

## Law as a Discipline/JSTOR Journals

Journal Citation Reports (JCR): [https://en.wikipedia.org/wiki/Journal\\_Citation\\_Reports](https://en.wikipedia.org/wiki/Journal_Citation_Reports)

- provides information about academic journals in the natural sciences and social sciences, including impact factors
- the basic bibliographic information of publisher, title abbreviation, language, ISSN
- the subject categories (there are 171 such categories in the sciences and 54 in the social sciences)

Journal Ranking: [https://en.wikipedia.org/wiki/Journal\\_ranking#Measures](https://en.wikipedia.org/wiki/Journal_ranking#Measures)

- intended to reflect the place of a journal within its field, the relative difficulty of being published in that journal, and the prestige associated with it

Impact Factor (IF)

- In any given year, the impact factor of a journal is the number of citations, received in that year, of articles published in that journal during the two preceding years, divided by the total number of articles published in that journal during the two preceding years

*The American Law Register and Review* – the only one in JSTORE in 1880 (80 journals)

### **Timeline in JSTOR**

1880-1890 – (1,001 journals)

*American Law Register*  
*Harvard Law Review*

1891-1900 – (4,679 journals)

*American Law Register and Review*  
*Harvard Law Review*  
*Journal of the Society of Comparative Legislation*  
*Virginia Law Register*  
*Yale Law Journal*

1901-1910 – (13,363 journals)

*American Journal of International Law*  
*Columbia Law Review*  
*Harvard Law Review*  
*Journal of the American Institute of Criminal Law and Criminology*  
*Journal of the Society of Comparative Legislation*  
*Michigan Law Review*  
*University of Pennsylvania Law Review and American Law Register*  
*Virginia Law Register*  
*Yale Law Journal*

1911-1920 – (17,451 journals)

*American Bar Association Journal*  
*American Journal of International Law*  
*California Law Review*  
*Columbia Law Review*  
*Criminal Science Monographs*  
*Harvard Law Review*  
*Journal of the American Institute of Criminal Law and Criminology*

*Journal of the Society of Comparative Legislation*  
*Michigan Law Review*  
*Transactions of the Grotius Society*  
*University of Pennsylvania Law Review and American Law Register*  
*Virginia Law Register*  
*Yale Law Journal*

1921-1930 – (21,658 journals)

*American Journal of International Law*  
*California Law Review*  
*Cambridge Law Journal*  
*Columbia Law Review*  
*Harvard Law Review*  
*Journal of the American Institute of Criminal Law and Criminology*  
*Journal of the Society of Comparative Legislation*  
*Michigan Law Review*  
*Transactions of the Grotius Society*  
*University of Pennsylvania Law Review and American Law Register*  
*Virginia Law Register*  
*Yale Law Journal*

### **1. *Harvard Law Review (1887-present)***

- IF: 4.979 (2015)
- published monthly from November through June, with the November issue dedicated to covering the previous year's term of the Supreme Court of the United States
- published by an independent student group at Harvard Law School
- student-edited law reviews
- Notable article: [Glimpses of Its History as Seen by an Aficionado, Erwin N. Griswold](#)

### **2. *The Yale Law Journal (1891-present)***

- IF: 4.109 (2009)
- 8/year
- the most widely known of the eight law reviews published by students at Yale Law School
- one of the most cited legal publications in the nation
- generates the highest number of citations per published article
- articles, essays, features, and book reviews by professional legal scholars as well as student-written notes and comments
- edited entirely by students
- Notable article: [Some Fundamental Legal Conceptions as Applied in Judicial Reasoning](#) Author(s): Wesley Newcomb Hohfeld Source: *The Yale Law Journal*, Vol. 23, No. 1 (Nov., 1913), pp. 16-59
- The Most Ancient Law, Isaac Franklin Russell, *The Yale Law Journal*, Vol. 7, No. 9 (Jun., 1898), pp. 377-384

### **3. *Columbia Law Review (1901-present)***

- IF: 3.070 (2010)
- 8/year
- edited and published by students at Columbia Law School
- The journal publishes scholarly articles, essays, and student notes
- Notable: Transcendental Nonsense and the Functional Approach by Felix S. Cohen *Columbia Law Review* Vol. 35, No. 6 (Jun., 1935), pp. 809-849

#### **4. *University of Pennsylvania Law Review (1852-present)***

- IF: 2.630 (2016)
- 7/year (monthly from December to June)
- Former names:
  - *American Law Register (1898-1907)*
  - *American Law Register and Review*
  - *University of Pennsylvania Law Review and American Law Register*
- originally written, edited, and published by practitioners, but expanded its pool of editors and contributors to also include judges and law professors

#### **5. *Michigan Law Review (1902-present)***

- IF: 2.56 (2016)
- completely run by law students
- a forum in which the faculty of the Law Department could publish its legal scholarship
- Gregory, Charles Noble (1904). "Jurisdiction over Foreign Ships in Territorial Waters". *Michigan Law Review*. Michigan Law Review, Vol. 2, No. 5. 2 (5): 333–357.

#### **6. *The Virginia Law Register (1896-present, Virginia Law Review (from 1913)***

- IF: 2.479
- 8/year
- professional periodical devoted to law-related issues that can be of use to judges, practitioners, teachers, legislators, students, and others interested in the law

#### **7. *California Law Review (1912-present)***

- IF: 2.155
- published by the University of California, Berkeley, School of Law
- bimonthly

#### ***American Journal of International Law (1907-present)***

- IF: 1.667
- Quarterly
- summaries and analyses of decisions by national and international courts and arbitral or other tribunals, and of contemporary U.S. practice in international law

#### ***Journal of the American Institute of Criminal Law and Criminology (1910-present)***

- quarterly
- published by the Northwestern University School of Law
- unique interdisciplinary approach, and remains today the only journal in the world that combines both criminal law and criminology

#### ***Blue Book (1926-present)***

- A Uniform System of Citation
- a style guide
- prescribes the most widely used legal citation system in the United States
- compiled by the Harvard Law Review Association, the Columbia Law Review, the University of Pennsylvania Law Review, and the Yale Law Journal

## BRITISH JOURNALS

### *Cambridge Law Journal (1921-present)*

- peer-reviewed academic law journal published by Cambridge University Press
- principal academic publication of the Faculty of Law of the University of Cambridge
- longest running university law journal in the United Kingdom

### *Transactions of the Grotius Society (1915-present)*

- The Grotius Society was a British society founded in 1915 during World War I.
- It was dissolved in 1958 on the merger with the Society of Comparative Legislation (1895), to form the British Institute of International and Comparative Law.
  - to afford facilities for discussion of the Laws of War and Peace
  - interchange of opinions regarding their operation, and to make suggestions for their reform, and generally to advance the study of international law
  - Members had to be British subjects, but the society undertook work for the International Law Association.

### Obtaining a Degree - [LEGAL TRAINING IN THE UNITED STATES: A BRIEF HISTORY](#) by Susan Katcher

Friedman comments that law schools were prestigious in a way that apprenticeships were not, and that slowly students came to view law schools as a “more efficient” means of legal training.<sup>80</sup> Friedman notes that evidence shows that “the rise of the law schools was linked to a social change in the character of the bar—from strongly aristocratic to middle class in family background.”<sup>81</sup> The consequence of these various factors was a skyrocketing number of law schools, especially from the late 1800s into the early 1900s, as shown by the following table:

Year	Total Number
1850	15
1860	21
1870	31
1880	51
1890	61
1900	102
1910	124
1920	146 <sup>82</sup>

- Decline of the bar in the first part of 1800’s
- History, civil policy, political economy
- raise standards to “make the bar more competent and more exclusive”
- “structured legal education” that included substituting some of the apprenticeship years with time spent at law school
- Law school teaching [of this time] was **dogmatic and uncritical**. . . .
- Law schools never conveyed a sense of connection between law and life; or even of the evolution of the common law. Even the most brilliant lectures were fundamentally hollow.
- The basic aim of the schools was to cram young lawyers with rote learning, of a more or less practical nature, as quickly and efficiently as possible

## THE BEGINNINGS OF THE MODERN AMERICAN LAW SCHOOL

- Dwight (Columbia) was the “archetype” of instruction based on the idea of legal science, “with a system of legal **principles for dictation into the pages of carefully kept student manuscripts.**”

- Eliot taught science courses at the Massachusetts Institute of Technology (M.I.T.), applying ideas for classroom instruction that included:
  - **Replacing the lecture method** with a classroom laboratory during which students would make their own observations by inductive reasoning processes
  - Having the teacher and student work together in “developing general principles from concrete cases;
  - Having the students develop an ability “to see for themselves” rather than simply memorizing the lecturer’s opinions.
- Langdell (Harvard) instituted a method of learning based on the premise that **law was a science** and, as such, its principles could be discovered by **looking at the data**.
  - student, guided carefully by the teacher, could draw out the principles of law through inductive, scientific reasoning through a study of the law’s data—that is, cases.
  - use a series of cases “carefully selected from the books of [case] reports
  - Langdell instituted other changes at Harvard; these eventually were adopted by many other law schools:
    - an entrance requirement of a bachelor’s degree, or an entrance examination if the person had no bachelor’s degree
    - extension of the length of study first to two years and then to three
    - an order to the curriculum, with basic (“core”) courses followed by advanced courses
    - fulltime teachers of law (most previously had been part time only)
    - final examinations: student had to pass the exams for the first-year courses before proceeding to the second-year courses.
- By the early twentieth century, the case method approach was adopted by one-third of the university-based law schools, and every major and most minor law schools converted to case-books and the Socratic method.
- to preserve [the cultural status quo] by barring ‘undesirables’ from the practice of law

#### THE ESTABLISHMENT AND ROLES OF THE ABA AND THE AALS

- As late as the 1930s, one could enter law school without having a college degree.
- Discussion about the makeup and quality of law schools started slowly at the end of the nineteenth century and prompted the founding of the American Bar Association (ABA) in 1878.
  - the ABA’s first “section,” established in 1893, was that of “Legal Education and Admission to the Bar,” an institution still present today
- In 1913, the ABA’s Committee on Legal Education, impressed by the Flexner Report, an evaluation of the status of U.S. medical schools made by the Carnegie Foundation, requested that the Carnegie Foundation make a similar evaluation of U.S. law schools.
- **Independent, proprietary law schools**, including night schools and correspondence schools of law
  - focused on local law were, totally and exclusively trade schools
  - main merit: opened the door of legal training to poor, immigrant, or working-class students
  - lower-court judges and local politicians were drawn heavily from the graduates of these schools

- **The American Association of Law Schools (AALS), founded in 1900**, with the ABA, began to set standards for law schools. Together they made university-based law schools the dominant institution for legal education.
- By the middle of the twentieth century, “the [ABA] approved [university-based] law schools were fast becoming the principal gateway for entry into the profession.
- From 1870, when the case method was introduced at Harvard, until the early 1900’s there has been a Langdell system of study, and one of the most frequent undertakings of law students and of law teachers was to describe or attack or defend that system has been one of the most frequent undertakings.
- Langdell’s “originality and peculiar merit” lay in “having the ingenuity to devise . . . a method of presenting law in its sources” that was able to deal with the enormous growth in the number of cases in the late nineteenth century, a phenomenon that has not abated in current times
- **the case method came under fire** in the 1920s and 1930s from legal scholars of the Legal Realist movement, even while it continued as a part of American law school training.
  - The Legal Realist movement, in the 1920s, sneered at Langdell’s idea of ‘legal science.’
  - Legal logic explained very little, far more subtle factors were at work: economic factors, prejudices and personalities of judges, political winds and storms, general culture
  - The Legal Realists attacked legal formalism—“the myth that law consisted of known rules that can be mechanically implied.”

#### Questions of the Field:

- Discourse on the educational standards of the bar
- Apprenticeship vs. Law schools
- The value of Roman Law
- English Common Law
- The mission of law
- Divisions of Law
- Rule of Law
- Moral principles
- Imperfection of law and lawyers
- Legal Science
- Scientific Method vs. Metaphysical Deduction
- Synthetic Philosophy (Spencer)
- Legal Realism