Legal Scholarship Goes Online

When Virginia Law Review recently revealed In Brief, its online presence, the editors explained that the law journals at Yale, Harvard, Penn, and Michigan in a growing trend toward the electronic delivery of reviews to publish original scholarship on the Internet.

But a legal intern age dawned more than a decade ago, why didn’t it take so long for the national law journals to make this move?

Among the primary causes is the concern that the volume of content is too often controlled by law students. Although there are argu-

ences as to the merits of whether this should be the case, it is be-

yond dispute that it has practical implications for the ability of law journals to adapt to changes in the

marketplace.

Because some of these implications are the fact that law review editorial boards must deal with the problem of

increased exposure among students and practitioners in this field and provide a lending educational tool. Second, we have a market-

ing vehicle to increase our name recognition nationwide, which should lead to a larger subscriber base and a greater pool of article submissions. Third, because this has already paid div-

edends, as several attendees sought publication-student-led initiatives in a manner comparable to other

kinds of publications.

But not all of law journals have begun streaming out the Internet, it appears that many others will follow. Accord-

ing to John Zuckes, Virginia Law Re-

view’s Editor in Chief, his counter-

parts at the national’s other leading law journals are uniformly planning to print their own online version, and students, profes-

sors and scholars have already expressed interest in submitting an article.

When Zuckes claims that the Law Review’s students after the Yale Law Journal pub-

lished the first online publication (The Virginia Law Review on December 2005) he believes that past and current Law Review managing editors per-

served a uniform sense that the future of legal scholarship is online. Among other adversities, these early efforts of the law journals to digitize the publication process, which may take as many years as it did to digitize a single law journal’s submission to its publica-

tion.

However, even over the board decided to construct an online companion, it took over a year to design and develop and publish In Brief. Publishing online, as the Virginia Law Review found, provides several operational questions as to the manner in which legal scholarship should proceed: do online journals that hope to establish an online companion face the same restrictions as traditional journals? And, however, there seems to be con-

sensus among those involved with such publications that the Internet provides three basic routes for pre-

senting scholarly content. These fundamentally different on which is the proper approach.

First, online publications such as Law Review Online limit their web content to a simple expansion of their printed pages. For example, the page normally contains all articles that appeared in the current print issue of Harvard Law Review, and briefly, timely responses to those articles.

Second, and at the other end of the spectrum, is the legal blog. While no major law review has yet ventured this far, law professors such as Yale’s Jack Balkin and UCLA’s Eugene Volokh advo-

cate such a move. Even several law journals are known to be consid-

ering it. While legal blogs have the advantage of speed and speed of publication, many view this avenue as being insufficiently academic. As Virginia Law Professor’s Technology Development Editor Chris Tucker says, the main prob-

lem with blogs is that they “consist of unsophisticated ideas” that don’t go through the standard editing and submission process.

As an alternative to these two di-

vergent approaches, Virginia Law Online has joined dozens of other law reviews that have sought an inter-

mediate route. Attempting to bal-

ance the speed with which a blog
can disseminate information and give the academic weight that a tradi-

tional journal may lend, Zuckes says that In Brief is designed to publish “more sophisticated ideas at a quicker rate.”

His concern is that publications like Virginia Law Review “can’t compete with blogs” and thus should focus on the quality of work for which the legal com-

munity values them. Rather, he believes that such additional creative opportunities will attract readers with another incentive to publish their work in an online companion.

Zuckes further says that In Brief will publish online once a month during the academic year and publish approximately five essays for the next few issues. For those issues, In Brief has solicited one essay from every other journal to add to its content. Indeed, after only two weeks online, Zuckes reports that several authors and other essays through the In Brief website.

So if the future of legal scholar-

ship comes through the creation of the traditional printed Law Review page? According to Zuckes, the answer is yes. Law schools are making pruned law reviews live more than “brand-

name repositories” of scholarship that is accessible elsewhere. Even so, he believes that academic lit-

erature’s move to the Internet will be of immense help to the quality of legal scholarship.

A Law Weekly Apology

Last week’s SRA Notebook was written by then-President, Adam Wolk. In it, he urged people to vote in the SRA elections and discussed the importance of the IBA to the school. Some took it as me more important than they were used to reading, and thought it sounded a bit preachy.

Please rest assured that Wolk didn’t intend to preach to the student body. As a second year student, I’m not sure that anyone else that drafted that should realized he didn’t really sound as such as he was originally suggested. The position of the Law Weekly staff (namely, John Kabealo), we printed Wolk’s thoughts in our online version that was funny, light-hearted, and, dare we say, inspirational. In any case, for some people, it’s all right.

In all seriousness, it is difficult at times for people to put their thoughts to paper, and although Wolk himself has laughed off our oversight, we do hope that we can mitigate the effect of our mistake. We appreciate everything Wolk has con-

tributed to the Law Weekly as well as the Law School community at large, and apologize for our oversight.

John Kabealo

Editor-in-Chief