

## Part Three: Specialist Law Journal Ranking

### Introduction

Part Three provides a brief overview of the genesis of the ERA 2010 journal ranking list and identifies issues that arose in the ranking consultations. There is a breakdown of journal rankings across particular law specialisations, where the number of journals in the area warrants this analysis. Focus is especially directed toward discussion of those titles which, as indicated by feedback received as part of the CALD journal ranking exercise, are of particular interest to contemporary Australian legal researchers.

The ARC abandoned the use of journal ranking in 2011. However, the ERA 2010 journal ranking list remains on their website. Law academics continue to refer to it, especially in the absence of access to other published information about journal quality. Journal editors have reported that the publication of the ARC list changed submission patterns, with journals with higher ratings receiving a much greater number of submissions, mostly of poor quality. Others who received lower than expected ratings have indicated concern that the good quality submissions that had been regularly received dried up. There are also concerns that poor ratings in some areas has prejudiced attitudes to entire specialisations, particularly for some new research areas.

The ERA 2010 list is derived from various iterations of previous lists, including contributions from a CALD ranking process. There are known anomalies in the ERA 2010 list, however there is no way in which errors or problems can now be redressed through ARC processes.

While it is not possible to provide a definitive statement on problems with journal ranking or the ERA 2010 list, it is possible to provide some indication of the extent and reliability of data based upon participation received as part of the CALD consultations on earlier versions of the list. This information may be of use to researchers in interpreting the ERA 2010 list, in making submission choices, and in assessing researcher track records. It is also hoped that in documenting the challenges that occurred with the ARC journal ranking exercise, this information will also be of assistance should there be other attempts to rank law journals in the future.

**RECOMMENDATION:** 3.1 That CALD publish Part Three: Specialist Law Journal Ranking to provide legal researchers with pertinent information about specialist journal outlets ranked as part of the ERA 2010 exercise.

## History of the ERA 2010 List

The desire to rank law publications first arose in 2006 as part of the Research Quality Framework (RQF). Legal researchers were highly skeptical of this plan for a range of reasons. The strong preference was for all law publications to be assessed by peer review and that proxies for quality not be utilized in law. Nonetheless consultations continued throughout 2006-7, with pressure from DEST and the ARC for law to participate in producing a ranking of journals and legal publishers.

Whilst efforts to rank book publishers were not continued, ranking journals was less controversial in many disciplines. Those efforts proceeded whilst law prevaricated. In terms of law journals, major logistical challenges included there being no starting list of peer reviewed law journals, no methodologies, and no benchmarks for quality that were tested or were considered appropriate to law. CALD sought to co-operate with institutional and sector expectations, as individuals at some law schools considered working privately with DEST to rank for the discipline. However, no broad consensus emerged over how to proceed to rank journals in a fair, accountable or just way.

## The Phase One Consultation: Ranking Journal List Development and Initial Review

### The Washington and Lee University Ranking List

When the ERA was announced in late 2007 the ARC produced and published a list of draft rankings of law journals based on the Washington and Lee University School of Law Journal Rankings. Whilst the ARC process advertised that the Stage One consultation involved feedback from peak bodies such as CALD, this was not really the case in law.

The Washington and Lee University Ranking List is a listing of law journals published in the US, with a small number of non-US based law journals also included. Many of the US journals in the list are student run and not peer reviewed. Rankings are produced based upon adjusted citation data. Reliance on citation of research as a proxy for quality is not generally accepted in humanities as reliable. (See for example, British Academy, Peer Review: The Challenges for the Humanities and Social Sciences: A British Academy Report, British Academy, 2007; Paul Genoni and Gaby Haddow, 'ERA and the Ranking of Australian Humanities Journals' (2009) Australian Humanities Review Vol 46 pp7-26.) Regardless, the Phase One law list essentially used citation in US law journals as a benchmark to assess the quality of Australian legal research. Research outlets were classified into four tiers, with the

suggested distributions : Tier A\* (top 5%), Tier A (next 15%), Tier B (next 30%) and Tier C (bottom 50%). For criteria for each tier see Appendix 3.1.

The first Phase One list had approximately 1,400 outlets but very few journals Australians would seek to publish in within the top tiers. The list did not include a considerable number of important Australian and Commonwealth law journals. The publication of the draft Phase One list was somewhat inflammatory and the exercise was widely condemned. There was considerable protest to the continuation of the ranking exercise by academics, professional and academic bodies, including CALD and judges, to the ARC and the Attorney-General.

## **The Phase Two Consultation: Review and Feedback from Researchers in the Sector**

### **The CALD List**

CALD convened a meeting of Associate Deans (Research) to discuss participation in the ARC Stage Two consultation which sought specific feedback about the appropriateness of the Phase One rankings and the FOR Code(s) assigned to outlets. A CALD Journal Ranking Steering Committee was established from those attending. It comprised Chair Kathy Bowrey (UNSW), Lesley Hitchens (UTS), Kit Barker (UQ) and Richard Johnstone (Griffith).

It was an ARC requirement that the Phase One list be used as the basis of any law ranking list.

The CALD ranking methodology triangulated information from a number of sources to substantially revise this list and produce a first-cut CALD revised draft. This process took into account:

- Feedback from 22 Australian law schools on all journals on the list including identification of missing journals to be added;
- Information provided by 82 journal editors in line with template produced by the ARC (see Appendix 3.2); and, 34 General Submissions received from law schools and interested individuals.

Whilst there was a rough consensus over rankings of approximately 85% of the Australian journals and information received about many of the more prestigious US journals, there was scant information received about a very large number of US general law journals that dominated the Phase One list. Based upon advice from the ARC, it was not open to remove US journals from the list if these outlets appeared as peer reviewed on the Ulrich's Periodical Directory. Former RQF Panel

11 Chair Professor Hilary Charlesworth (ANU) assisted with revision of the ranking of these US general law journals. In the absence of any feedback, reference was made to the US News Ranking of Law Schools.

In many cases feedback was most enthusiastic and well organized by persons who had a vested interest in particular journal rankings. It was not possible to manage real or potential conflicts of interest arising from the consultations conducted in Australia (except those concerning members of the CALD Steering Committee). It was hoped that any striking or unusual rankings would be apparent and queried during the second cut of the list based upon feedback provided by specialist bodies and independent international reviewers.

Twenty-five specialist and professional bodies were approached and asked to participate in reviewing the second cut list (see Appendix 3.3). This group included the UK Committee of Heads of University Law Schools. Professor Brad Sherman (UQ) was co-opted to assist with compiling this data. In addition, Richard Johnstone met with the President of the Australian and New Zealand Society of Criminology (ANZSOC), Professor Kathleen Daly, to seek to reach consensus on assignments of FOR Codes, which led to a redistribution of some journals to criminology and others to law and an assignment of both codes for journals that were considered interdisciplinary.

A list of 100 potential eminent international reviewers for particular specialisations was devised and circulated to 22 senior Australian academics for comment as to appropriateness and for additional suggestions. All those approached were highly regarded by Australian peers. They were also invariably people who had research assessment experience and a reasonable knowledge of Australian or Commonwealth legal research culture and journals. The 61 people ultimately approached (2-3 for each area of specialisations) included representatives from the UK, Ireland, Singapore, Canada, New Zealand and the United States. For breakdown of specialisations utilised, see Appendix 3.4. This international review process satisfied the ARC that the CALD second cut list appropriately reflected international standards.

## **International Opposition to Journal Ranking**

It needs to be noted that to the extent that the HCA list reflected international standards, the overwhelming view of international assessors was that ranking was an unsound enterprise and lacked credibility. While sympathetic to the situation in which CALD found itself, a number of eminent legal academics, particularly those with RAE experience, declined to participate in journal ranking on the basis that journal ranking is a flawed measure of quality and the exercise was misguided.

RAE exercises had demonstrated that excellent research was published in little known journals, and that publication in a prestigious outlet was not necessarily an indicator of the quality of particular articles. Where permitted, these comments were passed on to the ARC. Several other international reviewers assisted out of collegiality but wanted their discomfort and serious reservations about the validity of the exercise to be noted.

## **The HCA List**

Based upon advice from professional bodies and international reviewers and revisiting original data where necessary, the CALD second cut list was finalized and forwarded to the ARC. Whilst reservations about ranking remained, it was possible to defend any particular ranking of any journal on the CALD second cut list with reference to feedback received as part of the consultations conducted.

The production of this list concluded the work of the CALD Steering Committee. The CALD list was widely circulated to legal researchers through Law Deans.

A revised ARC list (the HCA list) which was primarily based upon feedback provided by CALD was published in June 2009. The HCA list was utilized for the ERA Trial that was conducted in the second half of 2009.

## **Phase Three Consultation: Release of the Journal Title List for Public Review**

In September 2009 the ARC conducted another round of feedback on journal ranking. It appears a number of organisations were invited to comment. Journals unhappy with their own ranking or that of a rival journal in the HCA list were also given an opportunity to participate in providing additional feedback. This information was incorporated into a new revision by the ARC.

There was no involvement of CALD or former members of the Steering Committee in this process.

## **Phase Four Consultation: Final Review by Researchers in the Sector**

A final stage consultation was undertaken in late 2009. A revised list was confidentially circulated to a number of invited individuals for comment and final review.

The final ERA 2010 list was published in February 2010 and utilised for ERA 2010. It contains significant differences to the earlier HCA list.

In the final version, a significant number of Australian law journals were removed from the list, possibly because of doubts about their peer review status. However, comparative US journals remained unaffected. A large number of US general law journals and the *Griffith Law Review* were upgraded. Some specialist law journals of interest to Australian legal researchers and with strong support for their existing ranking were down-graded. These unanticipated changes caused some consternation.

Protest to the ARC over the methodology utilized in Phase Three and Four consultations by legal researchers echoed concerns from other Disciplines. The lack of publication of any methodology or justification for final rankings contributed to sector concerns over ranking. These led to the abandonment of the ERA 2010 list and the adoption of the provision of information about the most frequently published in journals (the Refined Journal Indicator, see Part One).

The proportion of publications reported in A and A\* journals was influential in institutional ratings for ERA 2010 and in institutional assessments of their research strengths.

## **ERA 2010 Journal Rankings: Research Specialisations**

It is only possible to discuss meaningfully ranking areas and specialisations in areas where there are sufficient numbers of journals relevant to Australian researchers. There is no apparent logic behind the relative numbers of journals in particular research areas. To the extent that there is a loose correspondence between number of outlets and research activity in particular fields, the Americanisation of the ERA journal list renders any conclusions about Australian research fields unreliable.

The analysis below utilises Australian and international feedback received that related to the CALD list to provide information that might assist in interpreting the final ERA 2010 rankings, where possible. As with the previous Parts, specialisations are identified with reference to FOR Code, supplemented by additional new research areas.

The analysis provided here is only of rankings with regard to broad areas of specialization with some commentary on a small number of journals where warranted. There is no list of all the journal titles and associated ranks in any particular specialisation, as this information could be used to produce a more refined league table of specialist law journals.

# Specialist Law Journal Ranking

Distortion of research culture is a well-recognized problem of research metrics. With journal ranking, where an article is published can come to be considered more important than its actual content. Over time such tables can distract researchers from effective decision-making about the best vehicle for dissemination of their research to relevant audiences. (Colin Steel, Linda Butler, Danny Kingsley, 'The Publishing Imperative: the Pervasive Influence of Publication Metrics,' *Learned Publishing*, Vol. 19, No. 4. (October 2006), pp. 277-290.)

Due to the small size of the Australian legal research community the ranking of specialist journals may be especially affected by a number of competing demands on publication outlets including:

- International/Australian/Regional/other jurisdictional focus;
- Diversity of types of scholarship catered for within the specialist field;
- Professional readerships;
- Multi-disciplinary readerships;
- Coverage of the area by general law journals. (For analysis of specialisation areas catered for in general law journals see Part Four);
- Commercial imperatives, especially the requirement of regular output; and,
- Irregular output also affected rankings.

In the CALD consultations it became apparent that multi-disciplinary readerships tended to support higher rankings, professional readerships tended to lower regard for the outlet overall. Where prestigious general law journals were known to publish in an area, specialist journals often performed worse. Overall it appears that relatively new research journals and specialisation areas also take a while to impact and achieve better rankings.

These factors appear to affect some law specialisations more than others and invariably affected ranking outcomes for some journals, regardless of the quality of individual articles.

## Rankings Analysed with Reference to FOR Code

The information below is intended to assist researchers in determining where to submit research, and to provide research assessors with very general information about the standing of journals with which they may not be familiar. It also gives some general indication as to whether or not there are any clearly well regarded outlets in particular areas of specialisation.

There are limits to the use of this kind of ranking information and there is no agreed methodology for determining a "right" or "wrong" ranking. Any identification

of deviations in the ERA 2010 list from CALD feedback relates to the receipt of commentary as part of the consultations that does not fit with the final ERA ranking awarded, rather than a reviewer’s mere acquiescence with a suggested CALD ranked. The provision of this information alerts readers to the existence of some degree of uncertainty as to the appropriate standing of the outlet mentioned that could be taken into account by researchers potentially interested in the outlet.

**180101 Aboriginal and Torres Strait Islander Law**

There are less than ten outlets in this area. However general law journals also publish in this area.

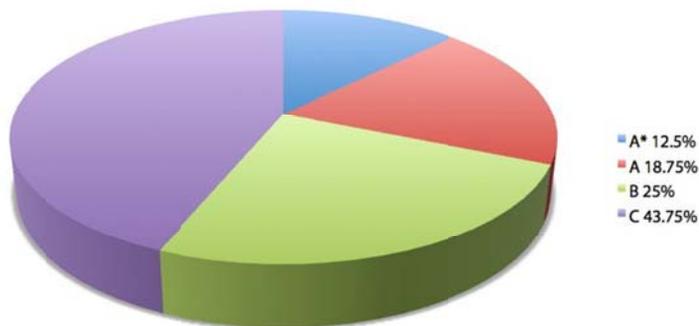
All of the specialist Australian outlets ended up with a C rank in ERA 2010, with the *Indigenous Law Journal* given an A rank but on balance, given a B rank in Australian and international feedback to CALD. There were no B ranked journals on the ERA 2010 list, however both Australian and international feedback to CALD supported a B ranking for the *Australian Indigenous Law Review*.

**180102 Access to Justice**

There are less than ten journals in the area of Social Justice, Aspects of Social Security Law, Poverty Law and Discrimination Law. There is some overlap with Human Rights, Gender and Sexuality, Law and Society.

There was clear support for the ERA 2010 rankings in this area.

**180103 Administrative Law**



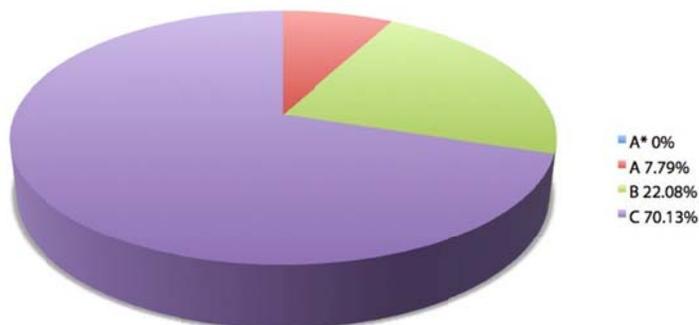
Whilst there are less than twenty journals in this research area it is also catered for by general law journals.

There was clear support for the ERA 2010 rankings.

**180104 Civil Law and Procedure**

There are less than ten outlets in this area. CALD international feedback was generally consistent with the ERA list, however, on balance it did not support an A\* ranking for the *Civil Justice Quarterly*, recommending instead an A.

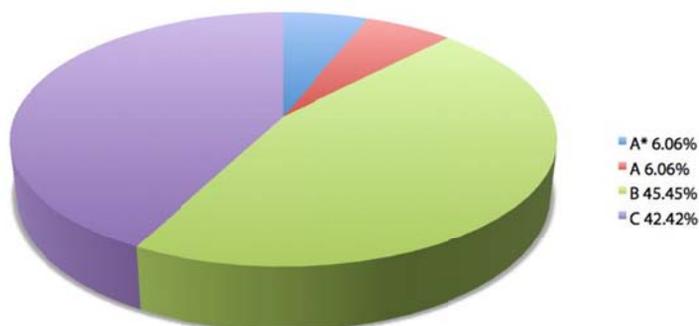
**180105 Commercial and Contract Law**



There are approximately seventy law journals in the area of Banking, Business, Consumer, Contract, Competition, Finance, Insolvency, and Insurance. The area is also catered for by general law journals, with some overlaps with Corporate Law. CALD received feedback about a number of Australian and international journals.

The CALD list was generally consistent with the ERA listings, however CALD international feedback suggests the *Journal of Consumer Policy* warrants an A ranking and not the B ranking awarded in the ERA 2010 list.

**180106 Comparative Law**



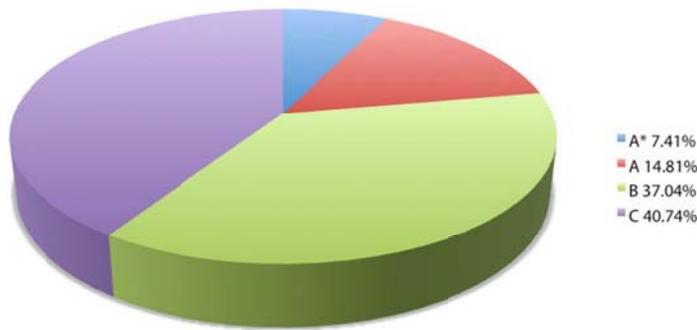
There are over thirty journals in this area published overseas. There is some overlap with International Law and Human Rights.

CALD received feedback from international scholars, as well as the British Institute of International and Comparative Law. This combined data suggests that three rankings were higher than expected. The *Asian Journal of Comparative Law* warranted a B ranking and not the A ranking awarded in the ERA 2010 list; the *Boston College International and Comparative Law Review* warranted a C ranking and not the B ranking awarded in the ERA 2010 list; and, the *Temple International and Comparative Law Journal*, only warranted a C and not the B awarded in the ERA list.

**180107 Conflict of Laws (Private International Law)**

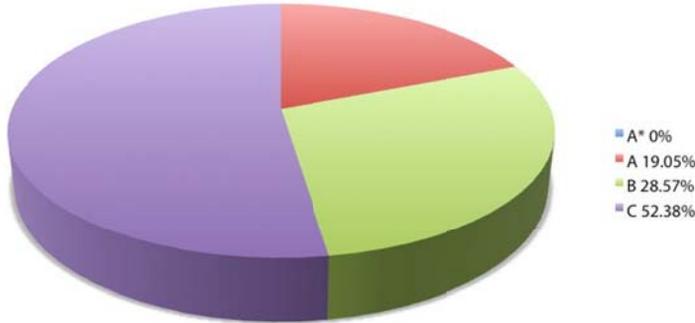
There are less than ten journals in this area. CALD feedback suggested the ERA “not ranked” *International Journal of Private Law* warranted a B ranking.

**120108 Constitutional Law**



There are nearly thirty journals dedicated to Public Law and Constitutional Law. The area is also catered for by general law journals which may be the more relevant ones for most Australian researchers.

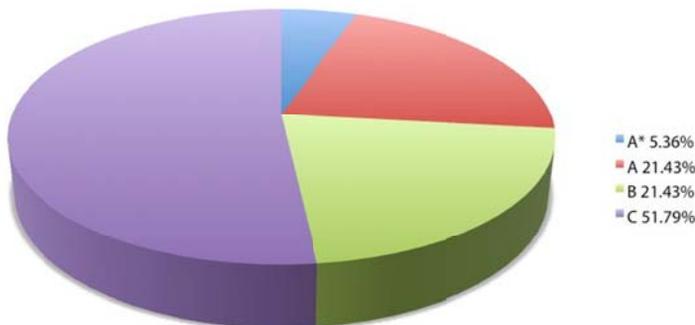
**180109 Corporations and Associations Law**



There are less than twenty journals in this area, including some that consider Regulatory Theory and Competition Law. There are overlaps with Commercial and Business Law and International Trade Law journals.

*ECLR: European Competition Law Review* was awarded a B on the CALD list, not an A whilst the *European Competition Journal* was awarded a B, not C. The *International Journal of Corporate Governance* was “not ranked” on the ERA list but was awarded a B on the CALD list.

**180110 Criminal Law and Procedure**



There are approximately fifty journals in this area. The area is also catered for by general law journals. There are overlaps with Criminology journals.

There are some discrepancies in the ranking of a number of journals. Journals ranked lower on the CALD list were *American Criminal Law Review* which

was awarded a B, not an A; *American Journal of Criminal Law*, which was awarded a C, and not a B; *Criminal Justice Ethics* which was also awarded a C, not a B; and lastly, *Criminal Law Journal* (Thompson-Reuters Australia) was awarded a B, not an A.

Journals ranked higher on the CALD list were the *Criminal Law Forum*, awarded an A, not a B; *International Journal of Law, Crime and Justice*, which was awarded an A, and not a B; and lastly, *Journal of International Criminal Justice* which was awarded a A\*, not an A.

**180111 Environmental and Natural Resources Law**



There are close to seventy journals in this area, including several Australian titles. There is also a modest degree of coverage of environmental law by general law journals.

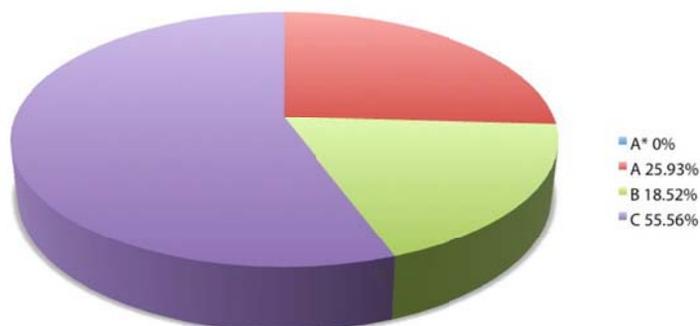
There was contrary feedback concerning the *Environmental Law Reporter, News and Analysis*. CALD Australian feedback ranked it as a B, whilst CALD international feedback ranked it as a C. The ERA 2010 ranking was an A. The *Journal of International Wildlife Law and Policy* and the *Pace Environmental Law Review* were both awarded a C by CALD Australian researchers, a B by internationals, and a C in the ERA 2010 ranking.

**180112 Equity and Trusts Law**

There are a very small number of journals in this area, which includes the relatively newly published *Journal of Equity*. It was rare for a new journal to achieve an A ranking however in this case it was supported by Australian and international commentary.

CALD Australian feedback ranked *Tolley’s Trust Law International* an A, and international feedback awarded it a B. The ERA 2010 ranking was a C.

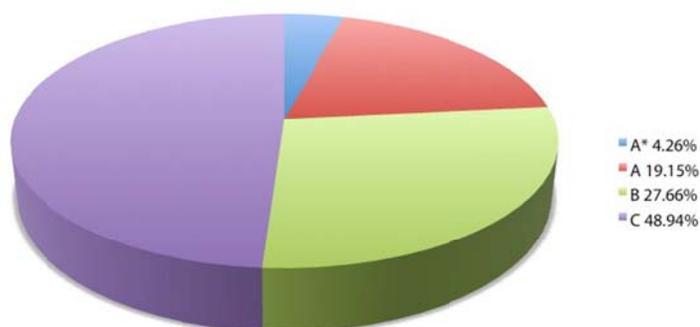
### 180113 Family Law



There are almost thirty journals in this area. Whilst there are Australian outlets, there is also some coverage by general law journals. Special editions of general law journals have been dedicated to the area of reproductive rights.

*Family Law Quarterly* was ranked A by CALD Australian and international researchers, but was given an B in the ERA ranking.

### 180114 Human Rights Law



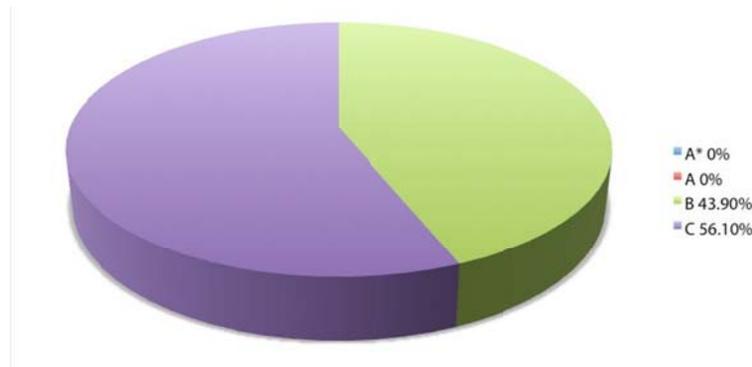
There are well over forty journals in this area, including Australian outlets. There is also some coverage by general law journals. There is some overlap with International Law and Access to Justice.

In addition to international feedback, data was received by CALD from the British Institute of International and Comparative Law.

Three journals received lower rankings than anticipated.

*Health and Human Rights: An International Journal* was ranked B by CALD Australian and international feedback but received a C in the ERA rankings. *Human Rights Quarterly* was ranked A\* by CALD Australian and international feedback but an A in the ERA ranking. *Yale Human Rights and Development Law Journal* was ranked A by CALD Australian and international feedback but a B in the ERA list.

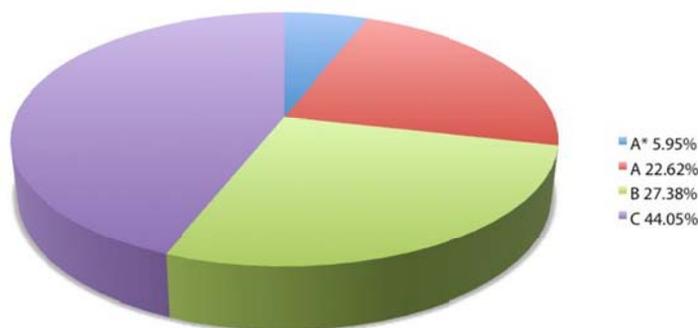
**180115 Intellectual Property Law**



There are well over thirty journals in this area, many of which are US based with a few UK titles. There is also some coverage by general law journals. There is some overlap with Sports Law and Media and Communications Law journals.

There are no A ranked journals in this area. CALD Australian and international feedback corresponded with the ERA 2010 list.

**180116 International Law (excl. International Trade Law)**



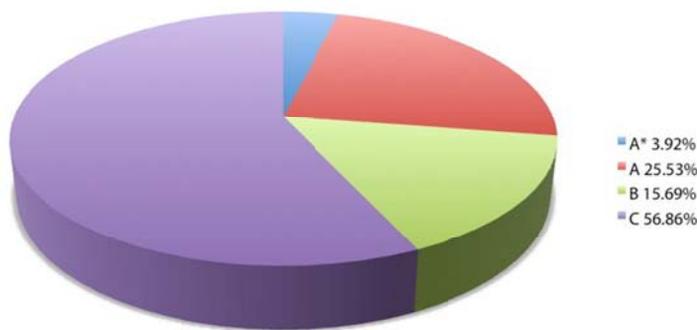
There are over eighty outlets in this area. There is some overlap with Comparative Law and Human Rights Law. In addition to Australian and international

feedback, comments were received from the British Institute of International and Comparative Law.

Three journals ended up with a higher than anticipated rank. *American University International Law Review* was ranked B by CALD international reviewers, but received an A in the ERA rankings. *Penn State International Law Review* was ranked C by CALD Australian and international reviewers, but received a B. *Texas International Law Journal* was ranked B by CALD international reviewers, but received an A.

Four journals ended up with a lower than anticipated rank. The *Australian Yearbook of International Law* was ranked A by CALD Australian and international researchers with some support for an A\* ranking, but received a C ranking. The *Canadian Yearbook of International Law* was ranked A by CALD Australian and international researchers, but received a B ranking. The *Indian Journal of International Law* and *Finnish Yearbook of International Law* were ranked B by CALD Australian and international researchers but received a C ranking in the ERA 2010 list.

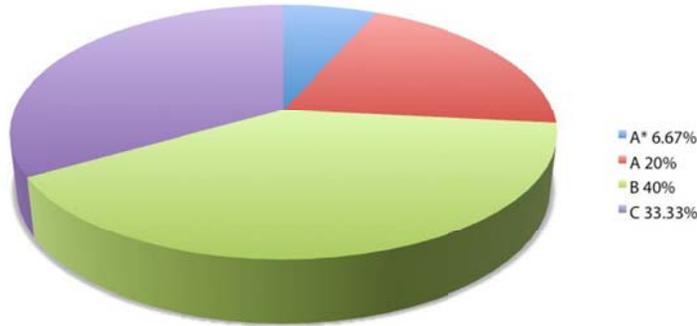
**180117 International Trade Law**



There are almost fifty journals in this area. General law journals also produced GFC-inspired editions.

There were comparatively few unexpected rankings, however the CALD list awarded an A\* to the *Journal of Common Market Studies*, which the ERA 2010 list ranked as A. *Legal Issues of Economic Integration* and *World Competition: Law and Economics Review* were both ranked B by CALD international review, but awarded an A by the ERA 2010 list.

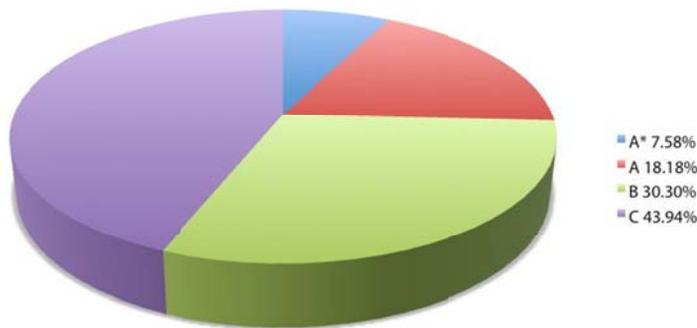
### 180118 Labour Law



There are approximately fifteen journals in this area. There is also some coverage by general law journals. Feedback was received from the Australian Labour Law Association.

CALD feedback rated the *International Journal of Comparative Labour Law and Industrial Relations* as C, whilst the ERA 2010 list ranked it as B.

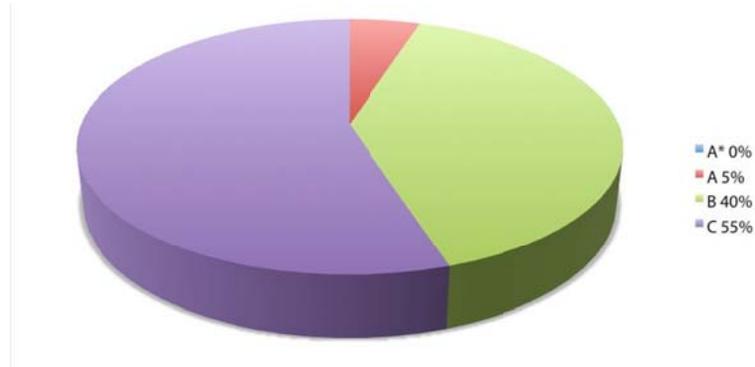
### 180119 Law and Society



There are well over sixty journals in the area of Law and Society, Law and Policy, Law and Politics. There are also overlaps with general law journals. Feedback was also received from the Law and Society Association of Australia and New Zealand.

Generally CALD comments corresponded with final ERA 2010 list with the exceptions of the *Texas Hispanic Journal of Law and Policy*, rated as B by CALD international feedback but a C in the ERA 2010 ratings.

**180120 Legal Institutions (incl. Courts and Justice Systems)**

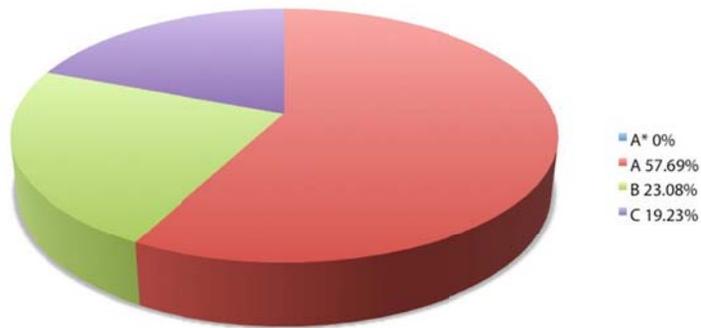


There are approximately twenty journals in this area. There was comparatively little feedback received on these journals and no significant differences in rankings to report.

**180121 Legal Practice, Lawyering and the Legal Profession**

There are approximately ten journals in this area, mainly dealing with legal ethics. There are no significant differences in rankings to report.

**180122 Legal Theory, Jurisprudence and Legal Interpretation**

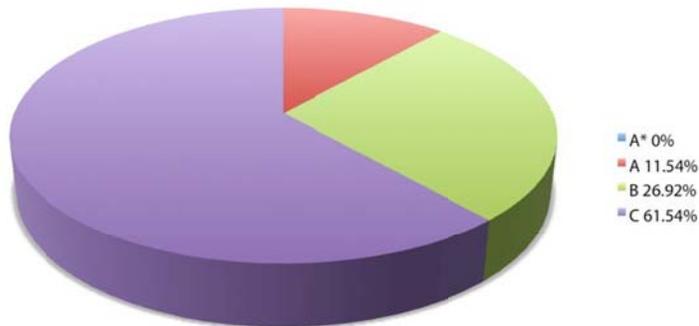


There are less than thirty legal theory journals including titles concerning Law and Humanities, Law and Literature, Traditional Jurisprudence and Legal Philosophy. There appears to be a large number of A ranked journals in this area, but no A\* outlets. The *Griffith Law Review* also regularly covers legal theory articles.

Three journal ranked lower than anticipated. *Acta Juridica* was awarded a B by CALD international review, and a C by the ERA 2010 list. *Legal Theory* was awarded an

A\* by CALD international review, and an A by the ERA 2010 list. There was some international support for an A\* for *Ratio Juris: An International Journal of Jurisprudence and Philosophy of Law*, which was awarded an A by the ERA 2010 list. *Statute Law Review* was awarded a C by CALD international review and an A in the ERA 2020 list.

### 180123 Litigation, Adjudication and Dispute Resolution



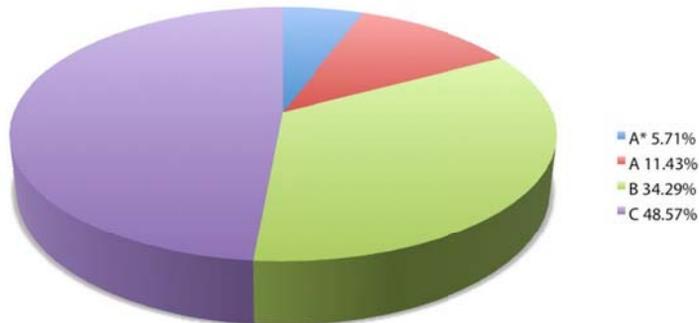
There are approximately twenty-five journals in this area, with Evidence and Dispute Resolution focused titles roughly equally represented. There was comparatively little feedback received on these journals and no significant differences in rankings to report.

### 180124 Property Law

There are only a paltry number of journals on Property Law. Mostly the Water Law journals concern Environmental Law. This area is also published by general law journals.

The CALD international feedback ranked the *Real Property, Probate and Trust Journal* a C. It received a B in the ERA 2010 list.

### 180125 Taxation Law



There are approximately 35 Tax Law journals covering a number of jurisdictions. There were some differences between feedback received from Business Law and Taxation Schools and Law Faculties. Feedback was also received from the Australian Tax Teachers Association.

The CALD Australian and international feedback rated the Australian Tax Review an A. It received a B in the ERA 2010 list.

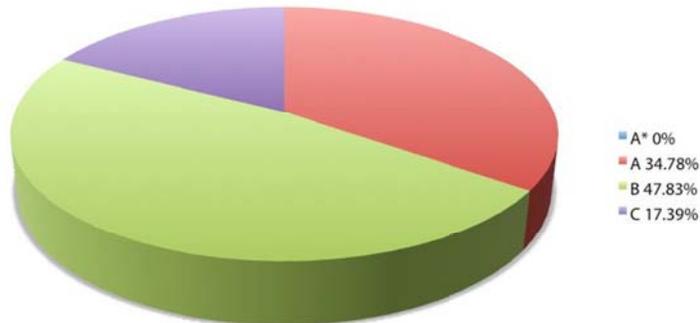
CALD international feedback rated the *Intertax : International Tax Review* a B, whilst it received a C in the ERA 2010 list.

### 180126 Tort Law

There are only a very small number of journals on Tort Law. This area is published by general law journals. Whilst some aspects of Media law and Law and Medicine relate to torts, journals covering these issues are typically distinct in character.

The CALD Australian and international feedback rated the *Torts Law Journal* an A. It received a B in the ERA 2010 list.

## Gender and Sexuality



There are over twenty journals dedicated to Gender, Feminist and related scholarship. There is some overlap with Legal Theory, in particular concerning the A-ranked *Australian Feminist Law Journal*. Feedback on some titles was also received from the Law and Society Association of Australia and New Zealand.

There was strong feedback to CALD on almost all journals listed.

*Columbia Journal of Gender and Law* was ranked an A by CALD but one international reviewer suggested it warranted a B, as awarded in the ERA 2010 list, due to concerns over refereeing.

*University of Maryland Law Journal of Race, Religion, Gender and Class* was awarded a B by CALD international review, but received a C in the ERA 2010 list. On balance, *Yale Journal of Law and Feminism* was ranked as B by CALD international reviewers. It received an A ranking in the ERA 2010 list.

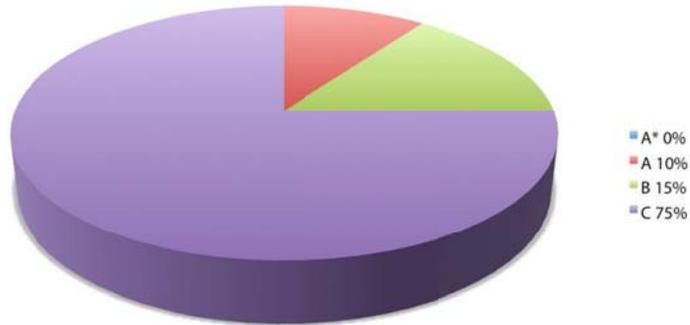
### Law and Medicine



There are over forty journals covering subject matter from Nursing, Psychiatry, Torts and Health Policy. Special editions of general law journals have been dedicated to the area of reproductive rights.

There was comparatively little feedback received on these journals and only one difference in rankings to report. The *Journal of Law and Medicine* was awarded a B by CALD international review. It received an A in the ERA 2010 list.

### Legal Education



There are approximately twenty journals in this area. A special edition of a general law journal has been dedicated to clinical legal education. *Clinical Law Review* was awarded a B by CALD international review. It received an A on the ERA 2010 list.

### Legal History

There are less than ten journals on legal history. For reasons unknown, the *Australian Journal of Legal History* was not included on the ERA 2010 or the ERA 2012

list. It was a C ranked journal in the CALD list.

**Media & Communications**

There are less than ten journals in this area. There is some overlap with Intellectual Property Law journals. Whilst some media issues could be classified as Tort Law, journal coverage of media issues tends to be specialist in nature and combines a broad range of regulatory issues pertaining to Media and Telecommunications. There are no significant differences in rankings to report.

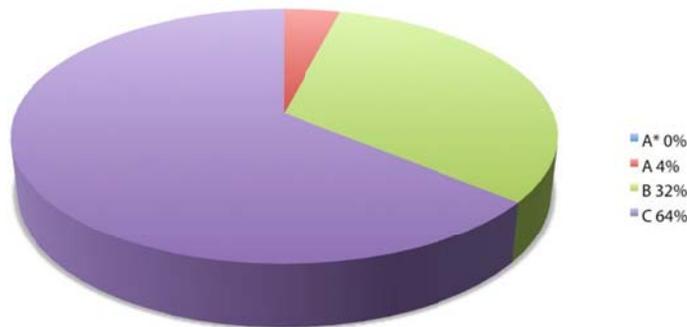
**Religion & Law**

There are less than ten international publications in this area. There are no significant differences in rankings to report.

**Sports Law**

There are just over ten journals in this area, with some overlap with Intellectual Property and Entertainment Law titles. Whilst there is a relatively new Australian outlet, the *Australian and New Zealand Sports Law Journal*, journals are predominantly associated with US law schools. They all received a C ranking on the CALD and ERA 2010 lists. There are no significant differences in rankings to report.

**Technology Law**



This area primarily cover information technology and computers. There are some journals on Genomics and Biotechnology that could also be classified as Medicine and the Law. There are approximately 45 journals in the area, including some Australian outlets.

The *Richmond Journal of Law and Technology* was awarded a C by CALD international review. It received a B ranking in the ERA 2010 list.

## Combined Ranking Outcomes

% Ranks	A*	A	B	C
ARC recommendation	5.00	15.00	30.00	50.00
Administrative Law	12.50	18.75	25.00	43.75
Commercial and Contract Law	-	7.79	22.08	70.13
Comparative Law	6.06	6.06	45.45	42.42
Constitutional Law	7.41	14.81	37.04	40.74
Corporations Law	-	19.05	28.57	52.38
Criminal Law and Procedure	5.36	21.43	21.43	51.79
Environmental Law	-	11.43	27.14	61.43
Family Law	-	25.93	18.52	55.56
Gender & Sexuality	-	34.78	47.83	17.39
Human Rights	4.26	19.15	27.66	48.94
Intellectual Property	-	-	43.90	56.10
International Law	5.95	22.62	27.38	44.05
International Trade	3.92	25.53	15.69	56.86
Labour Law	6.67	20.00	40.00	33.33
Law & Medicine	-	14.29	28.57	57.14
Law & Society	7.58	18.18	30.30	43.94
Legal Education	-	10.00	15.00	75.00
Legal Institutions	-	5.00	40.00	55.00
Legal Theory	-	57.69	23.08	19.23
Litigation, Adjudication & Dispute Resolution	-	11.54	26.92	61.54
Taxation Law	5.71	11.43	34.29	48.57
Technology Law	-	4.00	32.00	64.00

## Conclusion

An analysis of law journal rankings with reference to specialisations shows that there is no standard distribution of ratings across research areas. A plethora of A and A\* journals, or the relative absence of these, does not necessarily indicate anything about the strength or quality of any particular research areas in Australia.

A relatively poor showing may point to too many outlets, too few well-established outlets, or mixed professional and academic outlets in that specialisation. A high number of A\* and A journals may also point to the strength and unity of national and international research networks in some areas and the ability to mobilise in relation to journal ranking exercises.

This data does show that researchers in some areas may have access to a much wider choice of well regarded publication venues than others, even taking the US bias of the journal list into account. This may work to the advantage of these researchers when it comes to more superficial assessments of track record and research strengths.

It needs to be remembered that book chapters also provide an alternate avenue for publication and where these are related to grant activity they may be expected to be of high quality. Where there may be few journals and few high ranking journals in some research areas, the situation may be ameliorated for some researchers once publication areas of general law journals are taken into account.

## Appendix 3.1

### ERA Journal Ranking Tiers

A\* (top 5%) – contain the highest quality papers from the world’s leading researchers; the editorial board is also composed of world leaders; rejection rates are normally very high; very robust peer review process (double blind?); junior academics would shout a round of drinks the first time they got a paper accepted in one of these journals.

A (next 15%) – also publish very high quality papers with a significant proportion coming from the world’s leading researchers; could be the leading journal in a sub-discipline; the editorial board contains many leading researchers; senior academics would routinely publish in these journals, and junior academics would strive to get their best work accepted here; normally high rejection rate.

B (next 30%) – most articles are methodologically sound and there is a robust peer review process; PhD students would usually aim for these journals and PostDocs would expect to publish in them; solid editorial board with perhaps a modest representation of top researchers.

C (next 50%) – the rest (but must be peer reviewed).

## Appendix 3.2

### ARC Template for Australian Ranking of Journals and Publishers

Journal Acronym: \_\_\_\_\_  
Full name: \_\_\_\_\_  
Website: \_\_\_\_\_  
Proposed rank A\* A B C  
Area of research

Peer review process  
Number of referees for each paper: \_\_\_\_  
Review process: blind double blind open  
Are authors invited to write a rejoinder? yes no  
Acceptance rate (if known): \_\_\_\_

If need be, please provide further comment on the review process and acceptance rates.

#### Editorial Board

Comment on the composition of the board (e.g. the proportion that they are leading researchers in the field, indicate their institutional affiliations; are Board members regularly involved in selection of referees and/or reviewing?)

If need be, please provide further comment on the role of the Editorial Board

#### Quality of work

Comment on the quality of the work (e.g. whether the work shapes the field; whether the quality is uniform or 'patchy', etc) and provide evidence to support claims

#### Evidence of engagement with the global research community

For example, origins of authors, origins of special issue editors, topics covered etc

#### Comparative assessment

Name some other journals/publishers in the field that are:

of similar quality? \_\_\_\_\_

of higher quality? \_\_\_\_\_

of lower quality? \_\_\_\_\_

Participants Are the top researchers in the field regular contributors?

all  $\frac{0}{\lambda}$  most  $\frac{0}{\lambda}$  some  $\frac{0}{\lambda}$  none  $\frac{0}{\lambda}$

Please provide an analysis (with evidence) of contributors to the journal over the past five years

Additional contextual information Please provide any additional information that will assist in a comparative assessment of the journals/publishers.

Argument for change of status – must address the criteria

Your name and institution, and your position in relation to the journal

## Appendix 3.3

### CALD Phase Two consultations: Specialist Academic and Professional Bodies

American Society of International Law - <http://www.asil.org/>  
Association of American Law Schools - <http://aals.org/>.  
Australian Institute of Administrative Law (AIAL)  
Australian and New Zealand Society of International Lawyers (ANZSIL)  
Australasian Tax Teachers Association (ATTA)  
British Institute of International and Comparative Law - <http://www.biiicl.org/>  
Canadian Law and Society Association - <http://www.acds-clsa.org/en/index.php>  
Committee of Heads of University Law Schools (UK)- <http://www.ukcle.ac.uk/resources/temp/chuls.html>  
Commonwealth Lawyers Association - <http://www.commonwealthlawyers.com/default1.asp>  
Corporate Law Teachers Association - <http://users.austlii.edu.au/clta/>  
Commercial Law Association of Australia - <http://www.cla.org.au/>  
Council of Canadian Law Deans - <http://www.cclld-cdfdc.ca/home.html>  
International Association for the Advancement of Teaching and Research in Intellectual property (ATRIP)  
International Law Association (UK based) <http://www.ila-hq.org/>  
Law Commission of Canada - <http://www.lcc.gc.ca>  
Law Commission (England & Wales) - <http://www.lawcom.gov.uk/>  
Law and Society Association (US) - <http://www.lawandsociety.org/>  
Law and Society Association of Australia and NZ - <http://www.lsaanz.org/>  
Society of Legal Scholars (UK) – <http://www.legalscholars.ac.uk/text/index.cfm>  
Socio-Legal Studies Association (UK) - <http://www.slsa.ac.uk/>  
Tax Research Network - <http://www2.warwick.ac.uk/fac/soc/wbs/research/trn>

## **Appendix 3.4**

CALD Phase Two consultations: Specialisation areas for international review

- Criminal; Criminal Justice
- Comparative law
- Commercial law
- Corporate law
- Dispute resolution
- Environmental law
- Evidence
- Family; Social Welfare
- Human Rights
- Indigenous People and the Law
- Intellectual Property
- International (Public/Private)
- International Trade
- Labour
- Law and Economics
- Legal Theory
- Media/IT
- Medical Law
- Private Law
- Property
- Public Law
- Tax

## Part Four: General Law Journal Ranking

### Introduction

This section provides data analysis of publications in ERA 2010 A and A\* Australian general law journals. This includes the:

- *Federal Law Review (FLR)*
- *Griffith Law Review (GLR)*
- *Melbourne University Law Review (MULR)*
- *Monash University Law Review (Monash)*
- *Sydney Law Review (SLR)*
- *University of New South Wales Law Journal (UNSWLJ)*
- *University of Queensland Law Journal (UQLJ)*

These outlets are analysed with reference both the institutional alignment of authors and the respective subject areas covered.

The period, 2006-2010, was selected for analysis because this time span is long enough for a snapshot of recent history to emerge. This timeframe also aligns with the ERA 2010 period of assessment.

The purpose of this section is to provide some general information about available opportunities for Australian researchers to publish in Australian general law journals. In terms of subject areas published, given the size of the sector and number of publications available one would not expect every area of research to be catered for in any general law journal. Furthermore one would hope to find different areas of scholarship catered for by different general law journals. Legal research would not be well served if our general law journals uniformly covered the same areas. The relative absence of a research specialisation within general law journal coverage is also not necessarily a problem if that area is well catered for by specialist journals that publish Australian authors.

The A and A\* general law journals are considered highly prestigious outlets, however there are historical trends reflected in publication outcomes. An analysis of publications in these outlets in the period 2006-2010, with reference to institutional affiliation of authors and areas of specialization, provides useful information to researchers about current journal practices.

**RECOMMENDATION: 4.1** That CALD publish Part Four: General Law Journal Ranking to provide legal researchers with pertinent information about general law journal outlets.

## Submission and Acceptance Practices

The process by which researchers choose to submit research to particular outlets is very mysterious. Word of mouth, mentoring and the suggestions of colleagues with experience of particular journals are clearly key factors. Submission choice may also reflect presumed strengths of the associated faculty, with researchers wanting to engage these academics in reviewing their work. Particular concentrations may also be explained in some cases by student interest which may or may not align with that of faculty staff, as well as presumptions that if a particular journal has accepted like work previously, it may welcome similarly themed articles in the future.

Editors of A and A\* general law journals reported acceptance rates of articles sent to review in a range between 18% - 50%, with an average acceptance rate of 30%. For additional details about editorial practice see Appendix 4.1. Most journals involve students working with academics to some degree, with the *MULR* and *UNSWLJ* most emphatically reporting themselves as entirely student run and independent of faculty. For outlets with student editors it cannot be assumed that there was or is a close connection between students and faculty staff in editorial decision making. The degree to which students seek and take faculty advice on what to send to review, the selection of reviewers and, ultimately, publication appears to be variable.

During the ERA journal ranking consultations there were complaints about the peer review processes concerning three of the seven A and A\* journals. These complaints suggested practices were not as they should be. Additionally, some researchers reported frustration at experiences with a wide range of general law journals and especially at wrongful attributions by disgruntled authors that they were involved in editorial decisions not to send submissions for review, or were reviewers of articles rejected, commented on, or published, in their area by their home faculty general law journal. Given the number of scholars working in particular areas and close contacts between Australian researchers, some researchers also noted that the idea of “blind” peer review can also be quite problematic, notwithstanding attempts by editors to adhere to good practice. How these factors affect submission choices and publication outcomes is unclear, however all these factors affect the reliability of quality assessments of general law journals made with reference to perceived connections to, and research strengths of, associated faculties.

As we do not really have much reliable information about individual submission choices or editorial decision making, it is inappropriate to read the following analysis as necessarily reflecting particular instances of institutional or editorial

bias. No adjustments have been made to take into account the relative number of issues or articles appearing in journals. As such, extra caution needs to be exercised in relation to any comparisons made between journals.

## Author Institutional Alignment

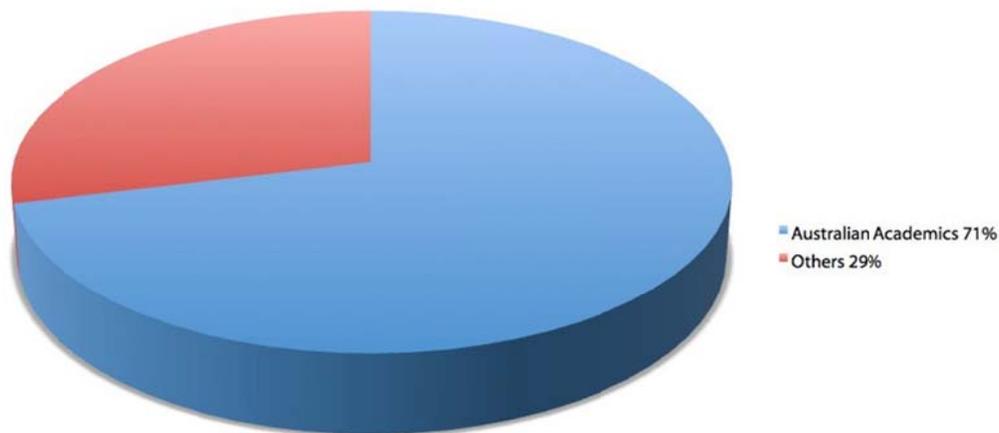
An analysis of highly ranked general law journals with respect to the institutional alignment of authors gives some indication of local opportunities for Australian researchers to publish in these outlets. The category of “Other” included members of the judiciary, profession, academics based at overseas institutions and student authors.

There is a case for always excluding publications from members of the judiciary from any research metrics, given it is hard for editors to reject these contributions and sometimes their relevance is because of their authorship.

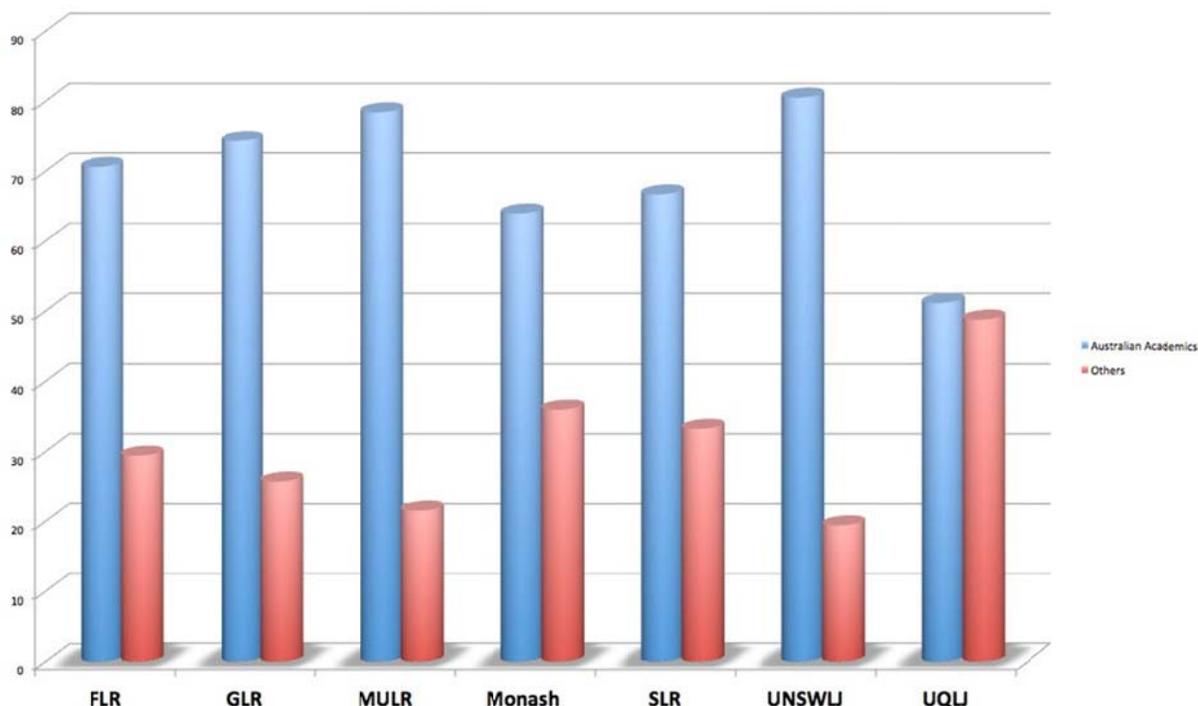
To some extent the “Other” category is suggestive of the internationalization of an outlet, however where an academic had an ongoing affiliation with an Australian institution, the Australian affiliation was considered the relevant one for the purpose of this analysis. Casual visitors, including those on sabbaticals, were treated as “Other”. The author affiliation classification refers to institutions, rather than faculties or schools, and as such does not necessarily denote a law faculty publication.

## Publication by Australian Authors

### Australian Academics v Other Authors (Internationals, Judges, Legal Profession, Students) Total



### Australian Academics v Other Authors (Internationals, Judges, Profession, Students) By Outlet

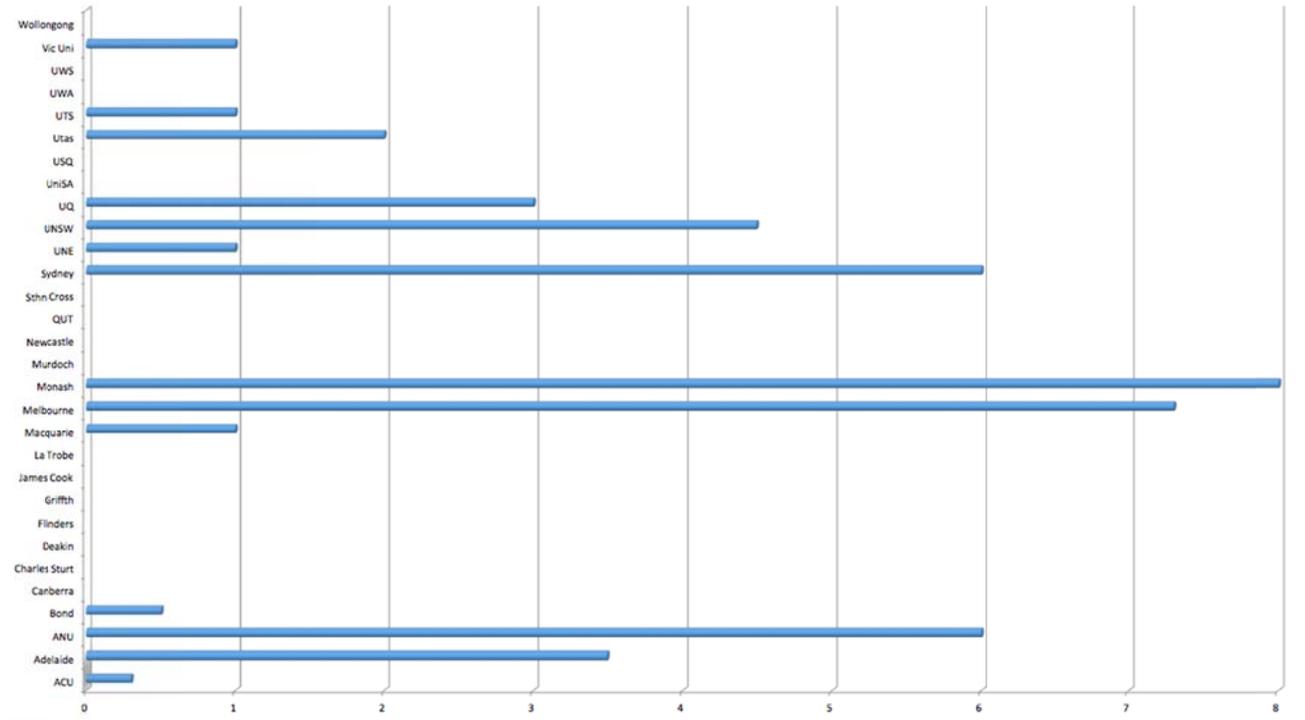


There is quite a significant discrepancy between journals concerning the extent to which they have published authors other than local academics. In the period surveyed the *UQLJ* has the highest proportion of publication by internationals, judges, members of the legal profession and students (49%) and *UNSWLJ* the lowest (19%), with the average being 29%. The *SLR* had a higher number of student authors in the “Other” category than other outlets, invariably drawn from the home institution.

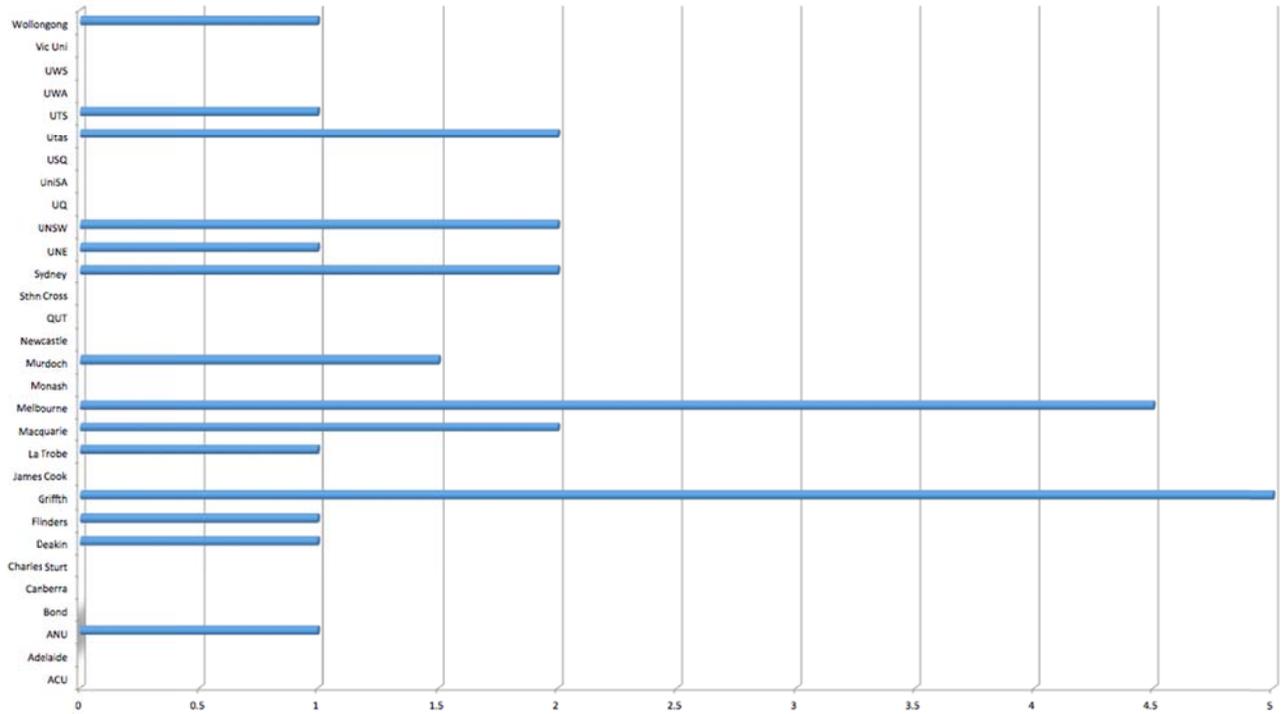
### Home Institutional Representation

Care needs to be taken in concluding that a high degree of author institutional alignment with publication in the home faculty is suggestive of bias. One would need to know more of the distribution of alignments of submissions received and rejected to begin such an inquiry, as well as most obviously something of the quality of these submissions and the review process. This information was not available for analysis. Timeliness of publication may have also affected publications in *Monash* whose 2010 volumes remained unavailable in February 2012.

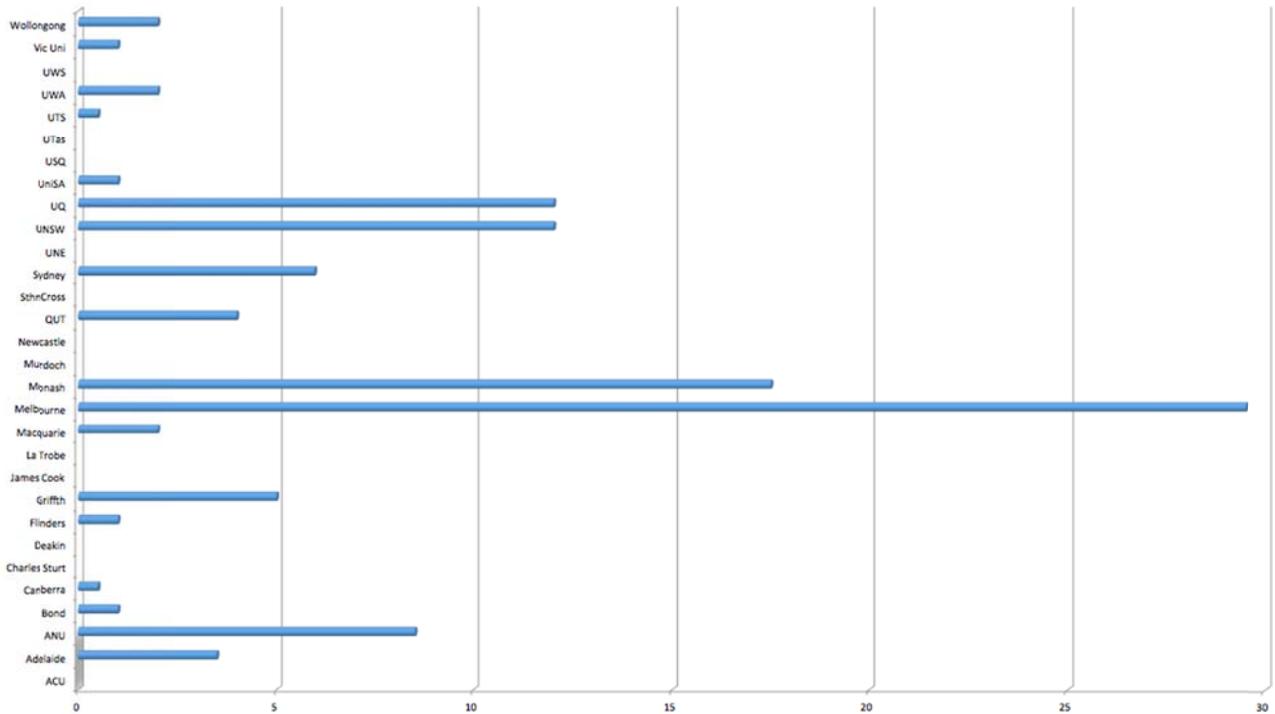
**Federal Law Review Author Affiliations**



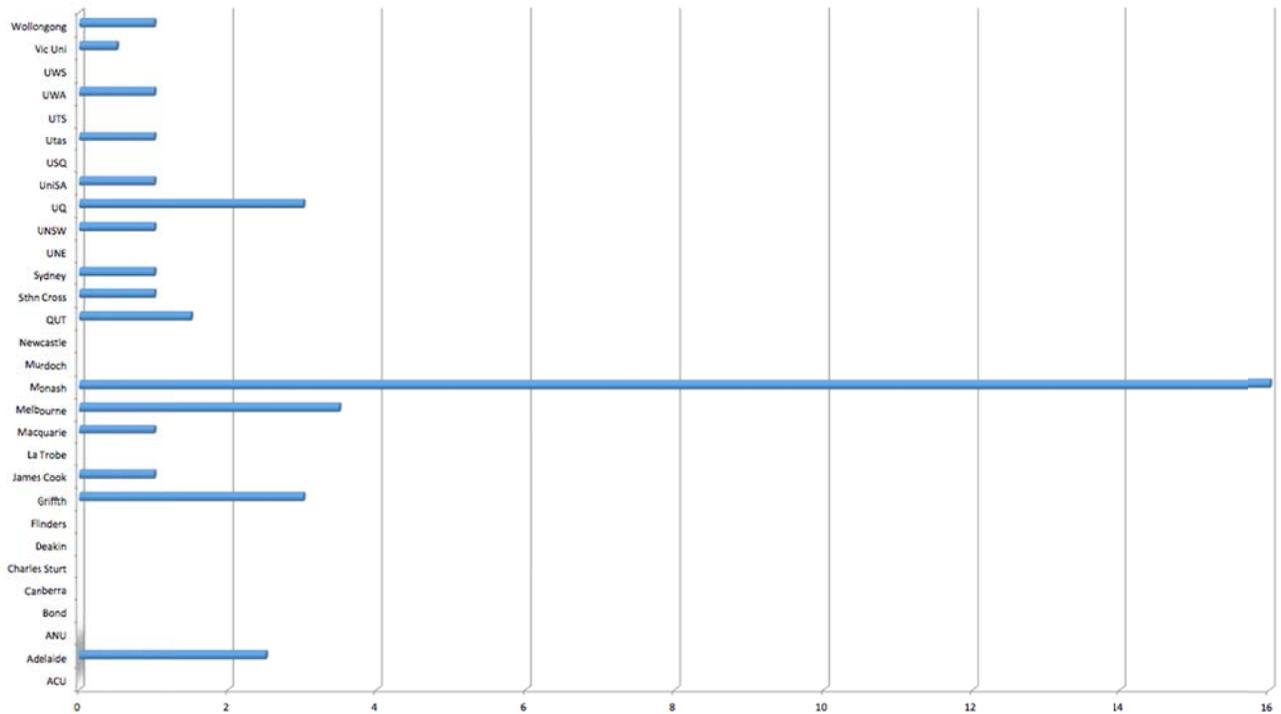
*Griffith Law Review* Author Affiliations



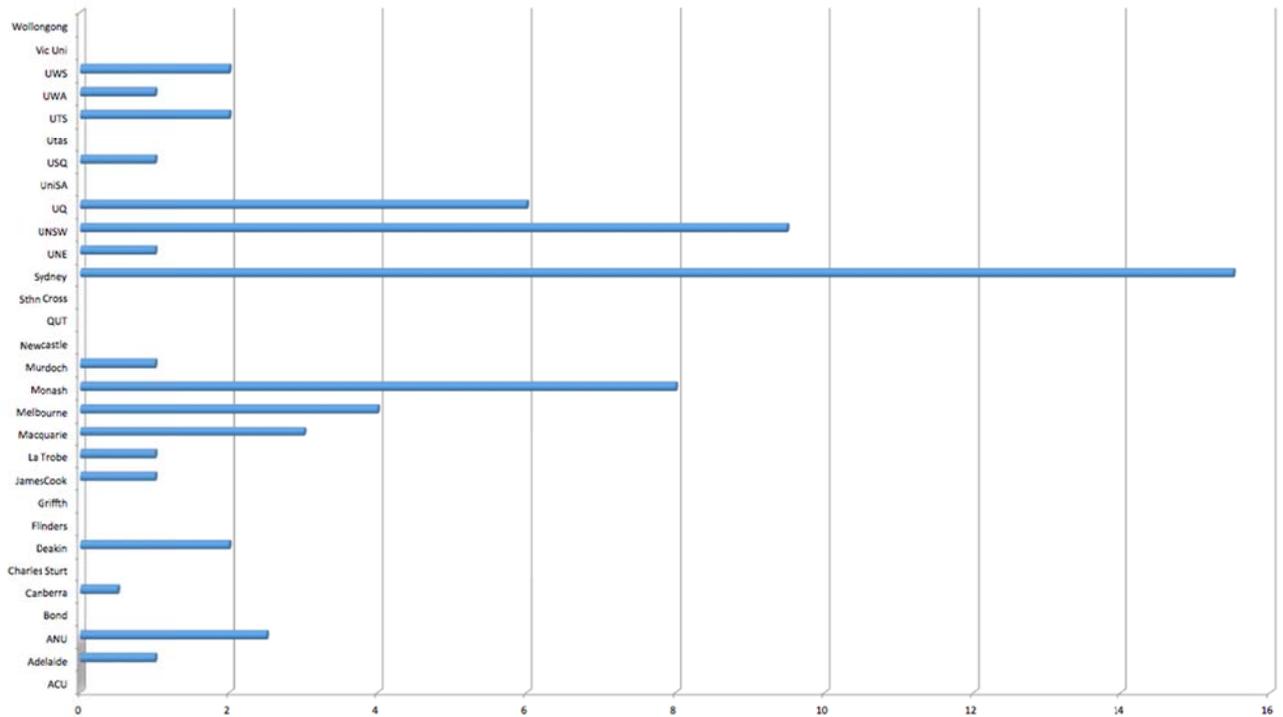
**Melbourne University Law Review Author Affiliations**



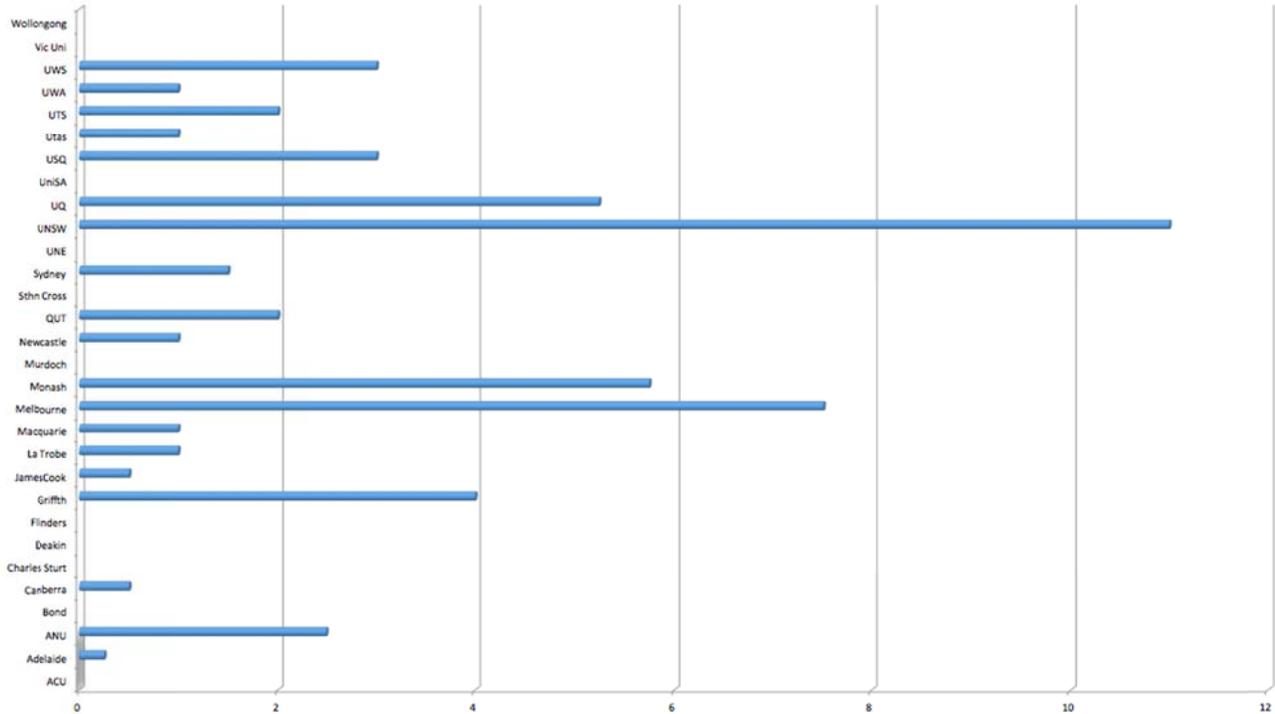
**Monash University Law Review Author Affiliations**



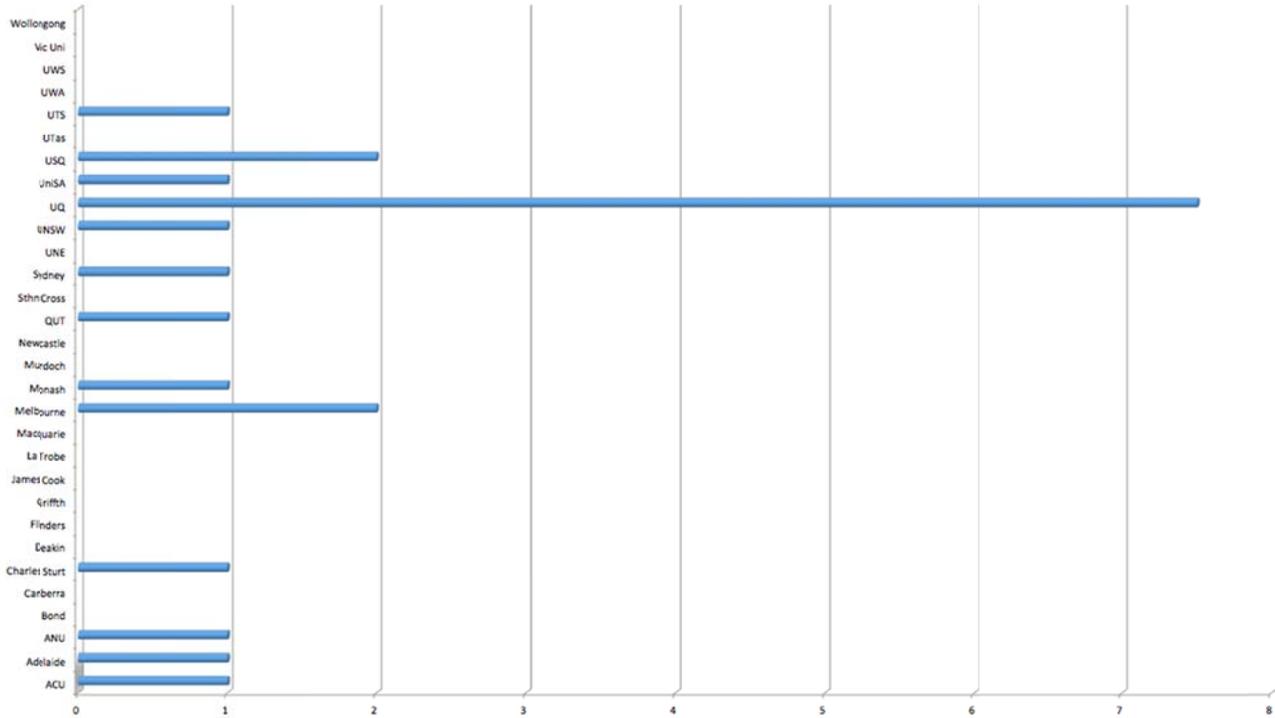
## Sydney Law Review Author Affiliations



### University of NSW Law Journal Author Affiliations



### University of Queensland Law Journal Author Affiliations



To the extent to which any conclusions can be drawn from these tables, it is striking that the *FLR* is the only general law publication that does not show a higher representation of home institutional authors over authors from other Australian institutions. Perhaps the federal law focus of the outlet is a contributing factor here, although the profile of specialist areas covered in this journal does not strike as markedly different to the profile of many of the other general law journals (see below). *Monash* and the *UQLJ* show the highest proportion of publications by Faculty authors.

Publication in a home institution's journal is considered as "bad form" by some researchers in that it could be suggestive of favourable treatment or lacking courage, however where submissions are blind peer reviewed outside of the home institution there is an available check against perceptions of bias. The question of over-representation of home institution author affiliation does perhaps warrant some further discussion with journal editors to alert them to the potential of the appearance of bias in a manner that could affect journal reputation over the longer term. It would be helpful for greater transparency in relation to journal practice or policy (if there is any) in relation to the treatment of submissions by home institutional authors. As noted at the outset however, there may be sound reasons for the data presented.

#### RECOMMENDATION 4.2

That CALD, through Law Deans and Associate Deans (Research), alert all General Law Journal editors to the analysis of author affiliation and potential for the reputational harm to be caused by perceptions of a home institutional bias.

#### RECOMMENDATION 4.3

That CALD, through Law Deans and Associate Deans (Research), engage faculty and legal researchers more generally in discussion as to appropriate policy and practice to assist in fostering fairness in editorial decision-making about submissions to Faculty general law journals.

## State Representation

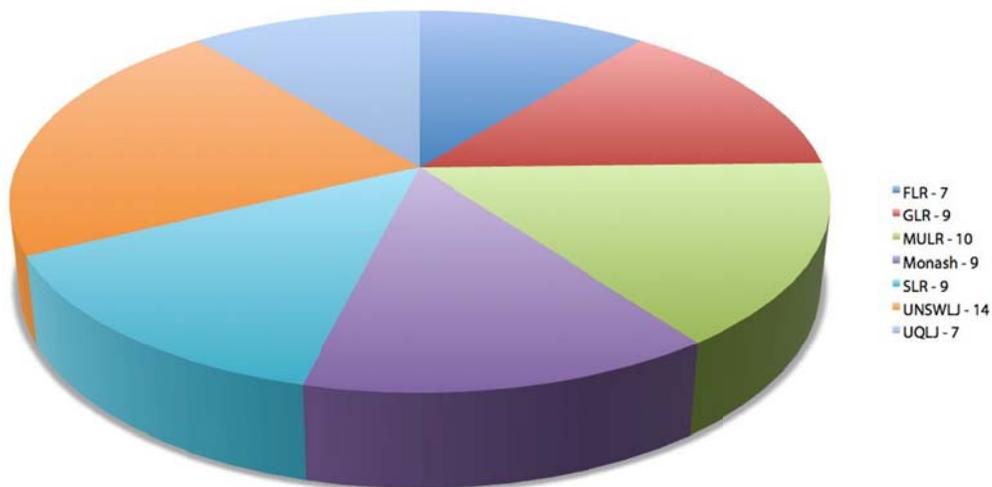
Home state representation does appear to affect submission and publication outcomes and, taking into account the subject matter of the articles, this is not adequately explained by jurisdictional issues alone. It is likely that patterns in terms of State representation speak to existing networks between Australian researchers. The publications data was not mapped against the respective size of the research community in the State. As such the analysis only provides a very rough indication of patterns.

- The *FLR* published roughly equally from NSW or Victoria.
- The *GLR* published twice as many NSW authors than Queensland authors, and slightly more Victorian authors than Queensland authors.
- The *MULR* drew more than half of publications from Victoria and equal amounts from NSW or Queensland.
- *Monash* drew more than half of publications from Victorian institutions and unusually, published more than twice as many Queensland authors than from NSW.
- The *SLR* drew more than half of publications from the home state, and a quarter of publications from Victoria.
- Unusually the *UNSWLJ* published roughly equally from Queensland, Victoria or NSW.
- *UQLJ* published approximately three times as many articles from Queensland affiliated institutions (though none from Griffith), with equal proportions from NSW and Victoria.

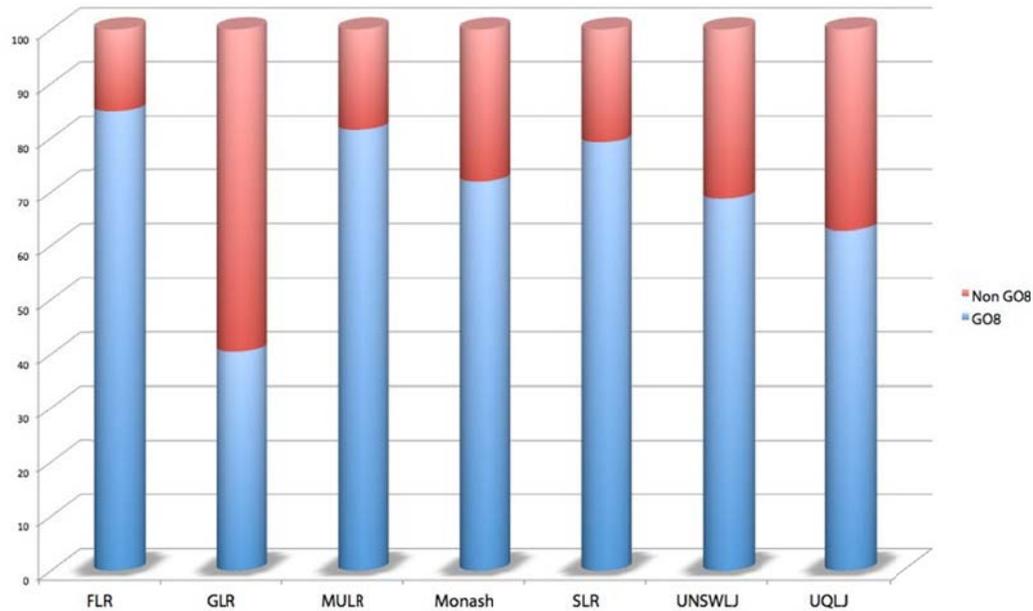
### Non-GO8 Representation

Research quality is not the exclusive domain of the GO8, however with the exception of the *GLR*, the A and A\* general law journals are GO8 publications. It is welcome to see that all journals published material from a diverse range of non-GO8 institutions, including from institutions with relatively new law schools.

### Number of Non-GO8 Institutions Represented



## Proportion of Non-GO8 Publications



Given significant differences in faculty sizes, with GO8 institutions generally being larger, the proportion of non-GO8 to GO8 authors is not particularly meaningful. However the figures do become meaningful through comparison between outlets. The *FLR* and *MULR* publish the least non-GO8 authors, and unsurprisingly, given its publication rate for Queensland authors, the *UQLJ* publishes the highest proportion of non-GO8 authors of the GO8. The *GLR* publishes more from the non-GO8 institutions which may also reflect submission practices by non-GO8 authors.

## Analysis Of General Law Journals By Subject Area

In advising researchers where to submit, it is helpful to consider patterns that arise from past publication outcomes. A and A\* general law journals are elite publications, however it would be unlikely that journals would publish research on every area of law. Journal editors may be more familiar with some kinds of legal research and this could affect submission outcomes. It cannot be assumed that any publication in a general law area is superior to a publication in a specialist Australian outlet, however it is often treated as such, especially where one is assessing beyond their own area of specialist expertise.

## Other Kinds of Subject Matter

To analyse C1 journal article areas it is necessary to exclude material that does not satisfy HERDC criteria. In the analysis below comments and review essays were treated as regular peer reviewed articles where they superficially appeared to meet the HERDC definition of research. Many journals peer review these submissions, but they are not routinely identified as such. Book reviews and case notes were not included in the analysis as they do not meet the HERDC criteria for a reportable research publication.

## Special Editions

Some general law journals combine an open submission policy with special themed, forum editions and conference papers reflecting faculty events and the interests of student editors. Though these editions include peer reviewed research, articles in these editions were not included in the broader analysis of general law journal subject matter below, so as not to distort results concerning open submissions. For an overview of the subject matter of Special Editions 2006-2010 see Appendix 4. 2.

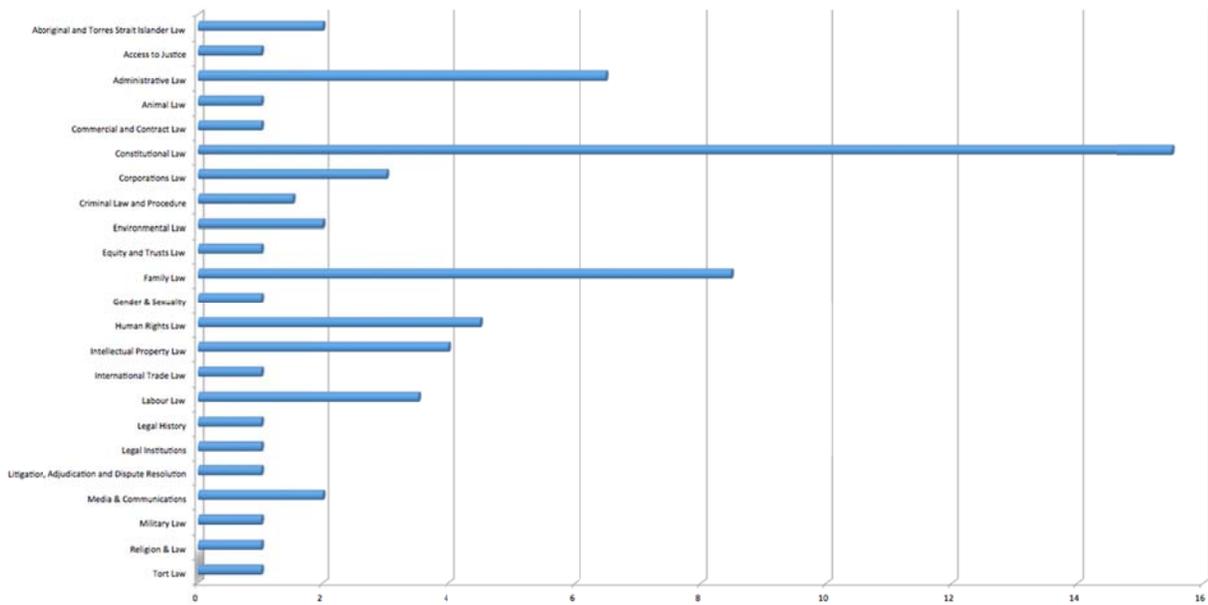
## General Law Journal Open Submission Subject Matter

It needs to be noted that as well as distinguishing legal research by specialisation, there are different kinds of scholarship, approaches to the subject matter, and methodologies used by researchers. See CALD, Statement on the Nature of Legal Research 2005. The *GLR* explicitly states an interest in interdisciplinary, social and critical legal research. None of the other law journals state a preference for any particular kind of legal scholarship. It was not possible to analyse the general law publications with reference to this aspect, however this factor may affect submission choices and editorial decision making.

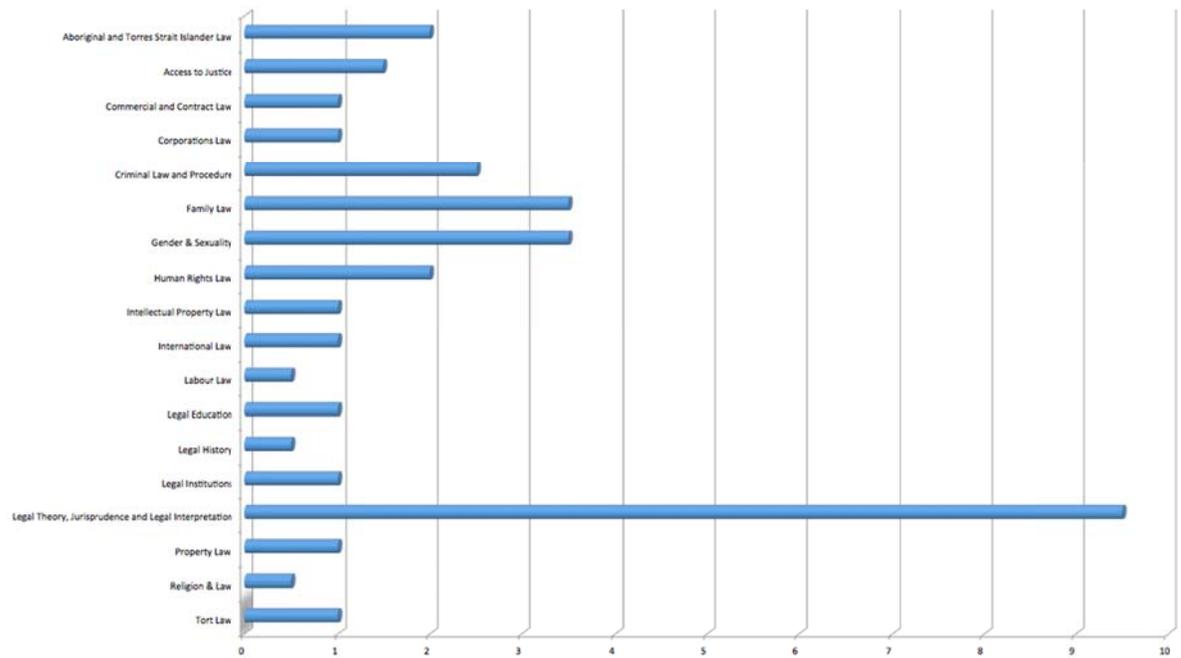
Most obviously, it also needs to be noted that the *FLR* has the limitation that research needs to relate to the broad area of federal law.

## General Law Journal Subject Matter

### *Federal Law Review* subject areas



### Griffith Law Review subject areas



Note: Special editions also in these areas:

180117 International Trade Law: The Future of Financial Regulation: Lessons From The Global Financial Crisis

180122: Legal Theory, Jurisprudence and Legal Interpretation: Changing Citizenships

Legal Education: Professionalism in Clinical Legal Education

180122 Legal Theory, Jurisprudence and Legal Interpretation: The Lex of Somatechnics

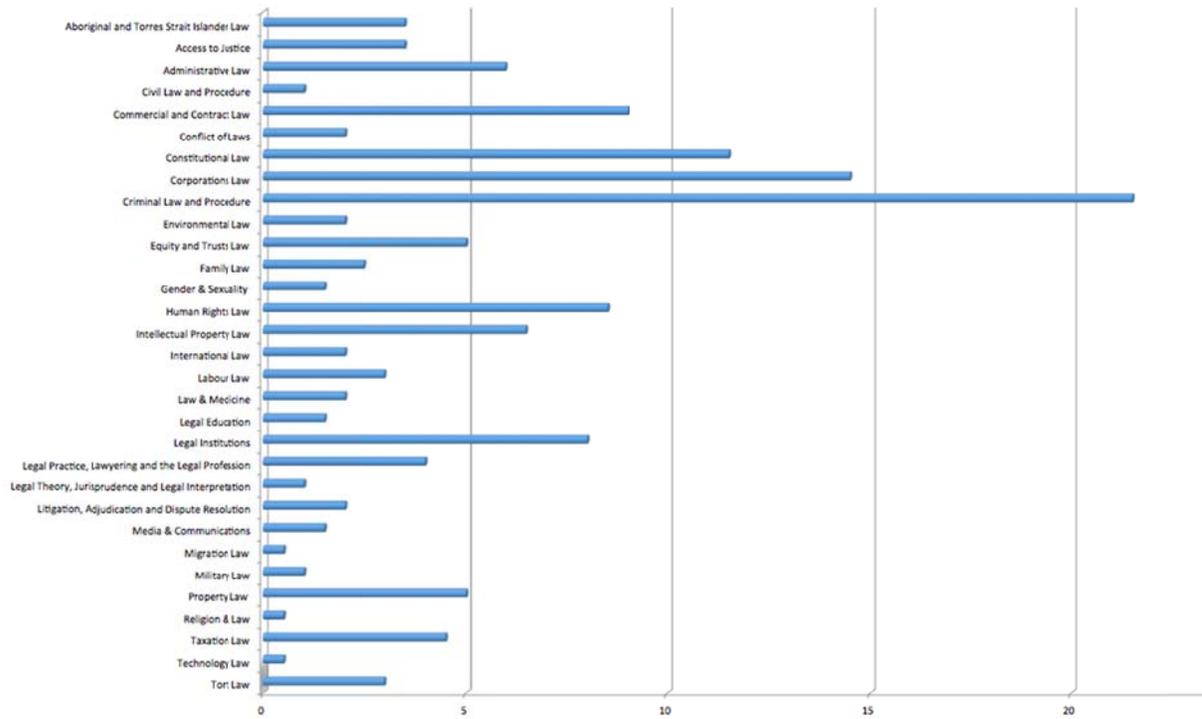
Gender & Sexuality: In Dissent: Queering the Voice of Law

180122: Legal Theory, Jurisprudence and Legal Interpretation: Invisible Laws, Visible Cities

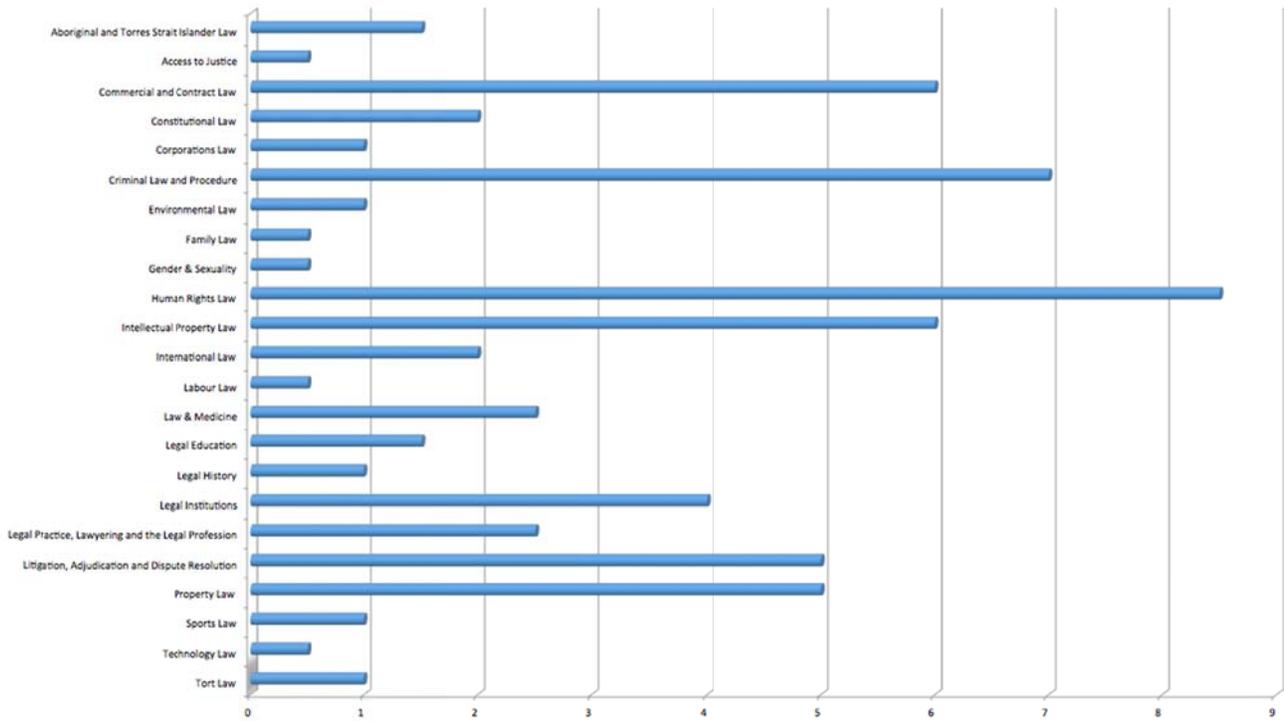
180101 Aboriginal and Torres Strait Islander Law & 180114 Human Rights Law : Of the South

180105 Commercial and Contract Law: Credit and Consumer Law

*Melbourne University Law Review* subject areas

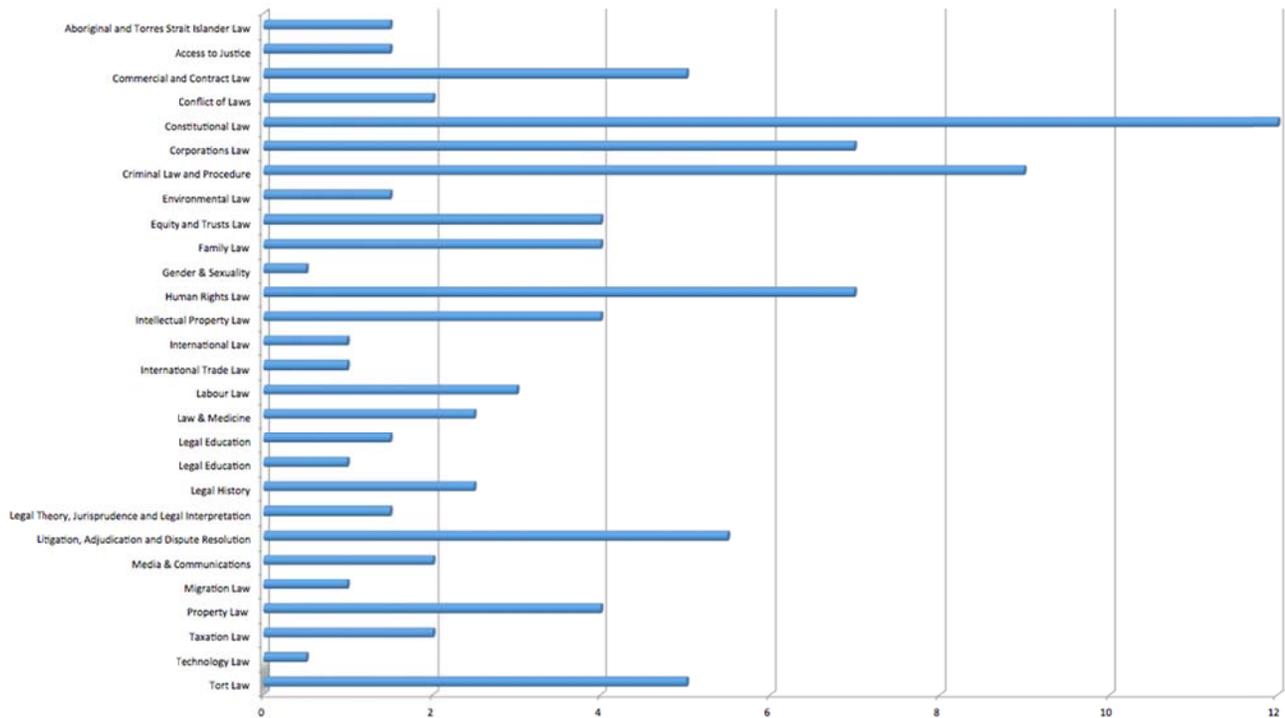


### Monash University Law Review subject areas



Note: Due to unavailability, 2010 editions could not be included in this analysis.

## Sydney Law Review subject areas



Note: Special editions also in these areas:

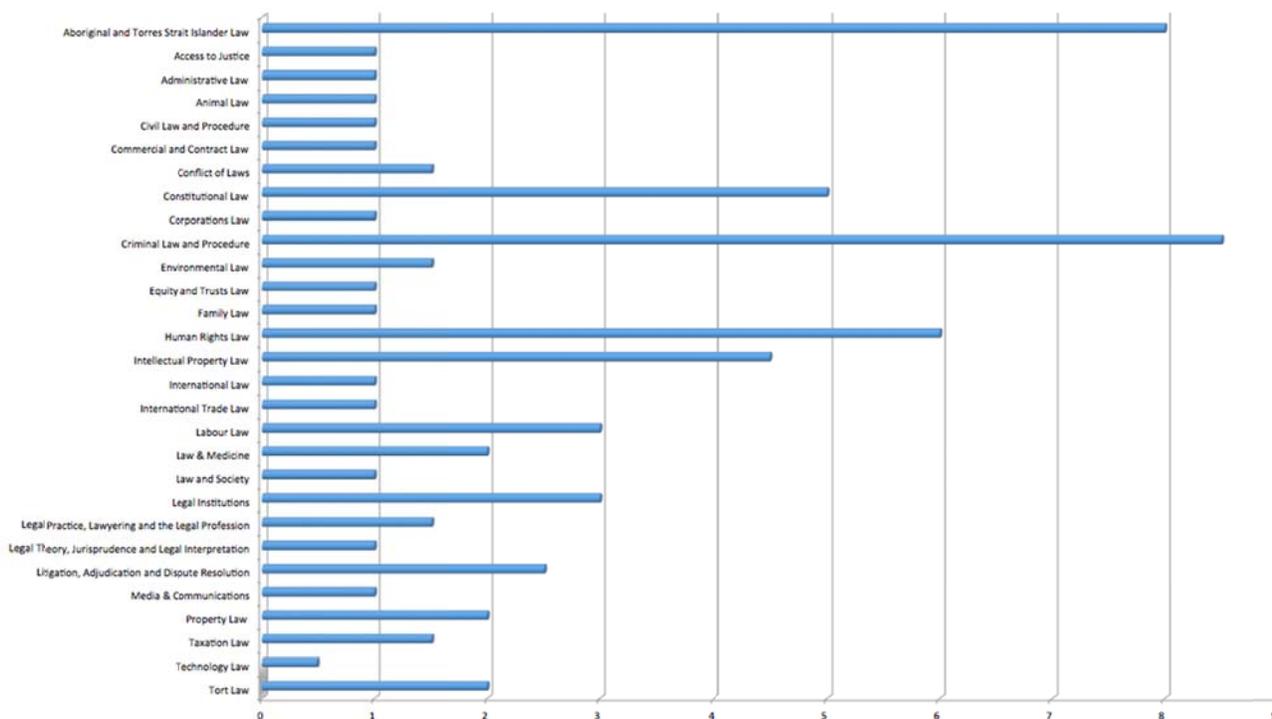
180105 Commercial and Contract Law: Special Issue on Consumer Law in honour of the Late Emeritus Professor David Harland

Gender and Sexuality; Technology Law: Gender, Sexuality and Reproduction

180108 Constitutional Law : Constitutional Law

In addition there was a Special Joint Issue of the *Singapore Journal of Legal Studies* and the *SLR*, however it contained a wide range of subject matter and thus was classified as if it were a general issue.

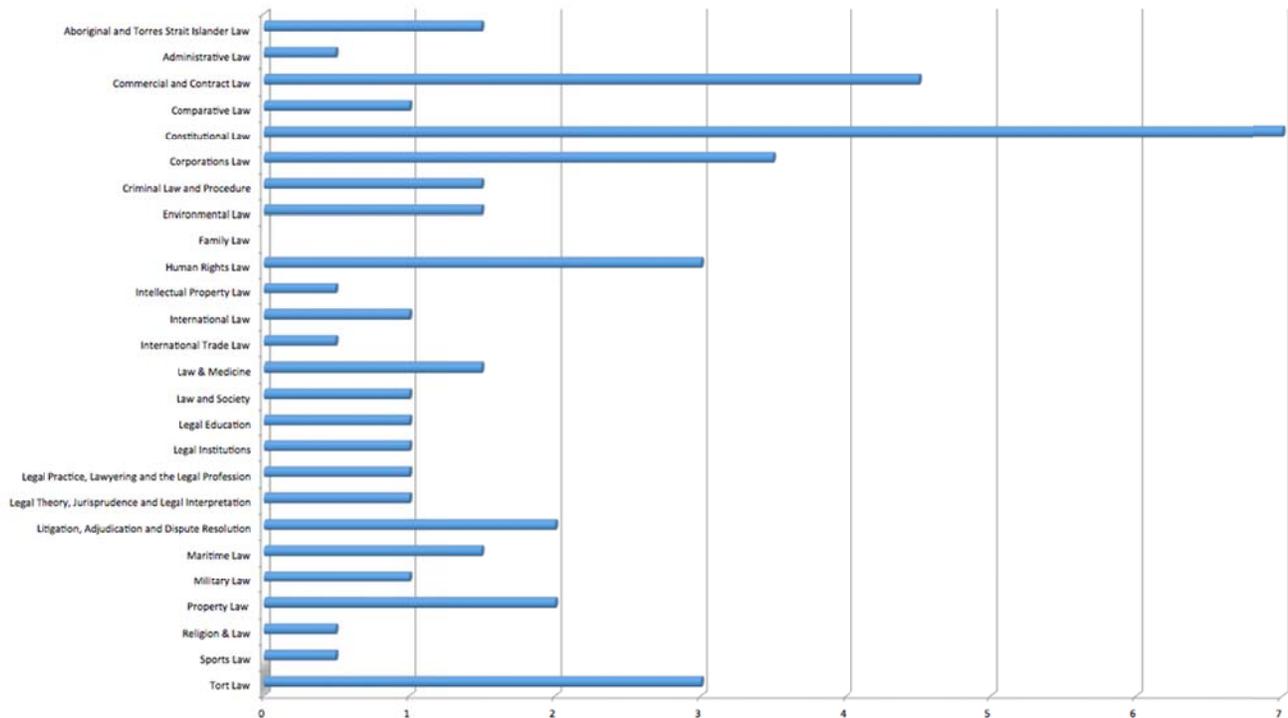
## UNSW Law Journal subject areas



Note: Special editions also in these areas:

- 180114 Human Rights Law: The Future of Human Rights in Australia
- Technology Law: Cyberlaw
- 180113 Family Law: Family Violence
- 180117 International Trade Law: Saving the System? Law and Regulation after the Credit Crunch
- 180105 Commercial and Contract Law; 180109 Corporations and Associations Law: Reforms in Competition Law
- 180104 Civil Law and Procedure; 180123 Litigation, Adjudication and Dispute Resolution: Class Actions
- 180108 Constitutional Law : Australian Federalism
- 180117 International Trade Law; 180123 Litigation, Adjudication and Dispute Resolution: International Commercial Arbitration
- 180111 Environment and Natural Resources Law; 180114 Human Rights Law: Climate Change Law in Australia
- 180117 International Trade Law: International Trade Law
- Media & Communications: Media and Broadcasting Laws
- 180118 Labour Law: Industrial Relations Law
- Gender & Sexuality; Technology Law: Reproductive Rights and the Law
- 180105 Commercial and Contract Law; 180117 International Trade Law: China and the Law
- 180109 Corporations and Associations Law; 180103 Administrative Law: Public Private Partnerships

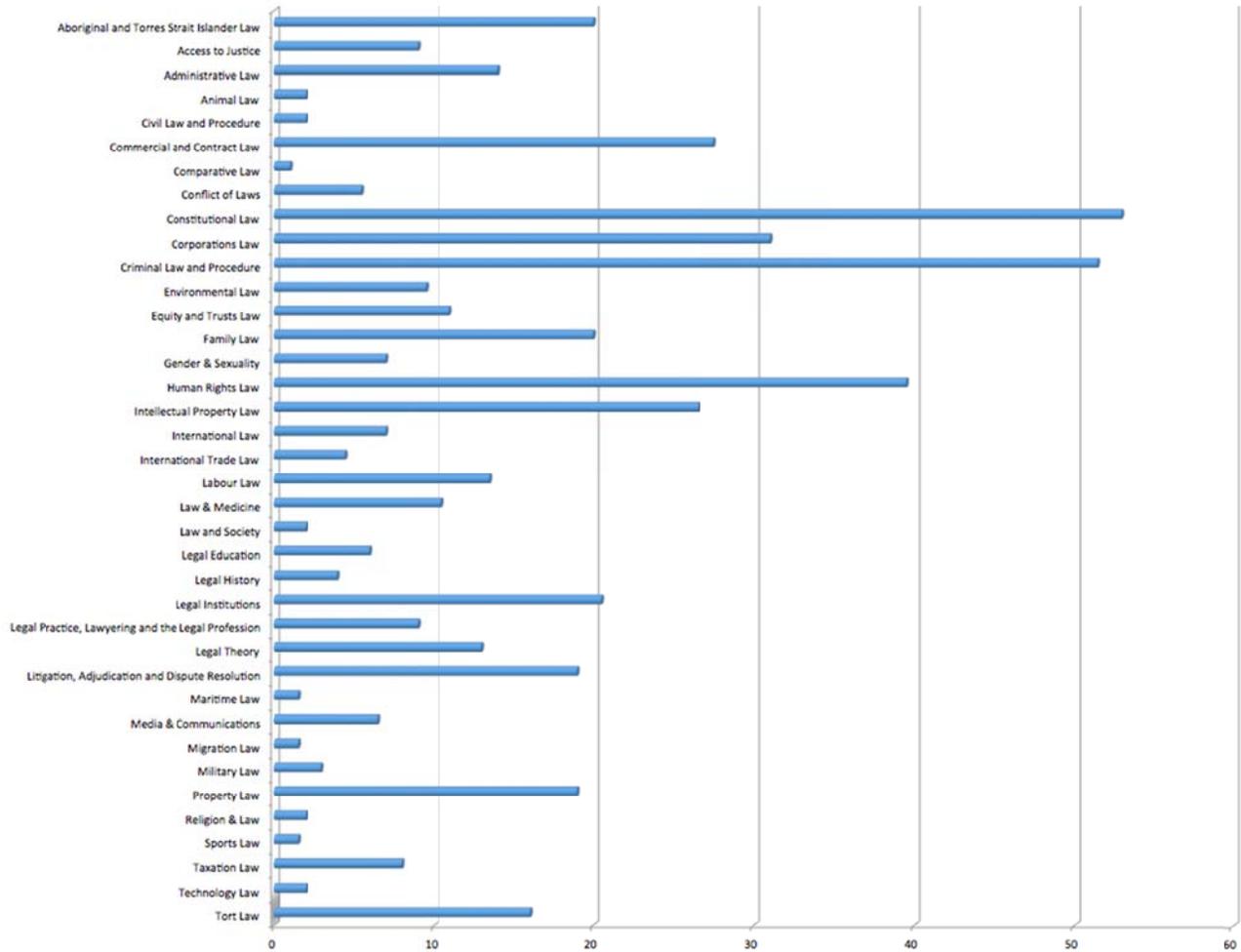
### University of Queensland Law Journal subject areas



Note: Special editions also in these areas:

- 180105 Commercial and Contract Law; 180123 Litigation, Adjudication and Dispute Resolution: The Role of Policy in Private Law Adjudication
- 180122 Legal Theory, Jurisprudence and Legal Interpretation; 180123 Litigation, Adjudication and Dispute Resolution: The Role of Policy in Public Law Adjudication
- 180122 Legal Theory, Jurisprudence and Legal Interpretation; 180120 Legal Institutions (incl. Courts and Justice Systems): Essays in Honour of Ian Callinan
- 180121 Legal Practice, Lawyering and the Legal Profession: Australian and New Zealand Lawyers: Ethics and Regulation
- 180120 Legal Institutions (incl. Courts and Justice Systems): The Relationship between Judges and Legal Academics

## General Law Journals combined subject areas



## Conclusions

As might be expected, available evidence from the highly regarded A and A\* Australian general law journals from the period, 2006-2010, suggests that the GO8 outlets tend to publish more research in core teaching and learning areas such as Commercial Law, Criminal Law and Constitutional Law, as well as in areas where there are a relatively small number of Australian specialist journals such as Property, Equity and Trusts, Litigation, Torts. Beyond the core curriculum, articles on Indigenous law, Family Law, Labour Law and Intellectual Property are also relatively frequently published in general law journals, with a small number of articles on Environmental Law. *Griffith Law Review* publishes more in newly emerging areas, in particular taking into account its themed volumes. The *GLR* publishes significantly more legal theory than the GO8 outlets.

Sensibly, subject matter well catered for by specialist journals, in particular International law, International and Comparative Law and International Trade law appear less well represented in open editions of general law journals. However, Human Rights Law is regularly published in both general and specialist law journals. New specialisations such as Technology Law, Medicine and the Law, Gender, Sexuality and Reproductive Rights and International Trade law commonly featured as special editions of general law journals.

It is not clear the extent to which the profiles of open editions of general law journals relate to historical practice, submissions received or editorial preference. It is reasonable to assume all three play some part in determining publication opportunities for legal researchers and publication outcomes.

## Appendix 4.1

Editorial details of A and A\* General Law Journals

These details are based upon self-reporting to the CALD journal ranking process using an ARC Journal Information Template, with the exception of the *Monash University Law Review* which did not participate in that exercise. Additional information was gleaned from Faculty websites.

Journal	Review Process	Number of Reviewers	Editorial Board	Issues	Submission Policy
Federal Law Review	Double blind	2	Academic staff	3 general issues per year; comments, book reviews	Within the general category of Federal Law
Griffith Law Review	Double blind	3	Academic staff	3 issues per year (1 x General; Symposia; Special)	Interdisciplinary, social and critical legal research.
Melbourne University Law Review	Double blind	2	Entirely student run	3 issues per year; case notes, book reviews and review essays, comments, occasionally symposia	All areas of law
Monash University Law Review	Refereed	2 comprising 1 independent, 1 staff member	Student and academic editors	2 issues per year; Also case notes, book reviews and review essays, comments	All areas of law
Sydney Law Review	Double blind	2	Academic staff plus students	4 issues per year; Also case notes, comments and book reviews. Special issue every 18 months	All areas of law

Journal	Review Process	Number of Reviewers	Editorial Board	Issues	Submission Policy
University of New South Wales Law Journal	Double blind	2, 3 if conflicts	Entirely student run.	3 Issues annually (2 x General Issues, Thematic Issue). It also produces two shorter editions of Forum each year	All areas of law
University of Queensland Law Journal	Blind	1, 2 on occasion	Legal Academics and profession	2 issues per year (General and Thematic); Also case notes, book reviews and legal comments.	All areas of law

## Appendix 4.2

Special Edition Subject Matter 2006-2010

In the survey period, 2006-2010, the subject areas covered as special editions, symposia or forums included:

### *Griffith Law Review*

- The Future of Financial Regulation: Lessons From The Global Financial Crisis
- Changing Citizenships
- Professionalism in Clinical Legal Education
- The Lex of Somatechnics
- In Dissent: Queering the Voice of Law
- Invisible Laws, Visible Cities
- Of the South
- Credit and Consumer Law

### *Sydney Law Review*

- Special Issue on Consumer Law in honour of the Late Emeritus Professor David Harland
- Gender, Sexuality and Reproduction
- Constitutional Law
- Special Joint Issue of the Singapore Journal of Legal Studies and the Sydney Law Review

### *University of New South Wales Law Journal*

- The Future of Human Rights in Australia
- Cyberlaw
- Family Violence
- Saving the System? Law and Regulation after the Credit Crunch
- Reforms in Competition Law
- Class Actions
- Australian Federalism
- International Commercial Arbitration
- Climate Change Law in Australia
- International Trade Law
- Media and Broadcasting Laws
- China and the Law
- Industrial Relations Law
- Reproductive Rights and the Law
- Public Private Partnerships
- Media and Broadcasting Laws
- China and the Law

## *University of Queensland Law Journal*

- The Role of Policy in Private Law Adjudication
- The Role of Policy in Public Law Adjudication
- Essays in Honour of Ian Callinan
- Australian and New Zealand Lawyers: Ethics and Regulation
- The Relationship between Judges and Legal Academics

## Improving the Quality of Legal Research

Law, as a scholarly pursuit in Australia, has never had a strong or united culture nor a well-defined academic identity. Legal research is conducted across a vast array of sites with many different, and, in some cases, contesting approaches to constructing the legal object or nature of the research inquiry. Law has a number of conventional dividing lines that researchers relate to – public/private; core/non-core areas; doctrinal/policy/theory – as well as a large number of specialisations. Some areas of research, and particularly new specialisations, have little formal law of which to speak. Many law specialisations are also interdisciplinary in character and aspiration. In pursuing an interdisciplinary identity, these areas often move to stand apart from any close and traditional law connection.

Grant culture, institutional research assessment and diminishing connections between successful researchers and teaching (and especially teaching outside of one's specialisation), arguably strengthen researcher identities. However, strategies for research "success" as currently defined by sector terms, encourage a narrowing of experience of working in a law faculty. We limit our time, willingness and capacity to engage with each other as researchers, especially outside of our own areas of immediate interest or need, as well as often contributing less (where possible) to other aspects of the intellectual life of the workplace. These pressures on legal academics are likely to worsen in the future, especially once funding implications of institutional research assessments come more directly into play and institutions drill down data to revise funding allocations with implications for faculty, schools and individuals.

It is perverse that the current research assessment climate contributes to the fragmentation and fracturing of the discipline of law as a whole, rendering our capacity to grow, to judge and assess all legal research fairly a less and less attainable goal.

In view of this, it is hoped that the data provided and contextualized in this document can be used to throw some light on what is currently known about research assessment and its limitations, and provide researchers and managers with helpful information that can be used to better inform career decisions and evaluations. This is only a starting point for the development of more accountable and transparent research assessment processes. Hopefully it provides food for thought for much larger discussions to be had about what values and practices need to be supported in pursuit of quality legal research in the future.

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