



School of Law

THE DIPPING POINT: LAW REVIEW CIRCULATION 2010

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THE DIPPING POINT

LAW REVIEW CIRCULATION 2010

Ross E. Davies[†]

For the past couple of years we have needled the *Harvard Law Review* (*HLR*) about its tendency to err on the side of inflation when describing the size of its subscriber base.¹ We now salute the *HLR*'s correction, although the result seems to have been a decision — one many of us might make in similar circumstances — that silence is better than speech when it comes to bad news (if that is what declining circulation is).²

Our more recent and wide-ranging (but, alas, nowhere near comprehensive) research has turned up at least one leading law review that makes the *HLR* look like a piker when it comes to circulation exaggeration. The last time the *Virginia Law Review* (*VLR*) reported a paid circulation of greater than 1,700 was in 2001-02, when it stood at 1,849. The next year the *VLR*'s circulation dropped to 1,068 and it hasn't exceeded 1,000 since then. And yet a visitor to the *VLR*'s website today is treated to this claim: "The Law Review currently has a circulation of over 1,700 and, when the pass-along readership rate is added, surpasses 17,000."³ The *VLR* should look to its own pages, where its most recent United States Postal Service Form 3526⁴ indicates the journal's actual circulation is 542. And in light of the distance between the *VLR*'s two circulation numbers (1,700 puffed to website visitors versus 542 reported to the Postal Service), we might be forgiven for wondering about that impressive ten-readers-per-subscription pass-along rate.

This year we are offering two new perspectives on the law review business. The first new perspective is really just a bigger version of an old one. We have added several law schools' flagship law reviews to our little tables of journal circulation rates. The newcomers are: *Boston University Law Review*, *Emory Law Journal*, *Minnesota Law Review*, *Indiana Law Journal*, *Illinois Law Review*, *Notre Dame Law Review*, *Boston College Law Review*, *Iowa Law Review*, *William and Mary Law Review*, *George Washington Law Review*, *Fordham Law Review*, *Alabama Law Review*, *North Carolina Law Review*, *Washington Law Review*, *Washington and Lee Law Review*, *Ohio State Law Journal*, *UC Davis Law Review*, *Georgia Law Review*, *Wisconsin Law Review*. We also corrected a few errors in earlier versions of the tables and filled in a few blanks, an exercise that will doubtless be repeated in the future. The numbers are on pages 551-554. We hope to go further in the future. With all this new data come a few questions, including these:

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¹ See *Law Review Circulation*, 2009 GREEN BAG ALM. 164; *Law Review Circulation 2009: The Combover*, 2010 GREEN BAG ALM. 419.

² See *About*, www.harvardlawreview.org/about.php (vis. Dec. 19, 2010).

³ See *About VLR*, www.virginialawreview.org/page.php?s=general&p=about (vis. Dec. 19, 2010).

⁴ See USPS Domestic Mail Manual § 707.8.3; *Law Review Circulation*, 2009 GREEN BAG ALM. 164.

- Does the *Alabama Law Review* have even one subscriber? We have not found any evidence that it has ever reported to the Postal Service that it has any subscribers at all.
- Is the *Emory Law Journal* competing with the *HLR* for most subscribers or with the *Alabama Law Review* for least? In recent years it has sometimes reported 6,680 subscribers, and at other times it has reported nothing.
- Is there something especially interesting in the journals at Duke? At a time when nearly every other law review in the United States seems to be suffering a decline in paid circulation, the *Duke Law Journal* and *Law and Contemporary Problems* are enjoying double-digit circulation increases.

We could be misunderstanding some of these things, and missing or mistaking others. Indeed, we probably are. Please help us out if you can.

The second new perspective is a look at the distant past, that long-ago time before Watergate when most law reviews were seemingly unaware of their obligation to report circulation numbers to the Postal Service (thus the many blank cells for the early years in our tables of journal circulation rates). A few law reviews, however, did publish their circulation numbers, at least some of the time. A casual review of those early numbers, in tandem with an equally casual glance at the advertising pages of those early law reviews, provides an ironic reminder of a plausible piece of conventional wisdom about the decline in sales of print editions of law reviews: that the decline has been and is being caused by the rise of searchable electronic databases and of an internet via which to conveniently tap into those databases.

Take a look at the picture on page 549. Scanned from the advertising section of the November 1979 issue of the *HLR*, it is, to the best of our knowledge, the first Westlaw advertisement to appear in a law review. Next, take a look at the graph on page 550. It shows the trends in paid subscriptions at three leading law reviews — the *HLR*, the *Yale Law Journal*, and the *Columbia Law Review* — for which we have at least some data from the 1960s to the present. (The graph is prettier than it ought to be because we have filled in the blanks and smoothed the curves for each journal by assuming that its circulation rates in years for which we lack data are the same as the rates in the immediately preceding years.) The gray bar cutting across all three circulation trend lines marks the period during which Westlaw advertisements began appearing in the law reviews. Correlation does not indicate causation, of course, but it is hard to resist the thought that the appearance of that ink-on-paper Westlaw advertisement in the November 1979 ink-on-paper *HLR* marked what might eventually turn out to be the beginning of the end for the ink-on-paper *HLR*, and for ink-on-paper law reviews more generally.



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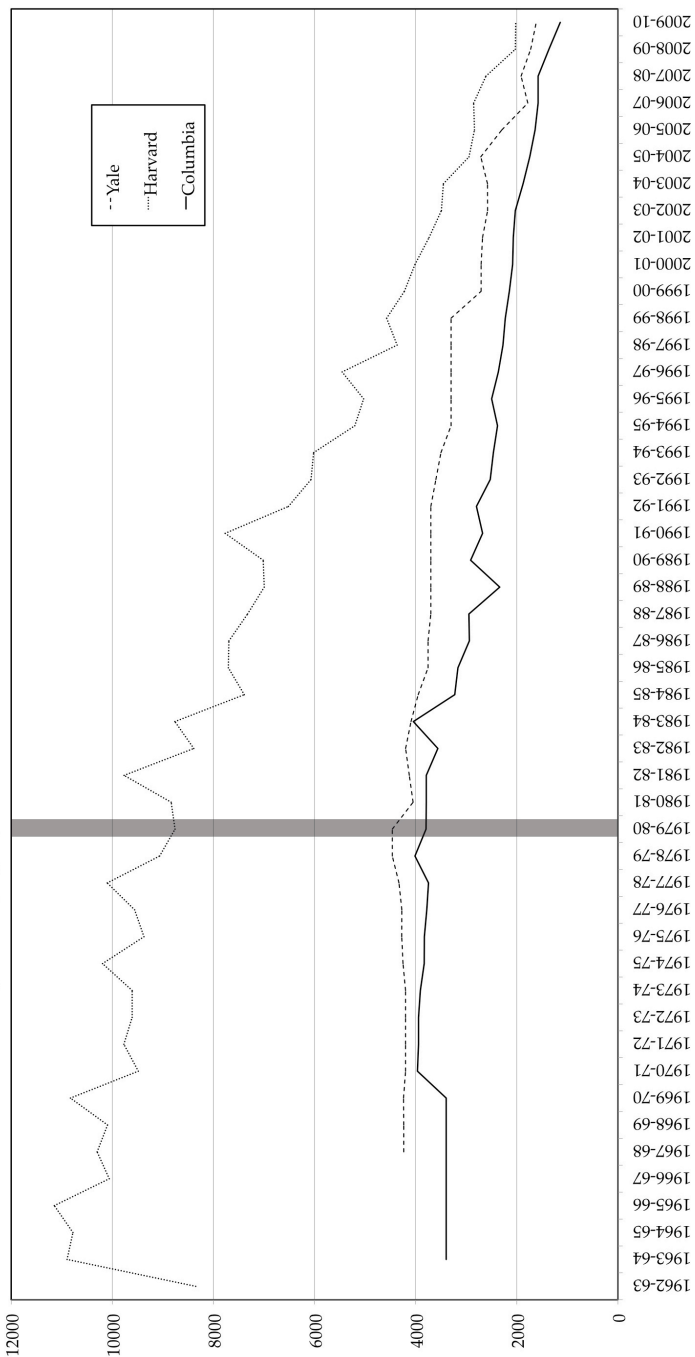
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From the November 1979 issue of the Harvard Law Review.

Paid Circulation (ink-on-paper) Trends for Yale, Harvard, and Columbia Law Reviews, 1962-2010



DAVIES, LAW REVIEW CIRCULATION 2010

“TOTAL PAID CIRCULATION”

1962-2010 FOR THE FLAGSHIP LAW REVIEWS OF MANY FINE SCHOOLS, PLUS OTHERS

	Yale	Harvard	Stanford	Columbia	NYU	Boalt	Chicago	Penn	Michigan	N'western
1962-63		8351								
1963-64		10895		3396						
1964-65		10779		*						
1965-66		11147		*						
1966-67		10061		*						1557
1967-68	4235	10300		*						*
1968-69	*	10095		*						*
1969-70	4240	10828		*						2180
1970-71	4200	9486		3965					2921	*
1971-72	*	9771		3943					2869	*
1972-73	4200	9608		*					*	1885
1973-74	4200	*	1795	3907		2723	2009		2947	1865
1974-75	4250	10193	*	3831	2222	*	1975		*	1918
1975-76	4275	9374	*	3828	2179	2734	1951	2000	3038	1840
1976-77	4273	9559	*	3780	2143	2716	2033	2000	3069	1821
1977-78	4330	10100	*	3746	*	2637	2068	2200	3020	1846
1978-79	4462	9064	1546	4014	2105	2497	2068	2250	2998	1826
1979-80	*	8760	*	3795	2100	2549	2068	2176	2950	1771
1980-81	4051	8836	*	3790	2173	2342	1827	2150	2979	1610
1981-82	4126	9767	2056	3790	2092	2342	1993	2150	2985	1520
1982-83	4199	8389	2350	3561	2074	2342	2150	1900	2844	1416
1983-84	4092	8762	*	4046	2069	2200	2300	2080	2771	1440
1984-85	3950	7390	*	3227	*	2168	2617	1996	2727	1354
1985-86	3755	7705	*	3164	*	2014	*	*	2657	1251
1986-87	3755	7694	*	2938	*	1990	*	1708	2604	1268
1987-88	3700	7325	*	2947	*	1990	*	1762	2535	1264
1988-89	3700	6995	*	2337	*	1816	*	1628	2481	1223
1989-90	3700	7016	*	2913	*	*	2229	1864	2426	1178
1990-91	3700	7768	*	2676	*	1740	2205	1719	2382	951
1991-92	3700	6517	*	2798	*	1694	2454	1781	2332	*
1992-93	3600	6070	*	2525	*	1690	*	1673	2263	887
1993-94	3500	6018	*	2463	*	1701	1979	1673	2256	*
1994-95	3300	5204	*	2381	*	1696	2048	1551	2227	723
1995-96	3300	5029	*	2497	*	1595	1959	1446	2125	*
1996-97	3300	5454	*	2365	*	1507	1922	1408	*	*
1997-98	3300	4367	*	2273	1362	1422	1875	1334	1925	*
1998-99	3300	4574	*	2227	1222	1639	1872	1347	2010	*
1999-00	2705	4223	8850	2147	1200	*	1870	1191	1841	*
2000-01	2705	4013	*	2082	1183	1305	2062	1043	1697	*
2001-02	2677	3735	1434	2069	1159	1253	1769	1293	1654	*
2002-03	2577	3491	1280	2029	1211	1196	1845	1233	1571	1017
2003-04	2579	3451	1112	1875	1209	1045	*	1180	1419	997
2004-05	2712	2945	1112	1743	867	1040	*	1056	1207	660
2005-06	2296	2837	1112	1638	999	992	*	1101	925	466
2006-07	1782	2853	1089	1578	990	1178	*	1093	862	575
2007-08	1915	2610	1008	*	*	884	1525	923	783	584
2008-09	1725	2029	961	1364	763	820	1525	844	711	566
2009-10	1615	2021	*	1140	706	910	*	*	902	*

* Form 3526 report not found for this year.

GREEN BAG ALMANAC & READER 2011

“TOTAL PAID CIRCULATION”

1962-2010 FOR THE FLAGSHIP LAW REVIEWS OF MANY FINE SCHOOLS, PLUS OTHERS

	Virginia	Cornell	Duke	G'town	Vanderbilt	UCLA	Texas	USC	Wash. U.	BU
1962-63	2450									
1963-64	2950									
1964-65	2900									
1965-66	2650									
1966-67	2650									
1967-68	2650									
1968-69	2949									
1969-70	2997									
1970-71	2987			1301						
1971-72	2948			1590						
1972-73	*			*	1700					
1973-74	3249	3496	1200	1743	1775	1750				
1974-75	3000	3378	1200	1766	2100	1850	2000	1402		4882
1975-76	2850	3410	*	1981	1984	*	2150	1446	1170	4844
1976-77	2750	3650	1200	1973	1995	1900	2275	1370	980	4699
1977-78	2650	3350	1215	2100	1995	1351	2135	1326	980	4790
1978-79	2506	3350	1326	3130	2046	1520	2220	1355	971	*
1979-80	*	3350	1326	3197	1995	1536	2349	1614	1091	4691
1980-81	2396	3350	1296	3058	2046	1563	2349	1519	1190	4559
1981-82	2387	*	1411	2950	2046	1277	2347	1532	1096	3749
1982-83	2443	3603	1440	3100	1995	1251	2396	1435	1120	3540
1983-84	2400	*	1378	3200	1995	1361	2396	1333	1107	3433
1984-85	2161	*	1412	3000	2001	1400	*	1204	1106	3961
1985-86	*	3682	1445	1116	2020	1400	1960	1082	508.5	2274
1986-87	2200	*	1469	1116	1996	*	1684	1054	701	2801
1987-88	2029	*	1335	*	1550	1192	*	1199	706	2767
1988-89	1958	*	1295	*	1359	1192	*	1133	714	2617
1989-90	*	*	1268	3043	1253	1192	*	1133	725	3340
1990-91	1882	*	1255	2782	1281	1134	1548	1215	502	2701
1991-92	*	*	1253	2260	1330	1192	1489	830	490	2574
1992-93	1840	*	1187	3955	1220	1083	1407	980	490	183
1993-94	1680	3250	*	1514	1252	940	1261	772	490	1860
1994-95	1670	3252	*	1462	1252	940	881	795	490	1636
1995-96	1550	2958	*	*	1267	990	1137	4770	560	784
1996-97	1552	2890	*	1536	1287	1000	1123	*	560	602
1997-98	1536	2803	*	1487	1265	1000	1645	*	672	550
1998-99	*	2805	*	1471	1165	1000	1628	795	660	621
1999-00	*	2859	*	*	952	921	1526	760	644	549
2000-01	*	2845	*	1398	960	922	1488	4100	*	879
2001-02	1849	2816	*	*	855	695	1449	680	*	547
2002-03	1068	2288	*	*	*	650	1372	698	*	538
2003-04	644	1766	*	*	800	563	1125	680	*	538
2004-05	616	1827	*	*	850	648	1056	670	*	538
2005-06	483	1712	*	1027	850	520	963	700	*	538
2006-07	526	1497	*	924	850	521	963	720	*	538
2007-08	530	1458	957	1068	850	684	941	740	*	538
2008-09	542	1319	790	*	850	632	860	540	*	533
2009-10	*	*	917	546	650	435	804	*	*	*

* Form 3526 report not found for this year.

DAVIES, LAW REVIEW CIRCULATION 2010

“TOTAL PAID CIRCULATION”

1962-2010 FOR THE FLAGSHIP LAW REVIEWS OF MANY FINE SCHOOLS, PLUS OTHERS

	Emory	Minn	Indiana	Illinois	ND	BC	Iowa	Wm&M	GW	Fordham
1962-63										
1963-64										
1964-65										
1965-66										
1966-67										
1967-68										
1968-69										
1969-70										
1970-71										
1971-72										
1972-73										
1973-74		2130								
1974-75		2342				1005				
1975-76		1732				*				
1976-77		1724				1087				
1977-78		1608				*				
1978-79		1621				1090				
1979-80	*	1527	1014	*	1066	1115	2500	808	*	1180
1980-81	*	1501	1016	*	1050	907	2500	808	*	1556
1981-82	1640	1513	1016	*	1050	886	2250	513	*	1374
1982-83	*	1421	1013	*	1061	715	2250	506	*	1660
1983-84	625	1378	992	*	1204	886	2250	*	911	*
1984-85	1425	1373	940	1370	1229	975	2250	503	*	*
1985-86	1425	1345	947	*	1236	*	2250	670	1065	*
1986-87	638	1282	991	*	1046	687	2200	670	*	*
1987-88	786	1258	912	1217	1029	680	2250	717	*	*
1988-89	750	1262	872	*	*	655	2200	719	*	1403
1989-90	750	1230	919	1120	1039	640	2200	761	*	1342
1990-91	750	1217	916	1086	893	640	2200	780	*	1366
1991-92	800	1251	849	1022	842	640	2200	747	*	*
1992-93	792	1202	797	*	826	600	2200	780	*	*
1993-94	792	1163	796	944	*	600	2000	778	*	*
1994-95	792	1023	753	908	1067	600	1800	781	*	*
1995-96	792	1184	741	868	1194	600	1800	751	*	*
1996-97	2600?	1053	706	834	1361	600	1800	751	*	*
1997-98	*	1014	673	808	939	600	1700	751	*	*
1998-99	6680?	947	752	*	1078	600	1700	751	*	*
1999-00	6680?	782	708	*	1027	818	1700	705	*	*
2000-01	6680?	757	708	700	977	507	1700	628	*	*
2001-02	6680?	868	680	656	984	593	1400	*	*	*
2002-03	6680?	802	647	630	951	594	1350	*	692	*
2003-04	*	768	622	595	836	661	1210	*	645	*
2004-05	*	728	613	567	670	540	1150	*	660	*
2005-06	*	1778	612	538	559	555	1150	*	*	*
2006-07	*	732	523	544	645	484	1100	*	624	*
2007-08	*	690	483	543	645	422	1000	*	590	*
2008-09	*	661	498	550	696	439	1000	*	573	*
2009-10	*	*	*	493	*	503	*	*	*	*

* Form 3526 report not found for this year.

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1962-2010 FOR THE FLAGSHIP LAW REVIEWS OF MANY FINE SCHOOLS, PLUS OTHERS

	Alabama	UNC	U Wash	W&L	Ohio St	Davis	Georgia	Wisc	Tax LRev	L&C Probs
1962-63										
1963-64										
1964-65										
1965-66										
1966-67										
1967-68										
1968-69										
1969-70										
1970-71										
1971-72										
1972-73										
1973-74										
1974-75										
1975-76										
1976-77										
1977-78										
1978-79										
1979-80	*	2253	1846	1432	*	*	1943	1700	5310	*
1980-81	*	1913	1827	1542	1809	*	1876	*	5685	2000
1981-82	*	2112	1885	1633	1822	*	1907	*	5664	2441
1982-83	*	*	1795	1562	1485	*	1867	1700	5235	2628
1983-84	*	1961	1665	1543	1390	*	1837	1900	5189	2543
1984-85	*	1763	1711	?	1157	*	1050	1740	4505	2443
1985-86	*	2101	1624	?	1072	*	1075	1730	4064	2459
1986-87	*	1533	1601	?	*	*	1070	1730	3863	2720
1987-88	*	1499	1588	1588	1052	*	1065	1800	3545	2523
1988-89	*	*	1593	1662	957	*	1065	1800	3442	2887
1989-90	*	*	1574	1662	907	*	855	1800	3315	2068
1990-91	*	*	1200	1662	*	*	876	1800	3000	2106
1991-92	*	*	1670	1675	*	*	849	1769	1544	*
1992-93	*	*	1254	1675	*	*	847	1326	*	*
1993-94	*	*	1254	1268	*	*	915	*	2016	*
1994-95	*	*	1254	1200	*	*	915	1512	1772	*
1995-96	*	*	1254	1200	*	620	915	1200	*	*
1996-97	*	1075	1118	873	*	620	922	1300	1517	*
1997-98	*	1018	958	882	*	620	739	1328	1176	*
1998-99	*	1011	909	859	*	550	702	1328	1149	*
1999-00	*	926	939	855	*	*	687	1360	*	*
2000-01	*	926	902	860	*	*	652	*	*	*
2001-02	*	854	873	860	*	*	602	1035	*	*
2002-03	*	839	821	870	*	*	431	1035	*	*
2003-04	*	785	822	836	*	*	554	1035	741	*
2004-05	*	766	755	492	*	527	501	1035	*	*
2005-06	*	749	734	546	*	527	442	*	746	*
2006-07	*	694	714	546	*	527	454	680	620	*
2007-08	*	658	720	546	*	527	540	*	684	1810
2008-09	*	625	668	535	*	323	384	*	747	1393
2009-10	*	*	*	471	*	*	*	*	*	1665

* Form 3526 report not found for this year.