



School of Law

# LAW REVIEW CIRCULATION

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# LAW REVIEW CIRCULATION

Many law reviews take advantage of the U.S. Postal Service's low rates for qualifying periodicals. In return, they are expected to share some bare-bones "Ownership, Management, and Circulation" information:

The publisher of each publication authorized Periodicals mailing privileges . . . must publish a complete statement of ownership, containing all information required by Form 3526, in an issue of the publication to which that statement relates . . . .<sup>1</sup>

It is not difficult. Form 3526 is straightforward, and a journal can simply paste its completed form into the back of an issue. See, for example, the form published in 2004 by the *University of Chicago Law Review* and reprinted on pages 167 and 168 below.

In the tables on pages 165 and 166 below we present the "Total Paid Circulation" data from line 15c of the completed Form 3526s<sup>2</sup> published in the flagship law reviews of the 15 "Best Law Schools" ranked by *U.S. News* in 2008.<sup>3</sup>

Some journals are more compliant than others. The *Columbia Law Review*, for example, has done a good job for a long time, as has the *California Law Review* (Boalt's flagship). The *Stanford Law Review*, on the other hand, got out of the habit of reporting in the 1980s and '90s, as did the *NYU Law Review* for much of that period. And the *University of Chicago Law Review* appears to be in the same boat nowadays. Other journals report numbers that are not plausible. The *Yale Law Journal*, for example, laid claim to a run of remarkably round and stable circulation numbers in the 1980s and '90s, and recently the *Vanderbilt Law Review* has done the same.

The price of non-reporting can be substantial:

If a publisher does not comply with the filing or publishing standards of [Domestic Mail Manual § 707.8.3 and, after notice from the postmaster, further fails to comply within 10 days, that publisher's eligibility for Periodicals prices is suspended until compliance occurs.<sup>4</sup>

On the other hand, we know of no case in which a postmaster has expressed any concern about, let alone issued notice to, any law review that has failed to comply with § 707.8.3. So perhaps negligent law reviews can rest easy, at least until they hear from a postmaster. For law review edi-

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<sup>1</sup> USPS, Domestic Mail Manual § 707.8.3.3.

<sup>2</sup> Line 15c in old versions of Form 3526 was labeled "Total Paid and/or Requested Circulation." We treat all 15c data as the same.

<sup>3</sup> <http://grad-schools.usnews.rankingsandreviews.com/grad/law/search>.

<sup>4</sup> USPS, Domestic Mail Manual § 707.8.3.4.

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tors whose noncompliance goes beyond negligence, however, the price of false reporting could be steeper and more personal under, for example, 18 U.S.C. § 1722:

Whoever knowingly submits to the Postal Service or to any officer or employee of the Postal Service, any false evidence relative to any publication for the purpose of securing the admission thereof at the second-class rate, for transportation in the mails, shall be fined under this title.

In any event, it would be wise to comply. First, because obeying the rules is generally a good idea. And second, because accurate reporting will enable the *Green Bag* to produce more useful and interesting tables.

**“TOTAL PAID CIRCULATION”**  
1979-2008 FOR THE FLAGSHIPS OF THE U.S. NEWS TOP 15

	Yale	Harvard	Stanford	Columbia	NYU	Boalt	Chicago	Penn
1979-80	*	8760	*	3795	2100	2549	2068	2176
1980-81	4051	8836	*	3790	*	2342	1827	2150
1981-82	4126	9767	2056	3790	2092	2342	1993	2150
1982-83	4199	8389	2350	3561	2074	2342	*	1900
1983-84	4092	8762	*	4046	2069	2200	2150	2080
1984-85	3950	7390	*	3227	*	2168	2300	1996
1985-86	3755	7705	*	3164	*	2014	2617	*
1986-87	3755	7694	*	2938	*	1990	*	1708
1987-88	3700	7325	*	2947	*	1990	*	1762
1988-89	3700	6995	*	2337	*	1816	*	1628
1989-90	3700	7016	*	2913	*	*	2229	1864
1990-91	3700	7768	*	2676	*	1740	*	1719
1991-92	3700	6517	*	2798	*	1694	2205	1781
1992-93	3600	6070	*	2525	*	1690	2454	1672
1993-94	3500	6018	*	2463	*	1701	*	*
1994-95	3300	5204	*	2381	*	1696	1979	1551
1995-96	3300	5029	*	2497	*	1595	2048	1446
1996-97	3300	5454	*	2365	*	1507	1959	1408
1997-98	3300	4367	*	2273	1362	*	1922	1334
1998-99	3300	4574	*	2227	1222	1639	1875	1347
1999-00	2705	4223	8850	2174	1200	*	1872	1191
2000-01	2705	4013	*	2082	1183	1305	2062	1043
2001-02	2677	3735	1434	*	1159	1253	1769	*
2002-03	2577	3491	1280	2029	1211	1196	1845	*
2003-04	2579	3451	1112	1875	1209	1045	*	1180
2004-05	2712	*	1112	1743	867	1040	*	1056
2005-06	2296	2837	1112	1638	999	992	*	1101
2006-07	1915	2853	1089	1578	*	1178	*	1093
2007-08	*	2610	1008	*	*	884	*	923

\* Form 3526 report not found for this year.

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There is a related pedagogical concern: What are we to make of the fact that at the best law schools, some of the best and the brightest students struggle to comply with what probably qualifies as one of the simplest bureaucratic mandates most *Green Bag* readers have ever seen? For that matter, what of the faculty advisers to (and administrative monitors of) all those bright students?

Is it ignorance? Possibly. Incompetence? Indolence? Insolence? Much less likely. Or maybe it is a kind of unconscious puffery by neglect, an unwillingness — revealed in the failure to accurately report falling circulation numbers — to confront the possibility that a drop in circulation

### “TOTAL PAID CIRCULATION”

1979-2008 FOR THE FLAGSHIPS OF THE U.S. NEWS TOP 15

	Michigan	N'western	Virginia	Cornell	Duke	G'town	Vanderbilt
1979-80	2950	1771	*	3350	1326	3197	1995
1980-81	2979	1610	2396	3350	*	3058	2046
1981-82	2985	1520	2387	*	1411	2950	2046
1982-83	2844	1416	2443	3603	1440	3100	1995
1983-84	*	1440	2400	*	1378	3200	*
1984-85	2727	*	2161		1412	3000	2001
1985-86	2657	1251	*	3682	1445	1116	2020
1986-87	2604	1268	*	*	1469	1116	1996
1987-88	2535	1264	2029	*	1335	*	1550
1988-89	2481	1223	1958	*	1295	*	1359
1989-90	*	1178	*	*	1268	3043	1253
1990-91	2382	951	1882	*	1255	2782	1281
1991-92	2332	*	*	*	1253	2260	1330
1992-93	*	887	1840	*	1187	3955	1220
1993-94	2256	*	*	3250	*	1514	1252
1994-95	2227	723	1670	*	*	*	1252
1995-96	2125	*	1550	2958	*	*	1267
1996-97	*	*	1552	2890	*	1536	1287
1997-98	1925	*	1536	2803	*	1487	1265
1998-99	2010	*	*	2805	*	1471	1165
1999-00	1841	*	*	2859	*	*	952
2000-01	1697	*	*	2845	*	1398	960
2001-02	1654	*	1849	2816	*	*	855
2002-03	1571	1017	1068	2288	*	*	*
2003-04	1419	997	644	1766	*	*	800
2004-05	1207	660	616	1827	*	1027	850
2005-06	925	466	483	1712	*	*	850
2006-07	862	575	526	1497	*	924	850
2007-08	783	*	530	*	957	*	850

\* Form 3526 report not found for this year.

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might be connected to a drop in influence or status. There are signs. The *Harvard Law Review*, for example, boasts on its website that, "A circulation of about 8,000 enables the *Review* to pay all of its own expenses."<sup>5</sup> We doubt this is one of those forgot-to-update-the-website oversights. The last time the *HLR* had 8,000 subscribers was in 1985. But who knows?


On the other hand, while our tables do show declines in law-review circulation, they do not account for any rise in web-based consumption

United States Postal Service		
Statement of Ownership, Management, and Circulation		
1. Publication Title	2. Publication Number	3. Filing Date
University of Chicago Law Review	6 5 0 9 6 0	1-28-04
4. Issue Frequency	5. Number of Issues Published Annually	6. Annual Subscription Price
Quarterly	4	\$45.00
7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4)		8. Contact Person
1111 E. 60th Street, Chicago, IL 60637		D. Matthews
9. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer)		Telephone
1111 E. 60th St., Chicago, IL 60637		(773) 702-9593
9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank)		
Publisher (Name and complete mailing address):		
University of Chicago Law Review		
1111 E. 60th Street.		
Chicago, IL 60637		
Editor (Name and complete mailing address):		
Aditya Bamzai		
1111 E. 60th St.		
Chicago, IL 60637		
Managing Editor (Name and complete mailing address):		
Brad A. Russo		
1111 E. 60th St.		
Chicago, IL 60637		
10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)		
Full Name	Complete Mailing Address	
University of Chicago Law School	1111 E. 60th St., Chicago, IL 60637	
11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box <input checked="" type="checkbox"/> None		
Full Name	Complete Mailing Address	
12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)		
The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes:		
<input checked="" type="checkbox"/> Has Not Changed During Preceding 12 Months		
<input type="checkbox"/> Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)		

<sup>5</sup> [www.harvardlawreview.org/about.shtml](http://www.harvardlawreview.org/about.shtml) (visited Dec. 7, 2008).

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that might roughly correspond to, and at least partly explain, those declines. Westlaw, Lexis, HeinOnline, Findlaw, etc. — and more recently even the law reviews themselves<sup>6</sup> — have made it easy to read journals without a subscription. Perhaps the net consumption of law reviews is actually on the rise, along with their influence and status. Who knows?

13. Publication Title <b>University of Chicago Law Review</b>		14. Issue Date for Circulation Data Below <b>Volume 70:4 December 2003</b>	
15. Extent and Nature of Circulation		Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Total Number of Copies (Net press run)		2250	2250
b. Paid and/or Requested Circulation	(1) Paid (includes Outside-County Mail Subscriptions Stated on Form 3541 (Include advertiser's proof and exchange copies))	1315	1315
	(2) Paid In-County Subscriptions Stated on Form 3541 (Include advertiser's proof and exchange copies)		
	(3) Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Non-USPS Paid Distribution		
	(4) Other Classes Mailed Through the USPS	530	530
c. Total Paid and/or Requested Circulation (Sum of 15b. (1), (2), (3), and (4))		1845	1845
d. Free Distribution by Mail (Samples, complimentary, and other free)	(1) Outside-County as Stated on Form 3541		
	(2) In-County as Stated on Form 3541		
	(3) Other Classes Mailed Through the USPS	115	115
e. Free Distribution Outside the Mail (Carriers or other means)		110	110
f. Total Free Distribution (Sum of 15d. and 15e.)		225	225
g. Total Distribution (Sum of 15c. and 15f.)		2070	2070
h. Copies not Distributed		180	180
i. Total (Sum of 15g. and h.)		2250	2250
j. Percent Paid and/or Requested Circulation (15c. divided by 15g. times 100)		89%	
16. Publication of Statement of Ownership <input type="checkbox"/> Publication required. Will be printed in the <b>71:1 Feb. 2004</b> issue of this publication <input type="checkbox"/> Publication not required.			
17. Signature and Title of Editor, Publisher, Business Manager, or Owner   <b>Brad A. Russo</b> <b>Managing Editor</b>			Date <b>01/28/04</b>

Instructions to Publishers

- Complete and file one copy of this form with your postmaster annually on or before October 1. Keep a copy of the completed form for your records.
- In cases where the stockholder or security holder is a trustee, include in items 10 and 11 the name of the person or corporation for whom the trustee is acting. Also include the names and addresses of individuals who are stockholders who own or hold 1 percent or more of the total amount of bonds, mortgages, or other securities of the publishing corporation. In item 11, if none, check the box. Use blank sheets if more space is required.
- Be sure to furnish all circulation information called for in item 15. Free circulation must be shown in items 15d, e, and f.
- Item 15h, Copies not Distributed, must include (1) newsstand copies originally stated on Form 3541, and returned to the publisher, (2) estimated returns from news agents, and (3), copies for office use, leftovers, spoiled, and all other copies not distributed.
- If the publication had Periodicals authorization as a general or requester/publisher, this Statement of Ownership, Management, and Circulation must be published; it must be printed in any issue in October or, if the publication is not published during October, the first issue printed after October.
- In item 16, indicate the date of the issue in which this Statement of Ownership will be published.
- Item 17 must be signed.  
*Failure to file or publish a statement of ownership may lead to suspension of Periodicals authorization.*

PS Form 3526, October 1999 (Reverse)

<sup>6</sup> See, e.g., THE FORUM, www.harvardlawreview.org (visited Dec. 7, 2008).