem that may disadvantage researchers with particular publication profiles.


Books, book chapters, conference papers and non-traditional items remain unaccounted for in most metrics. Plans to incorporate book publishers such as Scopus (Elsevier) Book Titles Enhancement Project are at very early stages. Major independent publishers of Law books such as Ashgate (recently bought by Informa/Taylor & Francis), Edward Elgar, and Hart Publishing are not currently included.

There is absolutely no evidence that supports the presumption that the quality of a particular law article can be determined solely with reference to the outlet where it is published.

There is evidence to the contrary. For example, the 2001 RAE Law Panel’s Overview Report stated that:

Work of internationally recognised excellence was found in a wide range of types of outputs and places, and in both sole and jointly authored works (the Panel adhered to its published criteria in allocating credit for joint pieces). First-rate articles were found in both well-known journals and relatively little-known ones. Conversely, not all the submitted pieces that had been published in ‘prestigious’ journals were judged to be of international excellence. These two points reinforced the Panel’s view that it would not be safe to determine the quality of research outputs on the basis of the place in which they have been published or whether the journal was ‘refereed’.

Based upon this experience British legal scholars successfully resisted attempts to rank journals.

A recent independent study supported by the HEFCE (UK) considered REF2014 results at output-by-author level and showed that individual metrics give significantly different outcomes from the REF peer review process. From this it was concluded that metrics therefore cannot provide a like-for-like replacement for REF peer review. See Part Three: James Wilsden et al, The Metric Tide.

There is no current list in use that is methodologically sound that can be used to assess law journal rank.

General limitations of perception surveys and specific issues noted above with respect to the creation of the ERA 2010 data needs to recalled.

The ERA rankings are based on data that is, at time of writing, over seven years old. The ABDC ranking improves the currency of opinion for approx. 30% of titles, but as already noted, from a general law perspective the survey information is very limited. It is not methodologically sound to use the ABDC list to ‘update’ the ranking of select titles in the ERA list.
Part Three: New developments in research assessment

This section summarises new reports and relevant developments related to the use of metrics in the higher education sector. Law is not directly studied or impacted by any of this literature, however the surveyed material provides serious ‘food for thought’ about possible new developments and many issues that law managers and legal researchers need to be aware of.
Measuring Interdisciplinary research by citation analysis

Elsevier, A Review of the UK’s Interdisciplinary Research Using A Citation-Based Approach. A report to the UK HE Funding Bodies and MRC July 2015.

The report was commissioned by the Higher Education Funding Council for England (HEFCE) and the Medical Research Council.

An underpinning principle of the UK’s Research Excellence Framework (REF) is that all forms of research output across all disciplines, including interdisciplinary research (IDR), are assessed on a fair and equal basis. This project provides contextual information on the UK’s interdisciplinary landscape within which the funding bodies will be able to consider the REF data.

Interdisciplinary research is described as research that integrates separate disciplinary data, methods, tools, concepts, and theories in order to create a holistic view or common understanding of a complex problem. Beyond that, there is transdisciplinary research that transcends the scope of monodisciplinary worldviews to reach an overarching synthesis. Examples of the results of transdisciplinary research include the concepts of sustainability and feminism.

The Australian and New Zealand Standard Research Classification (ANZSRC) was used for subject classification throughout the report.

It is not clear how the Field of Research 18 Law was utilised to describe subject matter analysed.

The methodology

- The study used a citation-based approach to identify IDR and measure interdisciplinarity using the Scopus database. The basic principle behind the approach is that, if an article cites papers that are “far away” from each other in terms of their topics, it is likely to be interdisciplinary. Otherwise, the article is assessed as likely to be a monodisciplinary article.

- The advantage of the approach is claimed as the lack of reliance on any pre-defined subject classification to define interdisciplinarity.

- The authors noted limitations of the approach when looking at a subset of the research outputs produced by the UK, in particular the publications in the research domain of the Humanities.

- Limitations were also noted for the Social Sciences and the Humanities bibliometric indicators presented in this report because a reasonable proportion of research outputs take the form of books, monographs and non-textual media which were not considered.

- It is recommended that results in both Humanities and Social Sciences be considered “with caution”.

Findings

- The report calculates a measure of interdisciplinarity for 78% of all publications in Scopus in the period 2009-2013.

- Publications were ordered according to their IDR scores, and a threshold was set at the 90th percentile to obtain the top 10% IDR worldwide: the 10% of publications with the highest measure of interdisciplinarity.

- In 2009, 7.9% of all UK publications with an IDR score belonged to the world’s top 10% most interdisciplinary publications. The percentage increased to 9.1% in 2013, implying a growing intensity of IDR among UK publications. This trend was also found in all comparator countries.

- The most interdisciplinary research was noted as having a lower citation impact than other publications. It was beyond the scope of this report and the data to find out what led to the lower citation impact of IDR publications.

- There were strong correlations between whether a publication was an international collaboration and the citation impact of that publication. Both the UK’s overall and the UK’s top 10% IDR publications were highly international.

- The main concern of the report was to plot UK IDR performance against that of other countries.
Measuring Interdisciplinary research by citation analysis

and to identify the top scoring publications and institutions in the UK.

- Despite noting limitations with respect to “Humanities” due to the non-inclusion of book citation, there is no mention of limitations that flow from poor coverage of relevant journals in Scopus.

- There were no comments made directly about Law in the report.

- As can be seen from Figure 1.3. (following) tables were still generated that purport to convey meaningful information about the discipline of Law.

- It is surprising that the level of citation of law articles from “far away” in the top 10% IDR for the world is reported as higher in Law than in: Economics; Education; Commerce, Management & Tourism; Studies in Human Society; Studies in Creative Arts & Writing; Language, Communication & Culture; History & Archaeology.

- Based on this data Philosophy & Religious Studies is the most interdisciplinary area of Humanities. However as Elsevier notes, “caution” needs to be exercised in interpreting these results.

Key points

This study shows that there is significant investment by peak government bodies to try to overcome some known deficiencies in what is currently being measured by refining existing tools in commercial databases.

The report suggests an ongoing and long-term commitment to continue developing metrics and, also, that deficiency in coverage that affects assessment of the Humanities and Social Sciences can and will be overcome.

It is highly unlikely that there has been much consideration as to whether Elsevier’s assignation of Law as a subset of social science is appropriate.

It is highly unlikely that there has been consideration of the need to develop a strategy to address the inclusion of law publications in relevant databases that underpin these kinds of analyses, to better support conclusions made about law.
Measuring Interdisciplinary research by citation analysis

Figure 1.3—Percentage of publications with an IDR score that belong to the top 10% IDR: per division; for the world: 2009-2013. Error bars show the Wald 95% confidence intervals and stars indicate a significant change (at the 5% significance level) from 2009 to 2013 using the Binomial Proportion Test.
Measuring Impact by citation analysis


This report was commissioned by the HEFCE, Scottish Funding Council, Higher Education Funding Council for Wales, Department of Employment and Learning for Northern Ireland, Research Councils UK and the Wellcome Trust; led by Digital Sciences (Macmillan Science & Education), Nature Publishing Group, and the Policy Institute and Department for the Digital Humanities, King’s College, London.

The methodology
- The study comprised an analysis of 6,679 non-redacted case studies submitted for assessment to REF 2014 to show how research conducted in academia over the past twenty years has benefitted society.
- Methodology was based on a mix of text mining to uncover hidden ‘themes’ and topics used to describe impact, and qualitative analysis of results.
- Led to a mapping of 134 fields of research, 34 units of assessment and 60 impact topics, demonstrating the multidisciplinary nature of the research underpinning impact.
- Quantitative evidence used to demonstrate impact was found to be unreliable, lacking standardisation and validity testing.
- Greater structure and standardised definitions would also have assisted data analysis.
- Impact was described in submissions in universally positive terms.
- There was no expert moderation of submissions by peer reviewers, thus it was not possible to track quality profiles as determined by peer review against the data set generated by data mining.
- There was concern that the use of professional writers could have impacted on the vocabulary used in submissions. Language choices could also have reflected disciplinary differences.
- Evaluation of impact was compromised by choices made at institutional level about what to submit to review. Eg. Omitting “more risky” research.
- Near identical submissions suggest over counting of impact.

Findings: Law Impact case studies submitted to REF 2014
- Under the REF Law is assessed by Panel C. Social Sciences.
- Law (UOA 20) submitted 217 case studies, 3% of total.
- Business and Management studies (UOA 19) submitted the largest number of case studies, 417, 6% of total.
- Assessment rules allowed for assignment of up to three field of research codes. Two-thirds of cases studies had two or more field of research codes, “reflecting interdisciplinary”. 
A “deep mine” analysis was provided of particular impact claims. The two largest impacts cited in submissions across all Panels were: influence on public policy (20%) and on parliamentary scrutiny (17%), with the latter impact featuring more in Panel B (Incl. Law).
A report into methodologies underpinning Australian law journal rankings. February 2016.

**Measuring Impact by citation analysis**

Keywords used to demonstrate impact can be seen in the table below:

<table>
<thead>
<tr>
<th>Keyword</th>
<th>Number of case studies with key word</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy</td>
<td>3,206</td>
</tr>
<tr>
<td>Government</td>
<td>2,605</td>
</tr>
<tr>
<td>Parliament</td>
<td>610</td>
</tr>
<tr>
<td>Lord</td>
<td>268</td>
</tr>
<tr>
<td>Select Committee</td>
<td>265</td>
</tr>
<tr>
<td>MP</td>
<td>264</td>
</tr>
</tbody>
</table>

A further analysis of “Select Committee” reveals that what was being referred to was various kinds of activity undertaken by academics.

**Key Points**

The introduction of similar research impact case study reporting in Australia is unlikely to pose a major challenge to Australian Law Schools to the extent that legal academics remain engaged in conventional law reform activities. However were it to be introduced in the near future, a history of indifferent institutional reporting of this activity would create administrative problems. It also needs to be noted that impact is measured over much longer time frame than publication reporting. It can be hard for researchers to retrospectively account for ‘non-traditional’ research activity that was previously not reportable.

The failure to count ‘non-traditional’ publications at all in most institutional staff performance and workload measures creates disincentives for researchers to engage in this kind of research activity in some universities. Over time these policies may lead to less and more superficial engagement by legal researchers with broader public constituencies, especially where grant income does not support the activity. In this context the introduction of an impact measure in Australia could actually help restore the academic freedom to engage with public policy and in Parliamentary scrutiny in some law schools.

It is acknowledged by the report authors that whilst data mining provides some insights into research activity, improving searchability and comparability would require submissions to adhere to standardised language. Mandating standardised language would compromise the sophistication of communication making evaluation more difficult for peer reviewers.

It was also noted that textual analysis is too easy to game once the rules are made apparent.

Data mining tools are presented as a useful aid to peer review, rather than as replacement for human judgement.

The measures currently utilised are at a very early stage of development.
Independent Assessment of the Metric Tide


The review was chaired by James Wilsdon FACSS, Professor of Science and Democracy at the Science Policy Research Unit (SPRU), University of Sussex, supported by an independent and multidisciplinary group of experts in scientometrics, research funding, research policy, publishing, university management and administration.

It was supported by the Higher Education Funding Council for England (HEFCE) research policy team.

The report will inform the work of HEFCE and the other UK higher education funding bodies as they prepare for the future of the Research Excellence Framework.

Key Points

- There are powerful currents whipping up the metric tide. These include growing pressures for audit and evaluation of public spending on higher education and research; demands by policymakers for more strategic intelligence on research quality and impact; the need for institutions to manage and develop their strategies for research; competition within and between institutions for prestige, students, staff and resources; and increases in the availability of real-time ‘big data’ on research uptake, and the capacity of tools for analysing them.

- Across the research community, the description, production and consumption of ‘metrics’ remains contested and open to misunderstandings. But placing too much emphasis on narrow, poorly designed indicators – such as journal impact factors (JIFs) – can have negative consequences, as reflected by the 2013 San Francisco Declaration on Research Assessment (DORA), which now has over 570 organisational and 12,300 individual signatories.

- Peer review, despite its flaws and limitations, continues to command widespread support across disciplines. Metrics should support, not supplant, expert judgement. Peer review is not perfect, but it is the least worst form of academic governance we have, and should remain the primary basis for assessing research papers, proposals and individuals, and for national assessment exercises like the REF.

- Inappropriate indicators create perverse incentives. There is a need for greater transparency in the construction and use of indicators, particularly for university rankings and league tables.

- Indicators can only meet their potential if they are underpinned by an open and interoperable data infrastructure. How underlying data are collected and processed – and the extent to which they remain open to interrogation – is crucial. At present, further use of quantitative indicators in research assessment and management cannot be relied on to reduce costs or administrative burden. Unless existing processes, such as peer review, are reduced as additional metrics are added, there will be an overall increase in burden. However, as the underlying data infrastructure is improved and metrics become more robust and trusted by the community, it is likely that the additional burden of collecting and assessing metrics could be outweighed by the reduction of peer review effort in some areas.

- Our correlation analysis of the REF2014 results at output-by-author level (Supplementary Report II) has shown that individual metrics give significantly different outcomes from the REF peer review process, and therefore cannot provide a like-for-like replacement for REF peer review.

- Within the REF, it is not currently feasible to assess the quality of UOAs using quantitative indicators alone.

- Similarly, for the impact component of the REF, it is
Independent Assessment of the Metric Tide

not currently feasible to use quantitative indicators in place of narrative impact case studies, or the impact template.
- There is a need for more research on research. The study of research systems – sometimes called the ‘science of science policy’ – is poorly funded in the UK.

Responsible metrics

Responsible metrics can be understood in terms of the following dimensions:
- Robustness: basing metrics on the best possible data in terms of accuracy and scope;
- Humility: recognising that quantitative evaluation should support – but not supplant – qualitative, expert assessment;
- Transparency: keeping data collection and analytical processes open and transparent, so that those being evaluated can test and verify the results;
- Diversity: accounting for variation by field, and using a range of indicators to reflect and support a plurality of research and researcher career paths across the system;
- Reflexivity: recognising and anticipating the systemic and potential effects of indicators, and updating them in response.

Recommendations include:

1. The research community should develop a more sophisticated and nuanced approach to the contribution and limitations of quantitative indicators.
2. At an institutional level, HEI leaders should develop a clear statement of principles on their approach to research management and assessment, including the role of quantitative indicators.
3. Research managers and administrators should champion these principles and the use of responsible metrics within their institutions.
4. HR managers and recruitment or promotion panels in HEIs should be explicit about the criteria used for academic appointment and promotion decisions.
5. Individual researchers should be mindful of the limitations of particular indicators in the way they present their own CVs and evaluate the work of colleagues.
6. Like HEIs, research funders should develop their own context-specific principles for the use of quantitative indicators in research assessment and management.
7. Data providers, analysts and producers of university rankings and league tables should strive for greater transparency and interoperability between different measurement systems.
8. Publishers should reduce emphasis on journal impact factors as a promotional tool, and only use them in the context of a variety of journal-based metrics that provide a richer view of performance.
Other Significant Recent Critiques of Metrics

Significant Recent Critiques of the Use of Metrics in Research Assessment from the Sciences and Social Sciences

The information below is provided to improve awareness of the kinds of concerns being raised in other disciplines about inappropriate uses of metrics in research assessment. As the DORA declaration notes, it is important for all researchers to challenge research assessment practices that are based on inaccurate data and where judgement is led by the available data rather than by academic judgement.

Only brief summaries are provided to highlight points that would be most relevant to legal researchers. However a memorandum by Susan Silbey & Beth Hennessey, produced for MIT, which is most relevant to legal researchers, is reproduced in full.
Other Significant Recent Critiques of Metrics

Joint Committee on the Quantitative Assessment of Research, (2008) Citation Statistics. A report from the International Mathematical Union (IMU) in cooperation with the International Council of Industrial and Applied Mathematics (ICIAM) and the Institute of Mathematical Statistics (IMS)

This report by the IMU shows that eminently qualified mathematicians and statisticians are very concerned about the way metrics are being used in the higher education sector today. The report aims to improve understanding of not only the limitations of citation statistics but also how better to use them: “If we set high standards for the conduct of science, surely we should set equally high standards for assessing its quality”.

Key Points

• There is a belief that citation statistics are inherently more accurate because they substitute simple numbers for complex judgments, and hence overcome the possible subjectivity of peer review. But this belief is unfounded.

• Relying on statistics is not more accurate when the statistics are improperly used. Indeed, statistics can mislead when they are misapplied or misunderstood. Much of modern bibliometrics seems to rely on experience and intuition about the interpretation and validity of citation statistics.

• While numbers appear to be "objective", their objectivity can be illusory. The meaning of a citation can be even more subjective than peer review. Because this subjectivity is less obvious for citations, those who use citation data are less likely to understand their limitations.

• The sole reliance on citation data provides at best an incomplete and often shallow understanding of research—an understanding that is valid only when reinforced by other judgments. Numbers are not inherently superior to sound judgments.

• For journals, the impact factor is most often used for ranking. This is a simple average derived from the distribution of citations for a collection of articles in the journal. The average captures only a small amount of information about that distribution, and it is a rather crude statistic. In addition, there are many confounding factors when judging journals by citations, and any comparison of journals requires caution when using impact factors. Using the impact factor alone to judge a journal is like using weight alone to judge a person's health.

• The validity of statistics such as the impact factor and h-index is neither well understood nor well studied. The connection of these statistics with research quality is sometimes established on the basis of “experience”. The justification for relying on them is that they are “readily available”. The few studies of these statistics that were done focused narrowly on showing a correlation with some other measure of quality rather than on determining how one can best derive useful information from citation data.

• We do not dismiss citation statistics as a tool for assessing the quality of Science research—citation data and statistics can provide some valuable information. We recognize that assessment must be practical, and for this reason easily-derived citation statistics almost surely will be part of the process. But citation data provide only a limited and incomplete view of research quality, and the statistics derived from citation data are sometimes poorly understood and misused. Research is too important to measure its value with only a single coarse tool.
San Francisco Declaration on Research Assessment (2012)

The DORA declaration arose from a December 2012 meeting of the American Society for Cell Biology.

The aim of DORA is to improve ways in which the output of scientific research is evaluated by funding agencies, academic institutions, journals, organizations that supply metrics, and individual researchers. DORA is motivated by the need to assess research on its own merits rather than on the basis of the journal in which the research is published.

General Recommendation

1. Do not use journal-based metrics, such as Journal Impact Factors, as a surrogate measure of the quality of individual research articles, to assess an individual scientist’s contributions, or in hiring, promotion, or funding decisions.

For funding agencies

2. Be explicit about the criteria used in evaluating the scientific productivity of grant applicants and clearly highlight, especially for early-stage investigators, that the scientific content of a paper is much more important than publication metrics or the identity of the journal in which it was published.

For institutions

4. Be explicit about the criteria used to reach hiring, tenure, and promotion decisions, clearly highlighting, especially for early-stage investigators, that the scientific content of a paper is much more important than publication metrics or the identity of the journal in which it was published.

For publishers

6. Greatly reduce emphasis on the journal impact factor as a promotional tool, ideally by ceasing to promote the impact factor or by presenting the metric in the context of a variety of journal-based metrics (e.g., 5-year impact factor, EigenFactor, ScImago, h-index, editorial and publication times, etc.) that provide a richer view of journal performance.

7. Make available a range of article-level metrics to encourage a shift toward assessment based on the scientific content of an article rather than publication metrics of the journal in which it was published.

8. Encourage responsible authorship practices and the provision of information about the specific contributions of each author.

9. Whether a journal is open-access or subscription-based, remove all reuse limitations on reference lists in research articles and make them available under the Creative Commons Public Domain Dedication.

10. Remove or reduce the constraints on the number of references in research articles, and, where appropriate, mandate the citation of primary literature in favor of reviews in order to give credit to the group(s) who first reported a finding.

For organizations that supply metrics

11. Be open and transparent by providing data and methods used to calculate all metrics.

12. Provide the data under a licence that allows unrestricted reuse, and provide computational access to data, where possible.

13. Be clear that inappropriate manipulation of metrics will not be tolerated; be explicit about what constitutes inappropriate manipulation and what measures will be taken to combat this.

14. Account for the variation in article types (e.g., reviews versus research articles), and in different subject areas when metrics are used, aggregated, or compared.

For researchers

15. When involved in committees making
Other Significant Recent Critiques of Metrics

decisions about funding, hiring, tenure, or promotion, make assessments based on scientific content rather than publication metrics.

16. Wherever appropriate, cite primary literature in which observations are first reported rather than reviews in order to give credit where credit is due.

17. Use a range of article metrics and indicators on personal/supporting statements, as evidence of the impact of individual published articles and other research outputs [http://altmetrics.org/tools/].

18. Challenge research assessment practices that rely inappropriately on Journal Impact Factors and promote and teach best practice that focuses on the value and influence of specific research outputs.
Other Significant Recent Critiques of Metrics


The Leiden Manifesto shares the concerns raised in the IMU and DORA reports above. It highlights recent interest in the journal impact factor.
Other Significant Recent Critiques of Metrics

Key Points

- Research evaluations that were once bespoke and performed by peers are now routine and reliant on metrics. The problem is that evaluation is now led by the data rather than by judgement. Metrics have proliferated: usually well intentioned, not always well informed, often ill applied.

- As scientometricians, social scientists and research administrators, we have watched with increasing alarm the pervasive misapplication of indicators to the evaluation of scientific performance. ... Across the world, universities have become obsessed with their position in global rankings (such as the Shanghai Ranking and Times Higher Education’s list), even when such lists are based on what are, in our view, inaccurate data and arbitrary indicators.

- We therefore present the Leiden Manifesto, named after the conference at which it crystallized (see http://sti2014.cwts.nl). Its ten principles are not news to scientometricians, although none of us would be able to recite them in their entirety because codification has been lacking until now. Luminaries in the field, such as Eugene Garfield (founder of the ISI), are on record stating some of these principles. But they are not in the room when evaluators report back to university administrators who are not expert in the relevant methodology. Scientists searching for literature with which to contest an evaluation find the material scattered in what are, to them, obscure journals to which they lack access.

- We offer this distillation of best practice in metrics-based research assessment so that researchers can hold evaluators to account, and evaluators can hold their indicators to account.

Ten principles

1. Quantitative evaluation should support qualitative, expert assessment.

2. Measure performance against the research missions of the institution, group or researcher.

3. Protect excellence in locally relevant research.

4. Keep data collection and analytical processes open, transparent and simple.

5. Allow those evaluated to verify data and analysis.

6. Account for variation by field in publication and citation practices.

7. Base assessment of individual researchers on a qualitative judgement of their portfolio.

8. Avoid misplaced concreteness and false precision.

9. Recognize the systemic effects of assessment and indicators.

10. Scrutinize indicators regularly and update them.
Other Significant Recent Critiques of Metrics

Susan Silbey & Beth Hennessey, (2011) Assessment, Measurement and Creativity. (MIT- Singapore University of Technology and Design Collaboration)

MIT regularly assesses the quality of its faculty; it does not measure productivity. The distinction between assessment and measurement derives from a strong, empirically supported understanding that quality is not reliably converted into quantity, nor into numerical indices. Recent studies attempting to create such indices have been shown to be deficient and misleading. While some proponents argue that some data is better than none, other respected scholars - some with long histories of attempting to quantify quality – have argued exactly the opposite: poor data is worse than no data. “The production and misrepresentation of misleading or inaccurate results” in research attempting to rank academic productivity and excellence “are not the outcome of fraud, finagling, or other forms of scientific misconduct. They are often the result of poor decisions early in the … process” of creating a ranking system (Cole 2011).

Underlying the process of ranking is another process: commensuration (“the transformation of different qualities into a common metric,” Espeland and Stevens 1998). Commensuration is no simple technical matter but relies throughout the steps of converting qualities into quantities on assumptions and distinctions that are more often than not unstated, tacit and, when subject to review and analysis, incoherent reproductions of historic inequalities and prejudices antithetical to innovation and creativity (Espeland and Stevens 1998; Espeland and Sauder 2007). Numbers are attractive substitutes for the messy ambivalence of language and qualitative judgment because they are, according to Theodore Porter (1995), a technology of distance. Numbers create and overcome distance, both physical and social. They appear to offer a common language that erases cultural, historical, and geographical variations while simultaneously erecting “a new form of distance because” the discipline of numbers “erases the local, the personal, and the particular” which are always embedded in judgments of quality. “Standardizing calculations makes the characteristics of those creating and manipulating the numbers less salient, inserting distance between the numbers and their users. This simultaneous overcoming and creation of distance helps explain both the authority and spread of numbers. Their appeal is social, political and practical and depends upon their particular audience” (Espeland 1998). Rather than universal, objective, and transcendent measures, the numbers created to represent performances and signify quality are laden with normative, and thus political – not scientific – values.

Because quantity of production is not a measure of quality of production, and because MIT seeks the highest quality of research and teaching from its faculty, MIT’s evaluation procedures rely on an ongoing conversation among faculty about what constitutes excellence. This conversation takes place from the very beginning of a faculty member’s employment at MIT and continues throughout his/her career. It is formalized with a set calendar of periodic written assessment, oral critique, as well as oral and sometimes written rebuttal that is best characterized as a hierarchy of accountability through which each unit (from department to school to Institute) makes an
evaluation and defends that judgment before a group of peers. Only when the assessment has been presented and defended at least three times by a different faculty member, before different configurations of colleagues of increasing authority at the Institute, for at least one to two hours each time, will a faculty member be promoted to a higher rank and thus certified as meeting the Institute’s standards of excellence (criteria for promotion). This process of review, evaluation, presentation and justification creates interactive, face-to-face exchanges that encourage faculty to invest in and perform the credibility of their judgments. In sum, faculty excellence is promoted by a process that requires senior faculty be accountable through dialogic, sometimes adversarial, performances of justification. No one wants to be seen to be deficient in these performances; the accountability is built up over time as department heads and deans learn to develop cases, i.e. assessments, in serium, that receive positive, rather than negative, responses from the particular review committee. These formal moments can turn out to be degradation ceremonies for a weakly evaluated or presented case; this is the sanction – the poor opinion of one’s colleagues and administrative superiors – that sustains accountability and excellence over time. Of course, slippage can occur, and mistakes are sometimes made. But, formalized indices provide no substitute for this process of judgment and accountability.

Importantly, MIT’s assessment processes are entwined with its mentoring systems. Upon hiring, each faculty is assigned one or more senior faculty to serve as a mentor. That mentor meets regularly with the younger faculty person to introduce her the local culture, and to serve as a critical reader, advice giver, and conduit to other faculty and resources at MIT and as importantly to the larger profession and discipline of which the young faculty member is an initiate. The Head of the department will provide similar information; it is important that young faculty hear – from various sources - about the expectations for excellence, evaluation processes, and resources for research and teaching that can be mobilized to support those expectations. It is expected that each year, the Head of the department will have a conversation with each faculty member, junior and senior, to discuss the faculty member’s research, teaching and Institute service for the previous year and plans for the next year. These conversations provide the backbone of the continuing communication about what constitutes excellence in faculty performance. (See Institute memos on mentoring, review and promotion).

The formal evaluation that prepares the case for presentation to peers in the department, the school and then the Institute, normally takes place in year 4, when a faculty member is considered for promotion to associate without tenure, at promotion to associate with tenure in approximately year 6, and at promotion to full professor between years 9 and 12, if each of the previous evaluations has been successful. The formal assessment of faculty performance upon which the judgment will be made includes:

(a) evaluation of teaching performance based upon student feedback and faculty observation;

(b) evaluation of research performance and productivity by colleagues in the department; and

(c) letters from scholars across the nation, and often the globe, reviewing the quality of the published research, the place of the scholar in the particular field of research, and often comparisons with other researchers in the same field. Importantly, and to the immediate point of contention concerning measures of quality, we do not ask for quantitative assessments; we do not look necessarily at citation counts. We ask letter writers to provide analyses of the substantive contributions of the scholar to the body of knowledge about a particular phenomenon in the world or in a field of inquiry. (See letter template
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soliciting evaluation.)

We have general expectations for performance at each stage. In the humanities, arts and social sciences, we expect several publications in top tier journals, but we have no minimal number. We want to see that faculty can pass peer review at the most restrictive journals. We expect, however, that faculty will work to have their research reach out to diverse audiences and thus we encourage publication in less restrictive outlets, but also active participation in conferences, workshops, seminars at other institutions so that a scholar’s work becomes known and used by the larger disciplinary and interdisciplinary communities. No formula exists that can measure this influence; thus, we rely on the recommendations of outside reviewers, as well as our own judgments, as to the influence of a scholar’s work.

We reject formal quantification because it has been demonstrated to stifle creativity and excellence and because the measurement instruments have repeatedly been shown to be seriously deficient as well as counter productive. From testing regimes for children to indices of academic productivity in the European Union, formal measurement seems to create minimal standards to which assessed populations conform rather than indicators of excellence to which actors aspire. Further, we know that creativity and innovation are not efficient processes in which resources can be instrumentally allocated for maximum productivity. In a range of experience from law enforcement to artistic innovation, we know that many efforts do not produce the desired outcomes and that targeted investments often produce unintended outcomes (Merton 1936).

Over 35 years of empirical research involving hundreds of laboratory as well as field-based, naturalistic studies demonstrate what has come to be termed the Intrinsic Motivation Principle of Creativity: Intrinsic motivation is conducive to creativity and extrinsic motivation is almost always detrimental (Amabile, 1983, 1996, Hennessey & Amabile, 1998). This undermining effect of extrinsic motivation on creativity has proven to be especially robust, with everyone from young students to seasoned R&D scientists showing similar outcomes.

The reasons why extrinsic motivation kills creativity are complex; but in many respects, it all boils down to a work/play distinction. A researcher who approaches an engineering task or problem to be solved with an intrinsic motivational orientation engages in that task for the sheer challenge and interest of the task itself. Freed from worries about pleasing a supervisor or meeting a deadline or quota, the intrinsically motivated engineer has the luxury of taking a playful approach to their work. They can take risks, try out new ideas, and explore new directions without penalty. All energy and focus can be placed on the task itself; and creativity, while not guaranteed, has a strong likelihood of following.

An extrinsically motivated engineer, on the other hand, is driven by factors outside of the engineering task or problem. Extrinsic constraints such as a promised reward, a time deadline, an expected evaluation, or a productivity quota cause this scientist to be much more cautious in their approach. The engineering task placed before them feels more like work than like play. They are bound to experience anxiety about whether they will be able to meet the goals prescribed for them; and with so much at stake, risk taking and a creative outcome are far less likely.

Hundreds of real-world accounts of the research process given by everyone from Nobel laureates to industrial scientists and university graduate students mirror these two contrasting processes. When it comes to creativity, environmental conditions in the laboratory mark the separation between what a researcher might do and what he or she actually will do. All of the engineering expertise in the world will not be enough to combat the deleterious effects of a highly constrained and controlling work or learning
Other Significant Recent Critiques of Metrics

MIT sustains its excellence not only by these processes of accountability but by the organization and management of the Institution through collegial committees, interdisciplinary collaborations, and most importantly through the quantity of interactions (physical, spatial, and intellectual) that constitute the everyday life of the Institute. If one walks the halls of MIT, you can experience the vibrant energy through which the quality of learning and research is produced. This cannot be reproduced through check marks on a list. It can be reproduced, we hope, by building an equally crowded, interactive, interdisciplinary, school inefficiently overloaded with activities. That inefficiency and hyperactivity creates the grounds of innovative excellence.

Sources:


Part Four: Recommendations to guide future discussion

There is considerable external and, in at least some universities, internal pressure in to adopt law journal ranking lists. With few resources and little access to relevant expertise it is not surprising that ‘quick and dirty’ lists, cobbled together from existing datasets, have proliferated. That some law lists in existence were not forwarded for consideration in this report suggests that deficiencies of these productions are well recognised.

Poorly conceived law journal ranking lists applied to Faculties, Schools, Research Centres and individuals have the capacity to do real harm.

The earlier decision of the Australian Research Council to not rely on rankings has been restated by the current Chief Executive Officer Aiden Byrne:

‘ERA hasn’t made use of journal rankings since 2010, and while some universities have continued to use them internally, it is the ARC’s firm view that this should stop’ (The Australian, 1 April 2015).

Changes to the Higher Education Research Data Collection (HERDC) and Research Block Grants (RBG) allocation may also impact upon existing institutional policies and practices that currently measure performance with reference to quantity of publications in the near future. In this context Law should be especially careful in devising or endorsing new measures to assess research quality where these could be deployed in unanticipated ways.
Recommendations

Recommendations to guide future discussion

Recommendation 1.
Metrics remain insufficiently developed to provide a credible and robust proxy to assess law journal quality. None of the available lists are currently appropriate to adopt as a measure to assess the quality of law journals, or by extension, to inform measurement of institutional or individual research performance.

Recommendation 2.
Production of any new metrics for Law must be informed by up-to-date literature considering the known problems and deficiencies of tools used to measure research performance.
Lists that the Australian Research Council explicitly states are inappropriate to assess Australian research performance for particular disciplines should not be used in Australian law schools.

Recommendation 3.
Production of any future metrics for Law must utilise current data sets. If available data-sets are more than three years old they should not be used to inform assessment of current research performance.

Recommendation 4.
Production of new data sets should be guided by the Principles for Responsible Metrics outlined by Wilsden et al The Metrics Tide (2015) and the Leiden Manifesto Ten Principles (2015):
Recommendations to guide future discussion

**Responsible metrics**

Responsible metrics can be understood in terms of the following dimensions:

- **Robustness**: basing metrics on the best possible data in terms of accuracy and scope;
- **Humility**: recognising that quantitative evaluation should support – but not supplant – qualitative, expert assessment;
- **Transparency**: keeping data collection and analytical processes open and transparent, so that those being evaluated can test and verify the results;
- **Diversity**: accounting for variation by field, and using a range of indicators to reflect and support a plurality of research and researcher career paths across the system;
- **Reflexivity**: recognising and anticipating the systemic and potential effects of indicators, and updating them in response.

**Leiden Manifesto Ten principles**

1. Quantitative evaluation should support qualitative, expert assessment.
2. Measure performance against the research missions of the institution, group or researcher.
3. Protect excellence in locally relevant research.
4. Keep data collection and analytical processes open, transparent and simple.
5. Allow those evaluated to verify data and analysis.
6. Account for variation by field in publication and citation practices.
7. Base assessment of individual researchers on a qualitative judgement of their portfolio.
8. Avoid misplaced concreteness and false precision.
9. Recognize the systemic effects of assessment and indicators.
10. Scrutinize indicators regularly and update them.
Recommendations to guide future discussion

What to do next?

Wilsden et al. *The Metrics Tide Report* (2015) recommends institutions and peak bodies develop a clear statement of principles on their approach to research management and assessment, including the role of quantitative indicators. As the peak Australian body for Law CALD should heed this advice.

Based on the assumption that CALD accepts the above recommendations, this part explores three possible future steps that CALD may wish to discuss as a way forward.

1 - CALD publicise the real facts that make law journal ranking a significant challenge for Law.

Law is not an outlier in questioning the relevance of metrics to research assessment. Other disciplines, including STEM, are increasingly making similar complaints to research managers about perverse effects of inappropriate measures. Basic facts about the data sets available ably demonstrate the unsuitability of existing sources for use in assessment of Law. Relevant facts include:

- Web of Science (Thomson Reuter): indexes content of ONE Australian law journal.
- Scopus: indexes content of FIVE Australian law journals.
- W&L Law Library: indexes content of THREE Australian law journals.
- Google Scholar Metrics: acknowledges it cannot always tell in which journal a particular article has been published.
- All H-indexes: draw upon the above deficient data sets.
- CALD list: is based on baseline data from 2008-2009.
- ERA list: is discredited by the ARC in 2011, reaffirmed 2015.
- ABDC 2013 list: a comparative evaluation of less than 300 titles amongst over approx. 16,000 law journals, with a view to consideration of “business scope”, not depth or quality of legal analysis. 2013 survey only received 38 submissions (18 from one Faculty).

2 - Revise the CALD data set

Problems with the methodology utilised are noted in Part Two. Were the perception survey to be redone the same problems are likely to recur. A perception survey on the scale required is a very time and resource intensive exercise. There are many more areas of specialisation to consider than in the ABDC survey which covered the field with 9 Panels.

Under the existing field of research classifications there are 27 law specialisations, plus, based upon the recommendations in the previous CALD report (2011), an additional 8 codes are needed to include ‘new’ specialisations currently not classified such as Feminist scholarship, Law & Medicine, Legal Education, Legal History, Maritime Law, Media & Communications, Sports Law, Technology Law. Some Panels may be qualified to cover more than one research area however each Panel would need several members. With 35 law specialisations total the exercise would involve recruiting a very large number of senior legal academics to provide appropriate expertise and guidance.

Without significant buy-in from Australian legal researchers, eminent senior legal researchers, peak bodies and international experts any list generated would be severely compromised.

Given public opinion against the use of metrics has not abated there is no reason to believe there would be more buy-in from researchers who would see this as a scholarly exercise than experienced
Recommendations to guide future discussion

previously.
As any new CALD list would now have significant
career and workload implications for individual
researchers, pressure to ‘game’ the list and rank
strategically to advance self-interest would
arguably be even more intense.
It is not clear that a significant investment in time
and resources will produce a defensible or credible
list. Whether revising the CALD list is an exercise
worth trying is a matter that warrants careful
consideration.

3 - Rely upon ERA 2015 results as an
indicator of research performance

Best practice is to use human judgement to assess
the quality of research. This is what is primarily
used for the ERA.
If the ERA 2015 results for Law are to be accepted,
14 out of 30 law schools are rated as 4 or 5: “above
world standard”. Unless an institutional submission
was unduly weighted toward research from a very
small number of researchers, it is not clear what is
to be gained by also requiring additional ‘quality’
measures for academics in these law schools. It
should be the case that the majority are accepted
as high performing researchers.
If finer distinctions are required there are no
journal metrics that can be used to inform such
discriminations between staff. The focus on journal
ranking, when journals cover little more than
half of all research outputs submitted for ERA
assessment, is also problematic.
If more refined workload assessments of
individuals are required the measures used to
discriminate need to be defensible, fair and
reliable. What is an appropriate workplace model
will differ between workplaces.
For institutions who scored in the lower ranks
in ERA 2015 there may be far fewer numbers of
research active staff and experienced researchers
available to mentor. This is a problem that
cannot be fixed by adopting journal ranking
lists. Nonetheless, the UTAS approach of setting
publication targets to assist ECRS and others to
inform publication choices may be a model worth
considering.

Conclusion

It is counter-productive to adopt poorly conceived
lists due to the pressure wielded by the powerful
currents behind the metrics tide.
To paraphrase the IMU report, “If we set high
standards for the conduct of research, surely we
should set equally high standards for assessing its
quality”.

Appendix 1

LAW JOURNALS INCLUDED IN WEB OF SCIENCE (THOMSON REUTERS)

Arts & Humanities Citation Index

1766 Journals Indexed.
5 Law journals total.
Zero Australian Journals.

Law Titles:
- Ecclesiastical Law Journal
- Journal Of Arts Management Law And Society
- Journal Of Legal History
- Law & Literature
- Law And History Review

Social Science Citation Index

3224 Journals Indexed.
135 Law Journals total.
1 Australian Journal.

Law Titles
- Administrative Law Review (American Bar Association)
- American Bankruptcy Law Journal
- American Business Law Journal
- American Criminal Law Review
- American Journal Of Comparative Law
- American Journal Of International Law
- American Law And Economics Review
- Annual Review Of Law And Social Science
- Antitrust Law Journal
- Asia Pacific Law Review
- Behavioral Sciences & The Law
- Boston University Law Review
- Buffalo Law Review
- Business Lawyer
- California Law Review
- Cambridge Law Journal
- Catholic University Law Review
- Chinese Journal Of International Law
- Columbia Journal Of Transnational Law
- Columbia Law Review
- Common Market Law Review
- Computer Law & Security Review
- Cornell International Law Journal
- Cornell Law Review
- Corporate Governance-An International Review
- Crime & Delinquency
- Crime Law And Social Change
- Criminal Justice And Behavior
- Criminal Law Review
- Current Legal Problems
- Duke Law Journal
- Ecology Law Quarterly
- European Journal Of International Law
- European Journal Of Law And Economics
- European Journal Of Migration And Law
- European Law Journal
- European Law Review
- Family Law Quarterly
- Feminist Legal Studies
- Fordham Law Review
- George Washington Law Review
- Hague Journal On The Rule Of Law
- Georgetown Law Journal
- Harvard Civil Rights-Civil Liberties Law Review
- Harvard Environmental Law Review
- Harvard International Law Journal
- Harvard Journal Of Law And Public Policy
- Harvard Journal On Legislation
- Harvard Law Review
- Hastings Law Journal
- Health Economics Policy And Law
- Hong Kong Law Journal
- Human Rights Quarterly
- Icon-International Journal Of Constitutional Law
- Indiana Law Journal
- International Journal Of Law And Psychiatry
- International Journal Of Law Crime And Justice
- International Journal Of Marine And Coastal Law
- Iowa Law Review
- Issues In Law & Medicine
- Journal Of African Law
- Journal Of Criminal Law & Criminology
- Journal Of East Asia And International Law
- Journal Of Empirical Legal Studies
- Journal Of Environmental Law
- Journal Of Health Politics Policy And Law
- Journal Of Human Rights
- Journal Of International Economic Law
- Journal Of Law & Economics
- Journal Of Law And Society
- Journal Of Law Economics & Organization
- Journal Of Legal Analysis
- Journal Of Legal Education
- Journal Of Legal Medicine
- Journal Of Legal Studies
- Journal Of The Copyright Society Of The Usa
- Journal Of World Energy Law & Business
- Journal Of World Trade
- Justice Quarterly
- Justice System Journal
- Juvenile And Family Court Journal
- Law & Policy
- Law & Society Review
- Law And History Review
- Law And Human Behavior
Law And Philosophy
Law And Social Inquiry-Journal Of The American Bar Foundation
Law Library Journal
Legal And Criminological Psychology
Legislative Studies Quarterly
Leiden Journal Of International Law
Medical Law Review
Medicine Science And The Law
Melbourne University Law Review
Michigan Law Review
Military Law Review
Minnesota Law Review
Modern Law Review
Monthly Labor Review
Netherlands Quarterly Of Human Rights
New York University Law Review
Northwestern Journal Of International Law & Business
Northwestern University Law Review
Notre Dame Law Review
Ocean Development And International Law
Oxford Journal Of Legal Studies
Polar-Political And Legal Anthropology Review
Psychiatry Psychology And Law
Psychology Crime & Law
Psychology Public Policy And Law
Queen Mary Journal Of Intellectual Property
Rutgers Law Review
Securities Regulation Law Journal
Social & Legal Studies
South African Journal On Human Rights
Southern California Law Review
Stanford Journal Of International Law
Stanford Law Review
Supreme Court Review
Texas Law Review
Transnational Environmental Law
UCLA Law Review
University Of Chicago Law Review
University Of Cincinnati Law Review
University Of Illinois Law Review
University Of Pennsylvania Journal Of International Law
University Of Pennsylvania Law Review
University Of Pittsburgh Law Review
Urban Lawyer
Vanderbilt Law Review
Virginia Law Review
Washington Law Review
Wisconsin Law Review
World Trade Review
Yale Law Journal
Appendix 2

SCOPUS content coverage guide 2014.

Law journals included in SCOPUS (ELSEVIER)
Titles assigned a Law code -
All Science Journal Classification CODE 3308

ABA Journal
Accident Analysis and Prevention
ACDI Anuario Colombiano de Derecho Internacional
Acta Juridica Hungarica
Administrative Law Review
Adoption Quarterly
African Journal of Legal Studies
African Security Review
AFTE Journal

**Alternative Law Journal**
American Bankruptcy Law Journal
American Business Law Journal
American Criminal Law Review
American Journal of Comparative Law
American Journal of Criminal Justice
American Journal of International Law
American Journal of Law and Medicine
American Journal of Legal History
Annual Review of Law and Social Science
Antitrust Law Journal

Anuario de Psicologia Juridica
Anuario Iberoamericano de Justicia Constitucional
Anuario Mexicano de Derecho Internacional
Arab Law Quarterly
Archiv fur Rechts- und Sozialphilosophie
Artificial Intelligence and Law
Asia Pacific Law Review
Asian Affairs
Asian Journal of Comparative Law
Asian Journal of Criminology
Asian Journal of International Law
Asian Journal of Law and Society
Asian Journal of WTO and International Health Law and Policy
Asian-Pacific Journal on Human Rights and the Law

ATA Journal of Legal Tax Research

**Australian Law Journal**
Baltic Journal of Law and Politics
Banking Law Journal
Behavioral Sciences and the Law
Boletin de la Asociacion Internacional de Derecho Cooperativo
Boletin Mexicano de Derecho Comparado
Boston University Law Review
British Journal of Community Justice
British Journal of Criminology
Buffalo Law Review
Business Lawyer
California Law Review
Canadian Journal of Criminology and Criminal Justice
Canadian Journal of Law and Society
Canadian Journal of women and the law = Revue juridique La femme et le droit
Catholic University Law Review
Central European Journal of Public Policy
Child Abuse Review
Chinese Academy of Social Sciences Yearbooks: Legal Development
Chinese Journal of International Law
Chinese Law and Government
Clinical Risk
Columbia Journal of Law and Social Problems
Columbia Journal of Transnational Law
Columbia Law Review
Common Market Law Review
Commonwealth Law Bulletin
Communication Law and Policy
Communications Law
Competition Policy International
Computer Fraud and Security
Computer Fraud and Security Bulletin
Computer Law and Security Review
Computer Standards and Interfaces
Computers and Security
Conflict Resolution Quarterly
Constitutional Political Economy
Contemporary Justice Review
Contemporary Readings in Law and Social Justice
Cornell International Law Journal
Cornell Law Review
Crime and Delinquency
Crime Prevention and Community Safety
Crime, Law and Social Change
Crime, Media, Culture
Criminal Justice
Criminal Justice and Behavior
Criminal Justice Ethics
Criminal Justice Matters
Criminal Justice Policy Review
Criminal Justice Review
Criminal Justice Studies
Criminal Law and Philosophy
Criminal Law Forum
Criminal Law Review
Criminology
Criminology and Criminal Justice
Criminology Journal of Baikal National University of Economics and Law
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A report into methodologies underpinning Australian law journal rankings. February 2016.

Journal of Legal, Ethical and Regulatory Issues
Journal of Maritime Law and Commerce
Journal of Medical Ethics and History of Medicine
Journal of Offender Rehabilitation
Journal of Planning and Environmental Law
Journal of Police and Criminal Psychology
Journal of Police Crisis Negotiations
Journal of Psychiatry and Law
Journal of Quantitative Criminology
Journal of Religion, Disability and Health
Journal of Scandinavian Studies in Criminology and Crime Prevention
Journal of Shī'ī Islamic Studies
Journal of Social Welfare and Family Law
Journal of the Copyright Society of the U.S.A.
Journal of the History of International Law
Journal of the International Academy for Case Studies
Journal of Tort Law
Journal of Transportation Security
Journal of Value Inquiry
Journal of Water Law
Journal of World Energy Law and Business
Journal of World Intellectual Property
Journal of World Trade
Journals of Intellectual Property Rights
Judicature
Juridicas
Justice Quarterly
Justice System Journal
Juvenile and Family Court Journal
King's Law Journal
Kriminalistik
Kriminologisches Journal
Lavoro e Diritto
Law and Contemporary Problems
Law and Critique
Law and Development Review
Law and Economics Yearly Review
Law and Ethics of Human Rights
Law and History Review
Law and Human Behavior
Law and Literature
Law and Philosophy
Law and Policy
Law and Practice of International Courts and Tribunals
Law and Social Inquiry
Law and Society Review
Law in Eastern Europe
Law Library Journal
Law Teacher
Law, Culture and the Humanities
Law, Probability and Risk
Law, Science and Policy
Legal Aspects of International Organization
Legal Aspects of Sustainable Development
Legal History Review
Legal Issues of Economic Integration
Legal Reference Services Quarterly
Legal Studies
Legal Theory
Legisprudence
Leiden Journal of International Law
Lex Locals
Library and Archival Security
Liverpool Law Review
Louisiana Law Review
Macquarie Journal of International and Comparative Environmental Law
Maghreb - Machrek
Manchester Journal of International Economic Law
Marine Policy
Masaryk University Journal of Law and Technology
Materiali per una Storia della Cultura Giuridica
Max Planck Commentaries on World Trade Law
McGill Journal of Law and Health
Medecine et Droit
Medical Law International
Medical Law Review
Medicine and Law
Medicine, Science and the Law
Melbourne University Law Review
Michigan Law Review
Microwave Review
Middle East Law and Governance
Military Law Review
Minnesota Law Review
Monatsschrift fur Kriminologie und Strafrechtsreform
Moreana
Muslim World Journal of Human Rights
Nanotechnology Law and Business
Natural Resources Journal
Neohelicon
Netherlands National Law Review
Netherlands Quarterly of Human Rights
Netherlands Yearbook of International Law
New Criminal Law Review
New York University Law Review
Nijhoff Law Specials
Nordic Journal of International Law
Northwestern University Law Review
Notre Dame Law Review
NTUT Journal of Intellectual Property Law and Management
Ocean Development and International Law
Online Journal of Justice Studies
A report into methodologies underpinning Australian law journal rankings. February 2016.

Osservatorio del Diritto Civile e Commerciale
Osterreichisches Archiv fur Recht und Religion
Oxford Journal of Legal Studies
Oxford University Commonwealth Law Journal
Parliamentary Affairs
Penn State Environmental Law Review
Planning and Environmental Law
PoLAR: Political and Legal Anthropology Review
Police Practice and Research
Police Quarterly
Policing
Policing (Oxford)
Policing and Society
Politica Criminal
Prison Journal
Probation Journal
Psychiatry, Psychology and Law
Psychological Injury and Law
Psychology, Crime and Law
Psychology, Public Policy, and Law
Public Organization Review
Punishment and Society
Quaderni Costituzionali
Quaderni di Diritto e Politica Ecclesiastica
Quebec Journal of International Law
Queen Mary Journal of Intellectual Property
Rassegna Italiana di Criminologia
Recht und Psychiatrie
Rechtsgeschichte
Regulation and Governance
Res Publica
Research in Biopolitics
Research in Law and Economics
Residential Treatment for Children and Youth
Resources Policy
Results in Immunology
Results in Pharma Sciences
Review of European Community and International Environmental Law
Review of European, Comparative and International Environmental Law
Review of Law and Economics
Revista Chilena de Derecho
Revista de Derecho
Revista de Derecho Comunitario Europeo
Revista de Dereito, Estado e Telecomunicacoes
Revista de Estudios Historico-Juridicos
Revista de Llengua i Dret
Revista d’Estudis Autonomics i Federais
Revista Espanola de Derecho Constitucional
Revista General de Derecho Administrativo
Revue Historique de Droit Francais et Etranger
Revue Internationale de Criminologie et de Police Technique et Scientifique
Revue Internationale de Droit Economique
Revue Internationale de Droit Penal
Revis
Russian Politics and Law
Rutgers Law Review
Scientometrics
Securities Regulation Law Journal
Security and Human Rights
Security Journal
Singapore Journal of Legal Studies
Social and Legal Studies
Social Justice Research
Social Science Computer Review
Sociology of Crime, Law, and Deviance
South African Journal on Human Rights
Southern California Law Review
Southern Journal of Criminal Justice
Sports Medicine Standards and Malpractice Reporter
Stanford Journal of International Law
Stanford Law Review
Statute Law Review
Studia Criminologica
Studia Islamica
Studies in East European Thought
Studies in Ethics, Law, and Technology
Studies in EU External Relations
Studies in Islamic Law and Society
Studies in Law Politics and Society
Studies in Religion, Secular Beliefs and Human Rights
Studies in Social Justice
Supreme Court Review
Sur - International Journal of Human Rights
Tarsadalomkutatas
Telematics and Informatics
Temple Law Review
Teoria y Realidad Constitucional
Texas Law Review
The International Journal of Transitional Justice
The Journal of Adult Protection
The Journal of Human Justice
The Journal of Legal Medicine
The Journal of Legislative Studies
The Journal of Social Welfare Law
Theoretical Criminology
Theoretical Inquiries in Law
Theory and Practice of Legislation
Tijdschrift Voor Gezondheidsschade Milieuschade en Aansprakelijkheidsrecht
Tilburg Law Review
A report into methodologies underpinning Australian law journal rankings.  February 2016.

Tolley's Communications Law
Transnational Environmental Law
Transport Policy
Trends and Issues in Crime and Criminal Justice
Tydskrif vir die Suid-Afrikaanse Reg
UCLA Law Review
University of Baltimore Journal of Environmental Law
University of Chicago Law Review
University of Cincinnati Law Review
University of Illinois Law Review
University of Pennsylvania Journal of International Economic Law
University of Pennsylvania Journal of International Law
University of Pennsylvania Law Review
University of Pittsburgh Law Review
University of Toronto Law Journal
Urban Lawyer
Utilities Policy
Utrecht Law Review
Vanderbilt Law Review
Victims and Offenders
Violence Against Women
Violence and Victims
Virginia Law Review
Universitas
Washington Law Review
Washington Quarterly
Water Resources Bulletin
Wisconsin Law Review
Women and Criminal Justice
Women's Studies International Forum
World Trade Review
Yale Law Journal
Yearbook of International Humanitarian Law
Youth Justice
Youth Violence and Juvenile Justice
Zbornik - Pravnog Fakulteta u Zagrebu
Zeitschrift der Savigny-Stiftung fur Rechtsgeschichte
Zeitschrift der Savigny-Stiftung fur Rechtsgeschichte, Germanistische Abteilung
Zeitschrift der Savigny-Stiftung fur Rechtsgeschichte, Kanonistische Abteilung
Zeitschrift für öffentliches Recht
## Appendix 3

### Google Scholar top 20 Law Journals

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Appendix 4

Altmetric Data Sources

These tables are taken from Michelle Harrison, Altmetrics Tools, Research Impact Guide, Library, University of Sydney, 20 Nov 2014.

http://researchimpact.library.usyd.edu.au/category/altmetrics/

Table one. Research output type

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Y=site reports tracking this output type
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Last update: 7 Nov 2014.
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P=Public ones only
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= site does not confirm
S=Those with script notes linking to scholarly sources
Last update: 20 Nov 2014
X=Collected but excluded from final score
## Appendix 5

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