Raising the Impact Factor of the Library: Using the U.S. News & World Report’s Upcoming Academic Impact Law School Rankings to Boost the Academic Standing of Law Librarians

Paul J. McLaughlin

Follow this and additional works at: https://commons.law.famu.edu/library-facpub

Part of the Legal Education Commons, and the Legal Profession Commons
Raising the Impact Factor of the Library: Using the *U.S. News & World Report*’s Upcoming Academic Impact Law School Rankings to Boost the Academic Standing of Law Librarians

Paul J. McLaughlin

*Law Library, Florida Agricultural and Mechanical University, Orlando, Florida*

Florida Agricultural and Mechanical University College of Law 201 Beggs Avenue
Orlando Florida 32801 paul.mclaughlin@famu.edu

Paul McLaughlin is an Instruction and Reference Librarian at the Florida Agricultural and Mechanical University’s College of Law.
Raising the Impact Factor of the Library: Using the *U.S. News & World Report*’s Upcoming Academic Impact Law School Rankings to Boost the Academic Standing of Law Librarians

This article recommends that law libraries and their librarians use the upcoming *U.S. News & World Report*’s academic rankings for law schools as an opportunity to enhance academic law libraries’ standing in the legal profession and to elevate law librarians’ statures within law schools.

Keywords: impact factors; law school rankings; law librarians

Introduction

Academic reputation is an important commodity for law schools to cultivate due to its contribution to a school’s perceived value to potential students and a

<table>
<thead>
<tr>
<th>Introduction</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law School Rankings and Their Effects on Legal Education</td>
<td>4</td>
</tr>
<tr>
<td>Importance of Citations, Citation Analysis, and Impact Factors in the Law</td>
<td>6</td>
</tr>
<tr>
<td>Historical Importance of Legal Citations and the Rise of Citation Analysis</td>
<td>6</td>
</tr>
<tr>
<td>Citations’ Relationship with Impact Factors</td>
<td>9</td>
</tr>
<tr>
<td>Impact Factors’ Influence on Legal Publications and Scholarship</td>
<td>11</td>
</tr>
<tr>
<td>Use of Online Tools by Professors to Enhance Their Scholarship</td>
<td>11</td>
</tr>
<tr>
<td>Rise of Open-Access Journals</td>
<td>12</td>
</tr>
<tr>
<td>Establishment and Growth of Institutional Repositories</td>
<td>14</td>
</tr>
<tr>
<td>The Need for Law Libraries’ and Librarians’ Roles to Change and Grow</td>
<td>15</td>
</tr>
<tr>
<td>Law Libraries as Publication Hubs for Scholarship</td>
<td>17</td>
</tr>
<tr>
<td>Law Librarians as Networking Agents</td>
<td>18</td>
</tr>
<tr>
<td>Law Librarians as Scholars</td>
<td>19</td>
</tr>
<tr>
<td>Law Librarians as Tenured Faculty</td>
<td>20</td>
</tr>
<tr>
<td>Conclusion</td>
<td>22</td>
</tr>
</tbody>
</table>
Law schools expend large amounts of resources to attract quality faculty and students in order to improve their standings in published law school rankings. Law school rankings are meant to assist potential students in efficiently choosing where to send their applications. However, rankings of law schools often lack the necessary information to assist someone in making informed decisions, and they can imply that there are appreciable quality gaps between schools when there are actually none. Though law school rankings should be based on a variety of considerations, metrics involving academic impact are increasingly being used to measure the quality of individual scholars and law schools.

The academic reputations of institutions and individual professors will soon have even more importance. U.S. News & World Report’s (U.S. News) Chief Data Strategist announced in May 2019 that the publication plans to create a scholarly impact ranking of law schools and may consider using it as part of U.S. News’s overall law school rankings in the future. This article encourages librarians to use the upcoming

---


2 *Id.* at 451–53.


4 *Id.*


Law School Rankings and Their Effects on Legal Education

Law school rankings have been praised by some as helpful decision-making tools for potential law students and employers, and lambasted by others, for having too great an influence on legal education and providing faulty information to those who rely on them.\(^7\) Law school ranking systems consider expert opinions, incoming classes’ LSAT scores and grade point averages, after-graduation employment rates, the funding levels of a school’s library, and a variety of other measures.\(^8\) Due in part to the use of an academic- and practitioner-perceived reputation category, the schools in the top positions do not change ranks often, and if they do shift, they do not move far from their previous spots.\(^9\) The three major law school rankings are compiled


\(^8\) Id. at 165–66.

by *U.S. News*, the *Gourman Report*, and the *National Jurist*.\(^\text{10}\) While the three often overlap in their top school rankings, the *National Jurist*’s overall rankings shift more than the others due to the inclusion of such categories as quality of teaching and student-to-faculty ratios.\(^\text{11}\)

Though many prospective students and employers look to law school rankings for information on which to base decisions, the criteria the rankings use have not been proven to reflect a law school’s true performance.\(^\text{12}\) For example, it has been found that, within the *U.S. News* rankings, a small change in a school’s score can have a major impact on its ranking.\(^\text{13}\) To improve their schools’ rankings, some law schools have changed their practices in admissions, how they draft employment questionnaires, and student funding programs to boost statistics the various rankings measure.\(^\text{14}\) Law schools have also increased their efforts to attract second-year transfer students while admitting smaller incoming classes with higher LSAT scores and grade point averages to manipulate their standings.\(^\text{15}\)

---


\(^\text{11}\) *Id.* at 258–59.


\(^\text{15}\) *Id.*
A variety of complaints have been lodged regarding the categories used in law school rankings and the inclusion of incoming students’ LSAT scores. The use of these measures has been argued to be in violation of the US Supreme Court’s holding in *Grutter v. Bollinger*, which requires law schools to use “holistic” approaches to admitting students rather than use set benchmarks that would adversely impact minority applicants. Though many have argued against the publication of rankings because of their imprecision and detrimental impacts on law schools and their students, law school rankings have become an instrumental part of legal education. Indeed, law school administrators and incoming students must consider them when making decisions.

**Importance of Citations, Citation Analysis, and Impact Factors in the Law**

**Historical Importance of Legal Citations and the Rise of Citation Analysis**

Citations are integral to the practice of law. Specifically, they provide the authentication of authority—for example, by pinpointing the sources of ideas in law journals, and by attributing data points for tracking legal concepts to empirical analysis experts.

---


The study of legal citations began in England with legal practitioners and scholars who sought to organize and categorize the growing number of reported cases through citation schemes and corresponding indexes. Historically, practitioners in the United Kingdom who wanted to update the materials they were using, or find new sources to bolster their arguments, had to use a series of sources in a process called “noting up.” Until the 1940s, there had not been an attempt to create a centralized citation system for British law due to the large time span and number of sources the system would need to include. Even with efforts to simplify the process, updating materials in British law still requires using more than one noter-up publication. One of the earliest centralized legal citation analysis tools, created in 1873, was the Shepard’s Citation Index, which allowed practitioners to find citations to cases in later opinions and other legal sources, and served as the model for current citation analysis for almost all areas of study.

The importance of citations in case opinions and academic journals has resulted in them being used in unintended ways. In the United States, legal citations have been

---


22 Id. at 210.

23 Id.


studied since the 1950s to uncover legal reasoning patterns and to measure the influence of an author, case holding, or judge in specific areas of law.26 A number of different factors impact how often a work is cited, including the impact factor of the publishing journal, the author’s reputation, the country of publication, the source of funding, and the accessibility and visibility of the published work.27 Fred Shapiro has been credited with starting the practice of ‘legal citology’ with his 1985 piece, *The Most Cited Law Review Articles*, which examined the citation count of the most popular articles at the time, and who had been citing to each work.28

With the rise of digital information availability and computational power, citation analysis can now be used to evaluate and understand deep patterns in legal reasoning and scholarship.29 By studying citations as complex adaptive systems, relationships between case citations, regulatory actions’ impacts, and legislative changes can be analyzed to create more efficient solutions for legal problems.30 Citation analysis is also used to create many kinds of bibliometrics, including the rate of obsolescence for publications, journal rankings, and author evaluations, which can be


29 Whalen, supra note 26.

used to analyze the influence of individual authors and institutions within a particular field.\textsuperscript{31} Article citation analysis has extended into monitoring social media posts through systems such as Plum Analytics, which tracks how many times an article is mentioned, and on which platforms an article is discussed.\textsuperscript{32}

\textbf{Citations’ Relationship with Impact Factors}

Impact ratings were created to provide a rough indication of the importance of an article or journal in a field.\textsuperscript{33} However, impact factors have a variety of inherent flaws and are often used as marketing gimmicks for journals and organizations rather than as a measure of an article’s, author’s, or journal’s contribution to a field.\textsuperscript{34} Typical journal impact factors depend on the number of citations per year a journal receives when divided by the combined number of citations from the journal’s previous two years’ worth of citations.\textsuperscript{35} Citation counts for articles can be misleading or incomplete due to overlaps, mislabeling, and typographical errors, or due to citations not being in a form that allows the article to be recognized in another field. This, in turn, can distort an author’s or journal’s impact rating.\textsuperscript{36}

\textsuperscript{31} Shapiro, supra note 24, at 1541–42.


\textsuperscript{34} Heckt et al., supra note 25, at 78–81.

\textsuperscript{35} See Ludo Waltman, \textit{A Review of the Literature on Citation Impact Indicators}, 10 J. Informetrics 365, 380–81 (2016).

\textsuperscript{36} See Mary Whisner, \textit{My Year of Citation Studies, Part 1}, 110 Law Lib. J. 167, 170–75 (2018).
Due to the isolated nature of legal scholarship and its unique citation system, legal articles are prone to linking errors and incomplete data when cited by journals outside the legal realm.\textsuperscript{37} Beyond quantitative measures of publications, qualitative considerations, such as the format of a publication or how a work has been cited (some articles get high citation counts because they are used as examples of poor practices), can influence an impact factor.\textsuperscript{38} Even when bibliometric analysis systems try to consider both qualitative and quantitative aspects of works with hybrid systems, inherent weaknesses in the new systems can have similar devaluation effects on a publication’s rating.\textsuperscript{39}

Impact factors for individual authors can be affected by their personal characteristics, the size of the school where they teach, and the reputations of the faculty member’s degree-granting institutions.\textsuperscript{40} Impact factor systems often do not account for an author’s works published in non-journal formats, such as books, which can lead to a


\textsuperscript{40} See generally Theodore Eisenberg & Martin T. Wells, \textit{Ranking and Explaining the Scholarly Impact of Law Schools}, 27 J. Leg. Stud. 373 (1998) (discussing the influences on impact factors for authors and institutions).
Impact Factors’ Influence on Legal Publications and Scholarship

Use of Online Tools by Professors to Enhance Their Scholarship

To help meet the expectations of publishing influential articles and improving society through their scholarship, professors are using online tools to share their work with as broad an audience as possible. Scholars use online networking to find new information and make connections with experts who can help them expand their scholarly boundaries. The use of social media, social bookmarking, and collaborative pre-publishing sites, such as SSRN and arXiv, has caused current online research to be labeled “Research 2.0” due to its collaborative and user content-driven nature. Balkin and Sanford, in a tongue-in-cheek manner, have suggested professors use their

academic connections and standing to boost their articles’ visibility as much as possible. Whether following Balkin and Sanford’s suggestion or not, many professors are actively contributing to blogs, Twitter feeds, and other online services, which they can use to leverage an increase in their publications’ academic impact. If an article gets enough online attention, it can garner a higher impact rating in a shorter period of time than those which are not mentioned on the myriad of online platforms, much like a work of popular fiction hitting a must-read list or a music video going viral.

**Rise of Open-Access Journals**

Few jurisdictions in the world allow broad access to legal information through governmental or other websites, which has been argued to be a violation of the human right to access the laws and related materials that can help citizens understand the rules that govern them. Open-access journals began as alternatives to expensive subscription journals and as a means to make scholarship freely available. The principles behind open access to legal information, including legal scholarship, were

---


articulated in the 2002 Montreal Declaration and the Declaration on Free Access to Law.\textsuperscript{51} The fundamental ideas behind open-access legal information have also been argued to be part of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on Civil and Political Rights.\textsuperscript{52} However, due to the entrenched positions of long-running journals and their publishers, which leverage their institutional prestige to maintain their market shares, open-access publishing has not become a full substitute for traditional publications.\textsuperscript{53}

While some authors and journal editors have raised concerns about the increase in the online publication of legal scholarship, which diminishes journals’ reputations and dilutes legal scholarship, a survey by Danner et al. found that the majority of authors are willing to have their work published in an online format so long as a print version is also made available.\textsuperscript{54} The increasing pressures on professors to publish have made publishing in open-access journals more popular, since articles appearing in those

\begin{itemize}
\item \textsuperscript{52} \textit{Id.}
\item \textsuperscript{53} Greco, \textit{supra} note 50, at 23–30.
\end{itemize}
journals often see a 50 percent rise in short-term and long-term citation counts.\textsuperscript{55} Beyond helping boost the number of citations, open access provides interested individuals with opportunities to access legal information, encourages interdisciplinary scholarship, and promotes the international exchange of ideas.\textsuperscript{56} Publishing in open-access journals also helps reduce the number of predatory journals by allowing authors a legitimate alternative to using questionable journals to get their scholarship published.\textsuperscript{57}

\textit{Establishment and Growth of Institutional Repositories}

The wider use of institutional repositories in law schools began in response to the Durham Statement on Open Access to Legal Scholarship, which encouraged law schools to make their journals and faculty scholarship freely accessible in digital formats.\textsuperscript{58} Beyond acting as gateways for a variety of sources of legal information, institutional repositories have become dissemination points for working papers, grey literature, and organizational information.\textsuperscript{59} Institutional repositories allow law schools


to create collections tailored to their unique cultures, faculty needs, preservable item types, and technological capabilities.\textsuperscript{60} The law school community has created one of the highest concentrations of institutional repositories in academia and has consistently increased its repository holdings at a greater rate than those of other disciplines.\textsuperscript{61}

**The Need for Law Libraries’ and Librarians’ Roles to Change and Grow**

Law librarians are the central access points to a variety of legal information sources in electronic and print formats, including academic scholarship, commercial publications, government documents, and multidisciplinary sources.\textsuperscript{62} Law librarians also contribute to the creation of legal scholarship by supporting faculty research and assisting students in preparing and publishing law journals.\textsuperscript{63} Danner has written that law librarians can be considered members of one of the “gold-collar” professions, and that their specialized knowledge and technical skills allow them to be effective in a variety of positions and support roles.\textsuperscript{64} While law librarians have a

\textsuperscript{60} See Nancy Y. McGovern & April C. McKay, *Leveraging Short-Term Opportunities to Address Long-Term Obligations: A Perspective on Institutional Repositories and Digital Preservation Programs*, 57 Lib. Trends 262, 270–74 (2008).


\textsuperscript{62} Levit, supra note 38, at 967–70.


special status in America’s legal system, their importance is being called into question. Law libraries and their librarians face a number of changes due to smaller library budgets, the shift from physical to electronic resources, the increase in costs for journal access, and public commentators questioning the value of a library to society. As libraries have shifted towards more electronic resources and different ways of communicating with patrons, librarians’ roles have blurred to the extent that some commentators view them as technology specialists who may not warrant a special classification apart from others who work in the information field. Some experts believe law libraries will cease to be a part of legal education, and that law schools will repurpose the resources and space devoted to them. Other experts, such as Hirsh, acknowledge libraries will become obsolete if they continue as they are, but contend

65 See generally Jootaek Lee, Frontiers of Legal Information: The U.S. Law Libraries of the Future, 43 Int’l J. Leg. Info. 411 (2015) (describing the historical significance of law librarians to the practice of law and how their roles will have to change to meet current educational and practice needs).


that if librarians are creative with their resources and skills, they can keep their libraries functioning as vital parts of their law schools.69

**Law Libraries as Publication Hubs for Scholarship**

Libraries have been heralded as organizations that support public access to information in all formats and without undue influence from outside organizations; that constantly adapt to meet patron needs; and that ensure the integrity of the information they include in their collections.70 Using their positions in academia and their law schools, law librarians can be key in publicizing faculty work and augmenting the status of their law schools.71 With the rise of open-access journals, academic libraries are becoming centers of publication for scholarly works.72 Danner and Bintliff have written that scholarly commons efforts by libraries help academia’s “gift economy,” which focuses on sharing information and corroboration.73 Law librarians can help their schools’ faculty publications and student journals be more visible by creating and maintaining institutional repositories, which can serve as public archives and publishing

69 Id. at 526–29.
platforms for their schools’ scholarly output. By participating in open-access publishing and creating resource-sharing networks with other libraries, librarians allow a wider audience to access their schools’ scholarship, thereby reducing the need to maintain costly journal subscriptions. By taking on active roles in the creation and dispersal of electronic information, librarians can also help ensure citation practices are followed, and that the proper metadata is provided so items are discoverable online.

**Law Librarians as Networking Agents**

Librarians have been called upon to become active in providing electronic research services and to bolster communication between scholars using online platforms, such as YouTube, and professional networking sites like LinkedIn. Librarians can serve as communication agents for their schools’ faculty, and purveyors of their schools’ scholarship, through the use of online platforms and online scholarly discussion groups. Using tools such as social media, law librarians can monitor scholarship trends and add to academic discussions by providing information about

---


76 Koltay, supra note 44, at 97–101.


relevant faculty publications.\textsuperscript{79}

While they can provide opportunities to make connections with scholars, the use of social media and other online communication tools comes with a variety of ethical pitfalls of which librarians must be aware.\textsuperscript{80} Librarians must balance the need to maintain the privacy of information seekers, while reaching out to individuals or online groups, to gather information and maintain the anonymity of those who share materials and do not wish to be identified.\textsuperscript{81} Librarians should also take extra care when conducting online outreach activities with assistance from, or in coordination with, law students due to the possibility of a state bar investigating a student’s online activities.\textsuperscript{82}

\textbf{Law Librarians as Scholars}

Law librarians have a professional responsibility to publish scholarship in order to fulfill their public service obligations and to enhance the profession of librarianship.\textsuperscript{83} Beyond supporting their schools by providing instructional and research support for

\textsuperscript{79} See generally James Mullan, \textit{Should We Be More Social? Law Librarians and Social Media}, 9 Leg. Info. Mgt. 175 (2009) (discussing the various ways law librarians can use online tools and social media to connect with others).


\textsuperscript{81} Id.


faculty, librarians can contribute to a law school’s body of scholarship. However, depending on how a school defines the status of their librarians, a librarian’s scholarship may not be included in impact studies or rankings. Members of a school’s teaching staff, such as clinical professors, librarians, and writing professors, may have their work counted as part of a school’s scholarship but are not included as part of the school’s faculty count. Other studies and rankings choose to exclude clinical instructors’ and librarians’ publications due to their positions lacking a requirement to produce scholarship. For example, the Leiter Rankings do not incorporate non-faculty publications, which excludes the published works of clinical instructors, librarians, and writing professors, or those who are not eligible for tenured faculty status at their schools.

**Law Librarians as Tenured Faculty**

Librarians’ rankings in academia have many variations based on their

---


institutions’ practices.\textsuperscript{89} The majority of law librarian positions have required applicants to have a master’s degree in library science and a juris doctor, which would allow librarians to be faculty based on educational merit.\textsuperscript{90} As budget cuts continue, and pressures to create quality scholarship increase, law librarians who are non-tenured faculty, and whose scholarship is not counted as contributing to a school’s academic prestige, are in danger of being considered non-vital and expendable.\textsuperscript{91}

Law librarians can help maintain their libraries’ budgets, and have a greater chance to retain their positions, if they can help bolster their schools’ academic standing, which would require them to become full members of a school’s faculty.\textsuperscript{92} Despite some individuals and organizations calling for librarians to have established performance standards and the means to become tenured faculty, law librarians have not made a push to become full faculty members—due in part to such status not greatly impacting them or their law schools.\textsuperscript{93} The need for librarians to have faculty and tenure status has become critical for law library directors, who have seen their prestige in law


\textsuperscript{92} Id. at 520.

\textsuperscript{93} See Carol A. Parker, \textit{The Need for Faculty Status and Uniform Tenure Requirements for Law Librarians}, 103 L. Lib. J. 7, 8 (2001).
schools decline. Despite ABA requirements for law library directors to have faculty status, directors are seeing their tenure opportunities and faculty status disappear as law schools devalue their libraries. For librarians and library directors to have tenured status, and be on par with faculty, they must engage in faculty governance, publish, and teach. Whether a librarian has the opportunity to earn tenure or faculty status often depends on the librarian conducting research and publishing. While librarians are known to produce scholarship on library administration issues, librarians would need to branch out in terms of their topical coverage in order to conform to the general publication requirements for tenure.

Conclusion

While law school rankings have been criticized for having a number of flaws, they are a popular and easy-to-use way to find information on the nation’s law schools. The upcoming creation of the U.S. News academic rankings for law schools will add more layers of complexity to the already convoluted law school ranking system. The new academic ranking system will have to contend with the many weaknesses inherent in impact factors and citation counts in order to make meaningful determinations of an individual scholar’s academic contributions. The next step will involve compiling the efforts of the law school’s entire faculty in order to ascertain the


95 Milles, supra note 91, at 519–20.

96 Parker, supra note 93, at 16–17.

97 Hosburgh, supra note 89.

98 Parker, supra note 93, at 25–29.
school’s standing. The impact of the new ranking system on legal education and scholarship could cause shifts in law schools’ hiring and evaluation standards for their faculty as they try to meet the new criteria of the academic ranking system and increase the use of open-access journals in an effort to boost citations to faculty works.

The creation of the U.S. News academic rankings could be a threat or a boon to academic law libraries. As law schools face more pressure to generate publications that are counted in impact factors, non-publishing positions may be reassessed and eliminated to provide funding for those who can raise a school’s standing with their scholarship. With the majority of law librarians not being counted as faculty members, and not producing scholarship, a logical place for law schools to look to eliminate positions and redirect funding would be their law libraries. With the new pressures for law schools to create scholarship, taken in combination with the declining views of the importance of law libraries and law library directors, law libraries and their librarians could face a struggle to continue to be a central part of legal education.

Librarians may be able to not only boost their law schools’ scholarship but also raise their status in legal education if they use their full array of skills and leverage the opportunities the U.S. News academic rankings will afford them. Law libraries have already begun the process of becoming central to the publication of scholarship through the establishment of institutional repositories. By becoming more involved in the dissemination of their law schools’ faculty research through open-access projects hosted on their repositories, librarians can be key to their law schools’ scholarship publication efforts. Law librarians can use their knowledge to help ensure publications held in their schools’ repositories adhere to proper citation conventions and create appropriate metadata so publications can be found through online database searches. Law librarians
can also use their research networking skills through online communications platforms to help their faculty connect with experts in their areas of scholarship and announce the publication of faculty members’ work to those who might be interested.

To take full advantage of the forthcoming *U.S. News* academic rankings, librarians will need to produce scholarship of their own to help their law schools’ scholastic rankings and to emphasize the qualifications and variety of skills they possess. For librarian publications to have their full impact, law librarians must be included as full faculty members with publication requirements and the possibility of obtaining tenure. While having faculty member governance duties and publication requirements would add more demands for librarians’ time, librarians would benefit from being included in their law schools’ faculty meetings and gaining the relative protection of being publishing members of a school’s staff.

The introduction of the *U.S. News* academic law school rankings will trigger changes in legal education and how law schools operate. Law librarians can help their schools face the ensuing challenges and reestablish the law library as a central part of the law school in the minds of law school administrators and legal professionals. If law librarians use their skills to their utmost, they can demonstrate the value of law librarians to their schools and society, reinforce their status as professionals deserving proper recognition for their education and efforts, and meet their professional obligations to publish scholarship that helps members of society with their legal information needs.