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Australian Law Journals: An Analysis of Citation Patterns

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ABSTRACT *This article reports on an analysis of the citations appearing in the 1995 issues of 32 Australian law serials. The research has enabled the listing of the 100 most frequently cited titles. The country of publication of the cited titles and the year of publication of the cited articles reveal interesting trends that have implications for serials collection development and serials management in academic libraries.*

Revised version of a paper presented at the 1996 Annual Conference of the Australasian Law Teachers Association Adelaide, July 10-13

During the 1980s and 1990s there has been a significant increase in the number of scholarly legal journals published in Australia. The rapid growth in specialised law titles published by commercial publishers, coupled with the unprecedented increase in the number of Australian law schools (and the associated proliferation of law reviews published by such schools) have all contributed to a situation where there are now a large number of Australian law serials available for law academics to write for and for law libraries to consider for purchase. New titles covering labour law, torts law, feminist law, corporate law, human rights and international law, environmental law, family law and many other specialisations have appeared in the past 15 years. This proliferation of new titles has been mirrored by similar developments in the US, UK, Canada and elsewhere. At exactly the same time as some are predicting the demise of the scholarly academic journal as we know it, there has never been so much choice in the legal journals marketplace. In building a library collection to support academic research, how does one decide which law serials to buy, or, conversely (and probably more commonly) faced with a declining budget, how does one decide which titles to cancel?

There have been a number of attempts in the United States to identify the leading law serials by means of citation analysis. Maru, in a survey published in 1976¹, identified the top 50 most frequently cited law reviews. Mann, in a survey published in 1986², made another attempt to identify the top 50 titles. Finet, in 1989³, summarised six earlier studies and concluded:

It is clear that a small percentage of all titles published are highly cited. . . To the extent that citation is a proxy for journal use and influence these findings can be valuable for the information manager who is considering the issue of cancellation. . . or is considering titles to be included in a satellite or new library facility.⁴

Finally, a study by Leonard published in 1990⁵ further reinforced the idea that a small group of law reviews dominated legal scholarship. Five titles accounted for 25% of all citations, and 21 law reviews accounted for over 50% of citations.

In Australia, there is a dearth of literature on citation patterns in legal scholarship. The only study which attempted to analyse Australian legal serials was carried out in 1978 by Lawrence⁶. Unlike the US studies, Lawrence included citations to primary legal materials in her analysis with the result that, of the top 25 most frequently cited titles only one legal journal, the *Australian Law Journal*, was included. The other 24 titles included the *Commonwealth Law Reports*, *Weekly Law Reports* and statutes from various jurisdictions.

There are various other methods which can be used to gauge the usefulness of particular titles. The recommendations of academic staff, library use surveys, analysis of interlibrary loan requests, and analysis of student research papers are all techniques which have been used from time to time to identify titles for purchase or cancellation. However, all of these techniques have limitations and it is generally thought that citation analysis provides quantifiable evidence of a direct link between a source and its subsequent use as scholarly authority⁷.

In the absence of anything more than anecdotal evidence about citation patterns in the Australian context, this research was aimed at establishing the most frequently cited titles. What are the leading Australian law serials? Is it possible to identify a small group of Australian law journals which dominate legal scholarship, in the way that the numerous US studies have identified a core cluster of high impact titles? Are the US titles cited in Australian research the same titles that are highly ranked in the US studies? To what extent does Australian scholarly research draw upon law serials from other common law jurisdictions? Does the Australian experience confirm the reported US experience that publications generally become less useful as they become older?

Methodology Two approaches are possible in this type of study. One is to take a sample of titles and analyse all articles within that sample for a given time period. The other approach is to take a wider sample of titles and analyse a random selection of articles from within the sample. The US studies to date have used both approaches. The studies by Maru and Mann used comprehensive data from a number of specific titles and the study by Leonard used data from a randomly selected group of 211 articles. The Australian study used citations from two titles only, the *Australian Law Journal* and the *Australian Law Journal Reports*.

Data for this project were taken from articles appearing in 32 Australian legal periodicals. All Australian titles which were indexed in *Index to Legal Periodicals and Books (ILPB)* were initially selected, on the grounds that to be included in the list of periodicals indexed by *ILPB* these titles 'regularly publish legal articles of high quality and permanent reference value'⁸. Included in the sample were a range of university law reviews (*University of Queensland Law Journal*, *University of Tasmania Law Review*, *Monash University Law Review*, *Griffith Law Review*), a range of specialised, topic-based law journals (*Australian Journal of Family Law*, *Australian Journal of Labour Law*, *Journal of Contract Law*, *Corporate and Business Law Journal*, *Torts Law Journal*) and the *Law Institute Journal*.

The publication year 1995 was chosen as the basis of the study, since one of the areas of interest was the citation behaviour related to year of publication. It was thus important to choose the most recent year for which a significant sample of issues was available. The 1995 issues/volumes of three titles (*Annual Survey of Australian Law*,

Australian Yearbook of International Law and *QUT Law Journal*) indexed in *ILPB* were not available as at May 1996 and were excluded from the survey. Also excluded were two titles (*Journal of Law and Information Science* and *Legal Education Review*) which were considered outside the scope of this study.

A total of 547 source articles were analysed. For each article cited in these source articles, the following information was recorded: cited author, year of publication, cited journal, and country of origin of cited journal. The full citation was recorded to allow checking in cases where non-standard abbreviations were used or where the citation appeared to be incorrect or incomplete. Another database was maintained for the source articles, giving author's affiliation, number of pages in the source article, and number of footnotes in the source article. Citations to primary legal materials, monographs and newspaper articles were not recorded. Citations to non-legal journals were included. The relational database management features of Microsoft Access software were used to link the source article records, in a master table, to the cited article records in another table. Results were summarised using the query feature of Microsoft Access and Microsoft Excel.

No attempt was made to extract negative citations (citations for the purpose of criticism), nor was there an attempt to exclude self citation.

Results The 547 source articles generated 4705 cited articles. A total of 999 different journals were cited. Table 1 gives the 100 most frequently cited titles. To be included in this table a title had to be cited at least 10 times. A complete list of the 999 titles is available from the author.

Table 1.
List of 100 Most Frequently Cited Titles

Rank	Cited serial	Number of cites	Percent	Cumul Percent
1	Australian Law Journal	178	3.78%	3.78%
2	Law Quarterly Review	145	3.08%	6.87%
3	Sydney Law Review	107	2.27%	9.14%
4	Melbourne University Law Review	92	1.96%	11.09%
5	Company & Securities Law Journal	89	1.89%	12.99%
	Modern Law Review	89	1.89%	14.88%
6	UNSW Law Journal	85	1.81%	16.68%
7	Harvard Law Review	79	1.68%	18.36%
8	Journal of Contract Law	64	1.36%	19.72%
9	Federal Law Review	61	1.30%	21.02%
10	Australian Business Law Review	58	1.23%	22.25%
11	Law Institute Journal	57	1.21%	23.46%
12	Medical Journal of Australia	56	1.19%	24.65%
13	Yale Law Journal	53	1.13%	25.78%
14	Environmental and Planning Law Journal	50	1.06%	26.84%
15	Monash University Law Review	45	0.96%	27.80%

	University of WA Law Review	45	0.96%	28.76%
16	Cambridge Law Journal	39	0.83%	29.59%
	Australian Bar Review	39	0.83%	30.41%
17	Legal Service Bulletin/Alternative Law	37	0.79%	31.20%
	Public Law Review	37	0.79%	31.99%
	Columbia Law Review	37	0.79%	32.77%
	Criminal Law Journal	37	0.79%	33.56%
18	British Medical Journal	32	0.68%	34.24%
19	International and Comparative Law	30	0.64%	34.88%
	Michigan Law Review	30	0.64%	35.52%
20	Journal of Law & Medicine	29	0.62%	36.13%
	Australian Journal of Labour Law	29	0.62%	36.75%
21	Journal of the American Medical	28	0.60%	37.34%
22	Australian Journal of Corporate Law	26	0.55%	37.90%
	Stanford Law Review	26	0.55%	38.45%
	University of Chicago Law Review	26	0.55%	39.00%
23	Environmental Policy & Law	25	0.53%	39.53%
24	Canadian Bar Review	24	0.51%	40.04%
25	California Law Review	23	0.49%	40.53%
26	Public Law	22	0.47%	41.00%
	New Law Journal	22	0.47%	41.47%
27	Adelaide Law Review	21	0.45%	41.91%
	Oxford Journal of Legal Studies	21	0.45%	42.36%
28	Lloyd's Maritime and Commercial Law	20	0.43%	42.78%
	Australian Journal of Family Law	20	0.43%	43.21%
	Torts Law Journal	20	0.43%	43.63%
29	Criminal Law Review	19	0.40%	44.04%
	Journal of Business Law	19	0.40%	44.44%
	New England Journal of Medicine	19	0.40%	44.85%
	New Zealand Law Journal	19	0.40%	45.25%
	Insolvency Law Journal	19	0.40%	45.65%
30	Antitrust Law Journal	18	0.38%	46.04%
	Journal of Financial Economics	18	0.38%	46.42%
	Journal of Legal Studies	18	0.38%	46.80%
	American Journal of International Law	18	0.38%	47.18%
	Journal of Judicial Administration	18	0.38%	47.57%
31	Texas Law Review	17	0.36%	47.93%
	University of Tasmania Law Review	17	0.36%	48.29%
	Competition & Consumer Law Journal	17	0.36%	48.65%
	Taxation in Australia	17	0.36%	49.01%
32	Canadian Business Law Journal	16	0.34%	49.35%
	Journal of Finance	16	0.34%	49.69%
33	Cornell Law Review	15	0.32%	50.01%
	Law and Society Review	15	0.32%	50.33%
	New Zealand Universities Law Review	15	0.32%	50.65%

	University of Pennsylvania Law Review	15	0.32%	50.97%
	Osgoode Hall Law Journal	15	0.32%	51.29%
	Virginia Law Review	15	0.32%	51.60%
34	Legal Studies	14	0.30%	51.90%
	University of Queensland Law Journal	14	0.30%	52.20%
	Law in Context	14	0.30%	52.50%
	University of Toronto Law Journal	14	0.30%	52.79%
	Science	14	0.30%	53.09%
35	Duke Law Journal	13	0.28%	53.37%
	Lancet	13	0.28%	53.65%
	Trade Practices Law Journal	13	0.28%	53.92%
	Georgetown Law Journal	13	0.28%	54.20%
	Vanderbilt Law Review	13	0.28%	54.47%
	HIV/AIDS Legal Link	13	0.28%	54.75%
	UCLA Law Review	13	0.28%	55.03%
36	Australian & NZ Journal of Criminology	12	0.26%	55.28%
	Current Legal Problems	12	0.26%	55.54%
	Law & Contemporary Problems	12	0.26%	55.79%
	New York University Law Review	12	0.26%	56.05%
37	Legislative Studies	11	0.23%	56.28%
	Yearbook Int'l Environmental Law	11	0.23%	56.51%
	Iowa Law Review	11	0.23%	56.75%
	ASC Dig MR	11	0.23%	56.98%
	Australian Feminist Law Journal	11	0.23%	57.22%
	Australian Dispute Resolution Journal	11	0.23%	57.45%
	Constitutional Centenary	11	0.23%	57.68%
	Qld Law Society Journal	11	0.23%	57.92%
	Law Society Journal	11	0.23%	58.15%
	Journal of Church & State	11	0.23%	58.38%
	Business Lawyer	11	0.23%	58.62%
	Commonwealth Law Bulletin	11	0.23%	58.85%
38	Australian Journal of Human Rights	10	0.21%	59.06%
	Journal of Marriage & the Family	10	0.21%	59.28%
	McGill Law Journal	10	0.21%	59.49%
	American Bar Association Journal	10	0.21%	59.70%
	Journal of Law & Society	10	0.21%	59.91%
	Building & Construction Law	10	0.21%	60.13%
	Australian Journal of Political Science	10	0.21%	60.34%
	Fordham Law Review	10	0.21%	60.55%
	Other titles	1856	39.45%	100.00%
	Total	4705		

Figure 1 gives cited titles by country of origin. Figure 2 gives Australian titles and all titles by year of publication.

Figure 1: Country of origin of cited serials

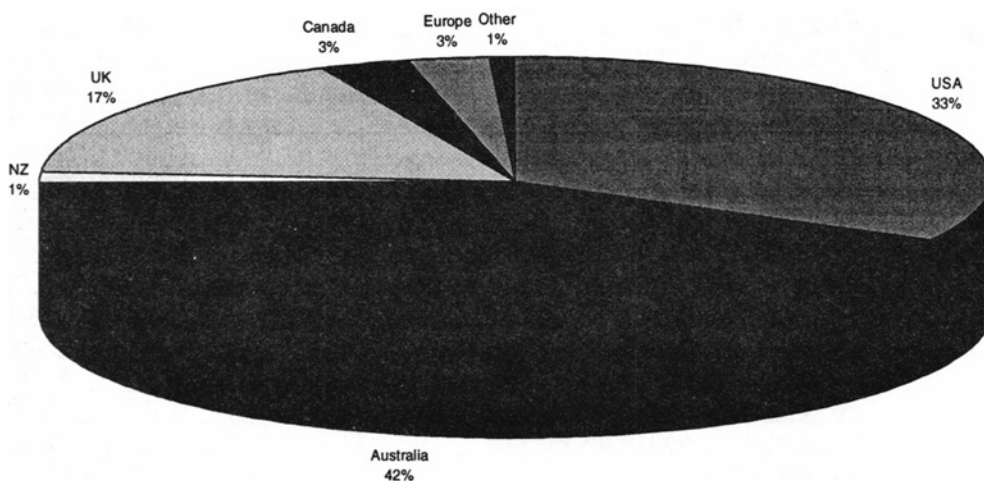
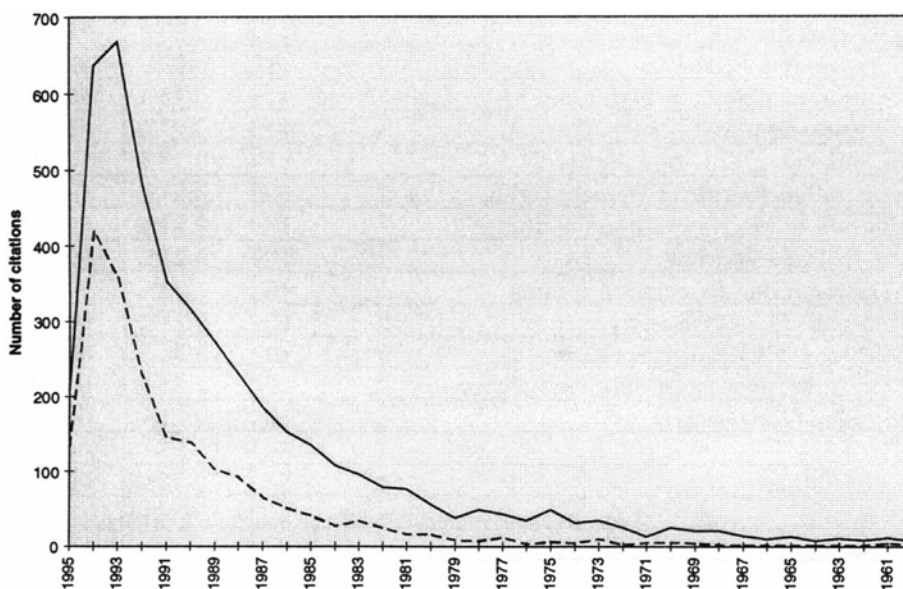


Figure 2: Citation frequency by year of publication 1995-1960

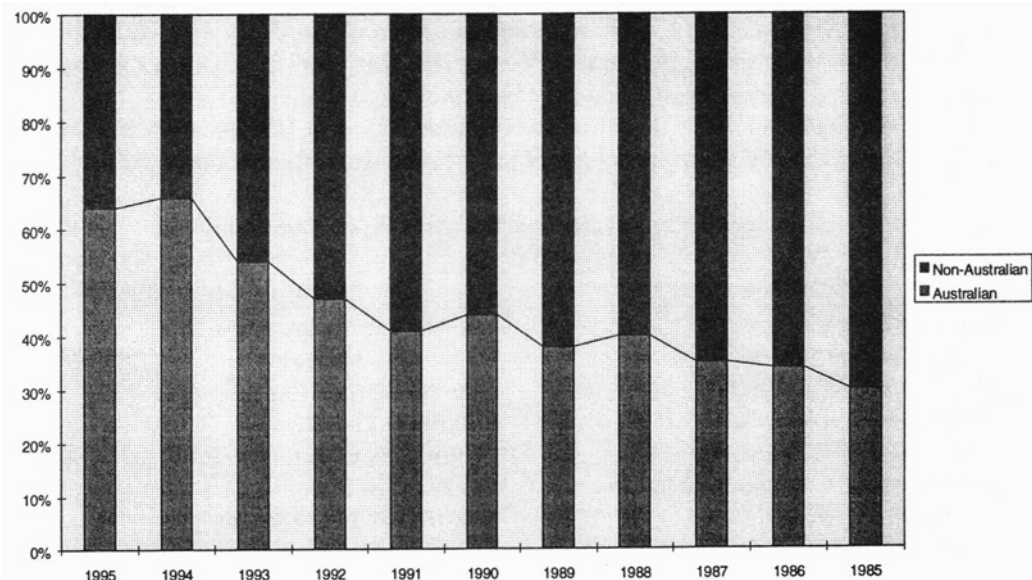


Discussion This study has demonstrated that, in Australia as elsewhere, a small number of law serials exert a significant influence. The *Australian Law Journal* is clearly the most frequently cited title and Australian titles generally exert a significant influence, with the *Sydney Law Review*, *Melbourne University Law Review* and the *UNSW Law Journal* also highly ranked.

The concentration of citations from a relatively small number of titles which has been observed in US studies is also evident in Australia. Fourteen titles accounted for 25% of the citations. An additional 46 titles accounted for the next 25%, and 100 titles accounted for 60%. A further 899 titles accounted for the remaining 40% of citations.

Unlike the US studies, serials used in Australian legal scholarship come from a range of jurisdictions. Not surprisingly, Australian journals make up the core of the titles cited, with 42% of citations coming from Australian serials. This is followed by the US titles (33%) and UK titles (17%). Rather surprisingly, a number of specialised Australian titles were also highly ranked. Five Australian titles, *Company and Securities Law Journal* (commenced publication 1982), *Journal of Contract Law* (commenced 1988), *Australian Business Law Review* (commenced 1973), *Environmental and Planning Law Journal* (commenced 1984) and *Public Law Review* (commenced 1990) were all highly ranked.

Figure 3: Australian titles versus overseas titles 1995-1985



Whilst there was evidence of a correlation between source titles and frequency of citation, this was not necessarily always the case; some frequently cited titles were not amongst the titles identified as source titles (by being indexed in *ILPB*). Some highly ranked Australian titles such as *Alternative Law Review* and its earlier title, *Legal Service Bulletin* (ranked 17), *Public Law Review* (also ranked 17), *Journal of Judicial Administration* (ranked 30), *Australian Feminist Law Journal* (ranked 37) and *Australian Journal of Human Rights* (ranked 38) were not indexed by *ILPB* in 1995⁹.

In a short space of time, the *Australian Feminist Law Journal* (commenced 1993) and the *Australian Journal of Human Rights* (commenced 1994) have gained a significant number of citations.

An analysis of citation by date of publication confirms that as literature scholarship ages it tends to be less frequently cited. The negative exponential curve is clearly demonstrated in Figure 2. Australian titles make up a significant percentage of the citations in 1995 but this influence declines with age (Figure 3). For cited publications with a year of publication of 1995, 64% of cited serials were Australian. For cited publications with a year of publication of 1994, 66% of the cited serials were Australian in origin. However, this percentage drops rapidly; in 1985, only 30% of the cited publications originated in Australia. The reason for this pattern of citation of Australian published serials can only be guessed at. The volume of legal scholarship originating in Australia in 1960 was low. Only seven of the 32 core titles were being published in 1960¹⁰. Since there were not many Australian titles vis-à-vis the overseas titles, it is perhaps understandable that the ratio of Australian material to overseas material was low. As more Australian titles have become available, Australian writers have tended to publish in Australian titles, with the result that, increasingly, it is Australian serials which are being cited.

As Table 2 shows, there is a remarkable similarity between the frequently cited US titles (as determined in the study by Leonard¹¹) and the US titles ranked highly in this survey, when the medical titles are excluded. Eight titles are common to both lists. The *Virginia Law Review* and the *University of Pennsylvania Law Review*, while not in the top 10 US titles in this study, were in the top 100 (as shown in Table 1) confirming that they enjoy a high status outside the US as well.

It was estimated in 1988 that there were more than 300 US law reviews¹², yet this study confirms that most are infrequently cited in the Australian context.

Table 2. Highest Ranked US titles From Two Studies

Present study	Leonard study (1990)
Harvard Law Review	Harvard Law Review
Yale Law Journal	Yale Law Journal
Columbia Law Journal	Columbia Law Journal
Michigan Law Review	Stanford Law Review
Stanford Law Review	University of Pennsylvania Law Review
University of Chicago Law Review	Texas Law Review
California Law Review	California Law Review
American Journal of International Law	Virginia Law Review
Antitrust Law Journal	University of Chicago Law Review
Texas Law Review	Michigan Law Review

What is perhaps most surprising is the frequency with which reference is made in law journals to citations from medical journals. The *Medical Journal of Australia*, *Journal of the American Medical Association*, *British Medical Journal*, *New England Journal of Medicine*, *Lancet* and *Science* all appear in the list of the 100 most frequently cited serials.

Conclusions A relatively small number of titles are frequently cited in the Australian context, and Australian scholarly research draws upon serials from a range of jurisdictions. The concentration noted in the US studies where a small number of US titles account for a large percentage of citations is not as evident in the Australian context. In the US, this concentration is represented by five titles accounting for 25% of citations; in Australia, this concentration is represented by 14 titles accounting for 25% of citations.

A number of specialised Australian titles have quickly established a niche for themselves, and are cited ahead of many other longer established academic law reviews. In a library establishing a new law collection, the decision to spend large amounts on the acquisition of backsets would appear to be questionable in the light of the strong trend revealed here that as publications age they are less frequently cited. Finally, citation patterns reveal the use of material in Australia from a range of countries, with US material the second largest source of serial literature.

How does one decide which serials to buy? The decisions will continue to be complex, determined by library budgets, dollar costs for specific titles, the demands of specific courses, the research interests of academic staff and a host of other factors. However, this study adds to the range of possible factors by suggesting that the usage of serials (as represented by citation counts) in the published literature of a discipline might provide yet another factor to be taken into account. The 100 most frequently cited titles listed here might be considered core titles, in the Australian context, for new law collections.

Notes

- 1 O Maru 'Measuring the Impact of Legal Periodicals' *American Bar Foundation Research Journal* vol 1976 pp227-49
- 2 R A Mann 'The Use of Legal Periodicals by Courts and Journals' *Jurimetrics Journal* vol 26 1986 pp400-20
- 3 S Finet 'The Most Frequently Cited Law Reviews and Legal Periodicals' *Legal Reference Services Quarterly* vol 9 nos 3-4 1989 pp227-40
- 4 *ibid* p239
- 5 J Leonard 'Seein' the Cites: A Guided Tour of Citation Patterns in Recent American Law Review Articles' *Saint Louis University Law Journal* vol 34 1990 pp181-239
- 6 H Lawrence 'Citation Analysis of Australian Legal Serials' *Australian Law Librarians Group Newsletter* no 38 1980 pp1-3
- 7 The rationale for the use of citation analysis as a technique is fully discussed in F R Shapiro 'The Most-cited Law Review Articles' *California Law Review* vol 73 1985 pp1540-54
- 8 Prefatory note, *Index to Legal Periodicals*
- 9 The Editorial Advisory Committee decided late in 1995 to increase the number of journals covered by *ILPB* by the addition of *Journal of Judicial Administration*, *Public Law Review*, *Canberra Law Review*, *Deakin Law Review*, *James Cook University Law Review* and *Revenue Law Journal*
- 10 *Australian Law Journal* (1927), *Law Institute Journal* (1927), *University of Queensland Law Journal* (1948), *University of WA Law Review* (1948), *Sydney Law Review* (1953), *Melbourne University Law Review* (1957) and *Adelaide Law Review* (1960)
- 11 Leonard p217
- 12 *ibid* p183