

Measure for Measure: The Jurimetrics Project

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ABSTRACT

This paper represents the first step in the Manitoba Law Journal's "Jurimetrics Project". It considers 439 papers from 5 University-affiliated law journals over 20 years at 5-year intervals, between 2000 and 2020. The paper looks for trends in ULJ publication and the state of ULJ scholarship, as well as any points of distinction between our selected journals.

Section I of this paper is devoted to context: Subsection A outlines the goals and purpose of our project in greater detail; Subsection B includes a

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review of our journal's journey towards this project; and subsection C discusses the undergirding logic, roles, and history of law journals generally.

Section II is devoted to elaborating on the methodology and research questions used in our project. Part A of this section outlines our methodology broadly, while Part B outlines the methodology for each research question, and an introduction to our results in "bite-size" form, utilizing a brief analysis alongside infographics. Section III concludes.

Many of these questions were left with room for further study or exploration, while others are simpler but can nonetheless be supplemented with more data or analysis. For the sake of transparency, any identified concerns around our more subjective points of data or methods will be explicitly discussed.

Keywords: Jurimetrics, trends, law journals, University, bibliometrics, empirical analysis, publication, scholarship, pedagogy

INTRODUCTION: THE JURIMETRICS PROJECT

ere at the *Manitoba Law Journal* (MLJ), we have a somewhat self-concerned curiosity as to the state of law-journal publication in Canada: what does that landscape look like now and in the recent past, and what is it likely to look like in the near future? What *should* it look like?

Our project looks at 439 papers published in Canadian university-affiliated law journals (ULJs) between 2000 and 2020. For our purposes, jurimetrics describes the application of statistical analysis to aid in discussion of legal issues; it has been described as broadly as the "application of the scientific methodology in legal inquiry."¹ Our project is not focussed on predicting judicial outcomes *per se*, but predicting where legal journals, academia, the profession and judiciary might be moving in terms of trends and trajectory.²

We collected data from these articles, built around 19 points of observation, some very simple, such as page count, and some more

¹ See Lee Loevinger, "Jurimetrics -The Next Step Forward" (1949), 33 Min L Rev 455.

² While we are aware that this project might also have been described as bibliometric, the aims of our project are directed at affecting legal scholarship as work done by legal professionals relevant to the profession, not scholarship as relevant to publishers and publishing – see Khokhlov, *infra* note 61 – and so we opted to describe it as jurimetric; we acknowledge that some might disagree with this classification.

complicated, like political ideology. This allows us to begin looking for trends in ULJ publication and the state of ULJ scholarship, compare that state to past studies and recommendations, and discuss implications of our findings to the profession of law in a transparent and empirical way.³

The goal of this paper is to provide a first look at the data we have collected, not the last word, and to situate our very-initial findings in the context of our project's purpose. Future works will likely take the form of shorter, more tightly focussed expository articles analyzing our findings in greater detail, with more statistical rigour, and more attention to correlated trends. Our dataset is also produced alongside this initial article to that end.

Section I of this paper is devoted to context: Subsection A outlines the goals and purpose of our project in more detail; Subsection B includes a review of our journal's journey towards this project; and subsection C discusses the undergirding logic, roles, and history of law journals generally.

The bulk of the article, Section II, is devoted to elaborating on the methodology and research questions used in our project. Subsection A outlines our methodology broadly, while subsection B outlines the methodology for each research question, and an introduction to our results in "bite-size" form, utilizing a brief analysis alongside infographics.

Many of these questions were left with room for further study or exploration, while others are simpler but can nonetheless be supplemented with more data or analysis. A clear and concise description of each question was important to facilitate future works further analyzing, or building on, this data. For the sake of transparency any identified concerns around our more subjective points of data or methods will be discussed.

A. Purpose of the Project

Our project is not setting out to provide an all-expansive assessment of the state of legal journals, academia, or the legal profession in Canada; rather, we hope to establish a sufficiently robust pool of data from which *some* publication tendencies, potential biases, and the resulting utility of legal journals at large can be discussed. We hope to provide an initial degree of clarity on whether trends seen elsewhere in modern scholarly publication exist in Canada's ULJs, in an objective and unbiased manner, and allow assessment of whether the direction taken aligns with the goals of the

³ Note that "the profession" here and throughout this paper refers to the legal profession in the broad sense, including non-practicing professors, others, and law students.

profession, legal academia, and academia generally. Whether or not these trends are deliberate, a result of submission frequency, or inadvertent is also up for debate, but is unlikely to be settled here.⁴

Bias, and the potential of inherent bias to affect the manner of our research and analysis, was a concern in our project. As such, it was important to utilize pre-existing, off-the-shelf systems of categorization and coding that enable transparency and repeatability in future research, and to leave room for other voices on the subject of trends in ULJ publishing. For example, in categorizing the ideological tilt of law journals we sought an “off the shelf” existing set of indicators, and did the same for classification of subject matter. The idea was to avoid subjectivity that might result from inventing a set of indicators specific to this study.

As will be discussed, some of our off-the-shelf systems of classification are arguably imperfect or imprecise, but they provide a transparent and objective starting point that is sufficient for our purposes.

At present, there is a persistent absence of bibliometric information available concerning Canadian law journals. For example, attempts to find even the acceptance rates of our journals proved a largely fruitless endeavour.⁵ This project is ultimately about furthering critical engagement with Canadian scholarship in law, and promoting the provision of such information. This engagement is more often seen in other disciplines’ analyses of their journal publication practices, such as medicine or psychology.

Providing information like acceptance rates, clear delineation of scope (“scope” in the broadest sense, not just geographic), and adopting more regular systemization to include papers and citations in Google Scholar’s indexing (see Google Scholar’s “Inclusion Guidelines for Webmasters”)⁶

⁴ See Posner-Chilton, *infra* note 42 at 301 (for an example of such discussion).

⁵ See “Dr. Totten Recently Co-Authors Article” (2018) online: <adow.kennesaw.edu/scj/about/news/posts/2018-08-19_%20Totten%20Law%20Journal.php> [perma.cc/55NH-6ZJE] (this website provides a 33% acceptance rate for the *MLJ* – I was not able to verify this number with our staff, nor ascertain where that figure was sourced); see also, eg, “Undergraduate Journals” (last visited 18 July 2024) online: <huronresearch.ca/curl/undergraduate-journals/> [perma.cc/9P5M-2S24] (it is more common – though not exhaustively so – for law journals elsewhere to have publicly accessible acceptance rates of publication, ranging in this list between 8 and 25%).

⁶ See “Google Scholar Help” (last visited 28 June 2024) online: <scholar.google.ca/intl/en/scholar/inclusion.html> [perma.cc/F7SX-Q56T].

would serve as an aid both to those seeking to publish and the profession as a whole. Such information on measures and metrics would permit a more objective means of assessing journal quality alongside holistic reviews of subjective quality (that is, originality, plausibility, and value). The caveat in “Godhart’s Law” – that once a measure becomes a target it ceases to be a good measure –⁷ might be a valid concern, but the Canadian legal profession is, at present, nowhere near reaching an overdependence on measures for measures’ sake.⁸

B. The Path of Manitoba’s Law Journal

A publication titled the *Manitoba Law Journal* first hit the legal-academic scene in 1884; it was then a professional journal with no university affiliation, with sole editorial credit to John S Ewart.⁹ Ewart started the monthly-issued journal after living in Winnipeg for 2 years, and the journal did not specify authorship; he also edited the “Reports of Cases Argued and Determined in the Court of Queen’s Bench.”¹⁰ In spite of his recent arrival, or maybe because of it, this nascent *MLJ* focused on local legal issues, and explicitly discussed *what* precisely the journal would be focused on. Ewart – or perhaps some other, uncredited person – wrote, “it is one of the most important functions of a Law Journal to insist upon the observance of professional morality and etiquette.”¹¹ One article addressed issues in the then-federal control over appointment of Queen’s (now King’s) Counsel designation, a process the author viewed as both overly and overtly politicized.

⁷ See Michael Fire & Carlos Guestrin, “Over-optimization of academic publishing metrics: observing Goodhart’s Law in action” (2019) *GigaScience* 8:6 at 2, 8 online: <academic.oup.com/gigascience> [perma.cc/6BNF-YRPR] (Godhart’s Law speaks to the value, or lack thereof, of metrics in gauging a works’ quality: “when a measure becomes a target, it ceases to be a good measure”).

⁸ See Susan Barker, “Exploring the Development of a Standard System of Citation Metrics for Legal Academics” [2018] 43:2 *Can L Libr Rev* 10 (for an excellent discussion of the pitfalls of pure citation counts as indicators of impact, and a strong suggestion for a new, tailor-made “b-index” system for legal scholarship generally).

⁹ See generally, John S Ewart, *The Manitoba Law Journal*, Vol 1 No 1 (Winnipeg: Robert D Richardson, 1884) [Ewart].

¹⁰ See Roy St George Stubbs, “John S Ewart: A Great Canadian” (1962) 1:1 *Man L School J* 3 at 3.

¹¹ *Ibid*; Ewart, *supra* note 9 at 7.

The journal ceased publication after another 2 years; it closed with these words on its final page:¹²

With this [issue] the MANITOBA LAW JOURNAL ceases publication. Our bar is as yet far too small to support a journal. Coupled with the Reports it might live, but, the Law Society having now undertaken that work, it must die. We trust that before many years it may revive under better auspices and abler direction.¹³

In spite of Ewart's hopeful adieu, many years did pass before the *MLJ* found abler, or at least more willing, hands. The publication revived after almost 80 years, in 1962, at the University of Manitoba – under the Deanship of the late Cliff Edwards – as the “Manitoba Law School Journal”.¹⁴ The journal returned to its first name shortly thereafter, in 1966, as the *Manitoba Law Journal*.¹⁵

The early, 1962-65 *MLJ* operated under editorial control of faculty-member Dale Gibson for its first years, while students maintained heavy involvement – similar to its present structure.¹⁶ Under Gibson the journal strove towards collaborative scholarship and multi-disciplinarity in a manner prioritized by few other legal academics.¹⁷ After developing a tradition of publication standards the journal adopted the Harvard Model and handed over editorial control to the student body, with faculty member Cameron Harvey acting as supervising editor.¹⁸ The focus was initially on legal issues local to Manitoba, and then moved to broader discussion of topics germane to Canada as a whole with the occasional international

¹² See Stubbs, *supra* note 10 at 7.

¹³ See John S Ewart, *Manitoba Law Journal*, Vol 2 No 12 (Winnipeg: Robert D Richardson, 1885) at 126.

¹⁴ See *Manitoba Law School Journal*, Vol 1 1962-65 (Winnipeg: Manitoba Law School, 1965) at front-matter.

¹⁵ See *Manitoba Law Journal*, Vol 2 1966-67 (Winnipeg: Faculty of Law, University of Manitoba, 1967) at front-matter.

¹⁶ See Bryan P Schwartz & Cameron Harvey, “Interview with Dale Gibson” (2016) 39:1 *Man LJ* 25 at 57.

¹⁷ *Ibid* at 72.

¹⁸ *Ibid* at 62-63 (the Harvard Model describes a law journal that is student-run and edited without external peer review).

offering.¹⁹ The journal was best described as “generalist” and was one of many such journals across Canada without a focus on local issues.²⁰

This iteration of the journal, student-led and University-affiliated, suffered from the same criticisms often lobbied at Harvard-modelled journals, perhaps most succinctly and zealously put in a 1936 piece by legal scholar Fred Rodell speaking to the American context: “[t]here are two things wrong with almost all legal writing. One is its style. The other is its content.”²¹ Though the *MLJ* continued to produce scholarship, the eclectic collection of articles and varying scope of relevance to Manitoba led to discussions around shuttering the journal.²²

In response to those prior shuttering discussions, its current editors-in-chief took the helm.²³ Though the name and spirit of Manitoba’s law journal meandered, it eventually arrived, in 2010, at its current editorial structure and vision of publication. The mission of this iteration includes prioritizing readability and depth with a local-community focus, with specific attention to Indigenous issues and truth and reconciliation; showcasing work from the political, philosophical, and social-science fields as well as other jurisdictions; embracing empirical methodologies alongside traditional theoretical argument and oral-history interviews; and prioritizing and welcoming diverse authors, including practicing lawyers, judges, and even non-law authors.²⁴

A further objective of ours at the *MLJ*, then and now, is to make a place for traditional, largely doctrinal papers alongside the “social science” works written “‘on’ law” that the Arthurs Report focused on.²⁵ Explanation of complex doctrine can benefit both the practice and the public and need not

¹⁹ See Bryan P Schwartz, “A New Vision for the Manitoba Law Journal” i at i [*New Vision*] (The Co-Executive Editors-in-Chief are Professor Darcy MacPherson and Dr. Bryan Schwartz)

²⁰ *Ibid.*

²¹ See Fred Rodell, “Goodbye to Law Reviews” (1936-1937) 23:1 Va L Rev 38.

²² See Gibson, *supra* note 16 at 62.

²³ See Darcy L MacPherson “Issue Introduction and Overview” (2016) 39:1 Man. LJ xv at xv.

²⁴ See Bryan P Schwartz & Darcy L MacPherson, “Preface” (2018) 41:1 Man LJ i at ii [*Preface 2018*]; see also *New Vision*, *supra* note 19 at i.

²⁵ See *New Vision*, *supra* note 19 at p iii; see also Consultative Group on Research and Education in Law, *Law and Learning: Report to the Social Sciences and Humanities Research Council of Canada* (Ottawa: Minister of Supply & Services, 1983) [*Arthurs Report*].

be swept under the rug in exclusive pursuit of academic grandeur. Rather, it should exist alongside academic engagement with law and its social effects.

The current *MLJ* operates as a flagship journal with subsidiary “dimensions”, including an at-least-annual Criminal Law issue (Robson Crim), a dimension centered on local developments in courts and tribunals (“The Current Legal Landscape”), an at-least-annual issue focusing on legislation and parliamentary reform (“Underneath the Golden Boy”), a dimension focusing on legal history and figures in Manitoba law (“The Legal Profession”), and a recently first-published dimension focused on developments in business and enterprise law (“The Review of Enterprise and Trade Law”). This dimensions-based approach is constantly evolving, allowing the *MLJ* to focus on local issues through clear and specific lenses, while leaving the door open to national or international discussions in their appropriate contexts.

We hope this overhaul of the *MLJ* has brought us closer to the sharper focus and publication of high-quality scholarship that we set out to achieve.²⁶ We believe our and other ULJs’ efforts warrant assessment as a means of reading the pulse of today’s publications in law. Looking to the history and foci of ULJs in this next part will illustrate the varying perspectives on scholarly journal publications in Canada.

C. The Logic of Law Journals

Moving beyond the book covers of the *MLJ* – universities, their law journals, and the legal profession have had a complicated relationship since 1934, with the founding of *Alberta Law Quarterly* (*ALQ*) (though, the University of Toronto has the oldest continuously extant legal journal, founded in 1935 – *ALQ* changed to *Alberta Law Review* in 1955 after ceasing publication for roughly a decade).²⁷ Before that, the (*Upper*) *Canada Law Journal* (est. 1855) kept up the non-University-affiliated corner of this love-hate triangle, merging with the *Canada Law Times* (est. 1881) in 1923 to

²⁶ See *Preface* 2018, *supra* note 24 at i.

²⁷ See Bruce Ryder, “The Past and Future of Canadian Generalist Law Journals” (2001) 39:3 *Alta L Rev* 625 at 627-628, 638; “About the Journal” (last visited 26 June 2024) online: <albertalawreview.com/index.php/ALR/about> [perma.cc/4M67-896S]; “List of Issues” (last visited 25 June 2024) online: <utpjournals.press/loi/utlj> [perma.cc/GUB7-G34H].

form the *Canadian Bar Review* (CBA).²⁸ The American legal system has a similar acquaintanceship with law journals going back to 1808.²⁹

Since these early days – and in spite of their purported aims and objectives – members of the profession have found themselves asking: “why?”³⁰ Why law journals? What is the driving force of a law journal? Is it academics’ love for novel scholarship, desire for professional advancement through publication, or loathing of legal vagueness left unexplained? More than likely the answer is a combination of the three.

At the very least, a dialogue between legal academia and legal practice has been a hallmark of the relationship since the birth of law journals. The nascent CBA and other early journals set the initial tone for this dialogue: “a ‘means of communication between members of the Bar,’” treating law as an end in itself and “an autonomous process,” with then-scholarly writing oriented foremost to “the needs and interests of practising lawyers.”³¹ Though they purported to focus on more than the “mere nuts and bolts of practice,” discussion of law was consistently removed from discussion of the law’s social effect.³²

ULJs, by contrast, saw their ideal role as viewing and discussing law in a social context, and would gauge the success of their legal scholarship by “the promotion of social objectives.”³³ These generalist journals had “local and pedagogical” aims, but were geared more towards shaping the students involved than the profession at large, and were still primarily doctrinal in

²⁸ See Christopher Waters, Patrice Deslauriers & Wissam Aoun et al, “The Canadian Bar Review: A Century” (2023) 101:3 *Can Bar Rev* 478 at 479 online: <cbr.cba.org/index.php/cbr/article/view/4874/4555> [perma.cc/ZSZ6-LYSM] (note, the *Canada Law Journal* (est. 1868) was originally founded as the *Upper Canada Law Journal*).

²⁹ See Gregory S Parks & Etienne C Toussaint, “The Color of Law Review” (2023) 103:1 *BU L Rev* 181 (in 1808 the first, albeit short-lived, law journal in the US was founded, the *American Law Journal and Miscellaneous Repertory*); Michael L Cloen and Robert J Zielak, “The History and Influence of the Law Review Institution” (1997) at 10, 15 *Akron L Rev* 30:1 online (pdf): <uakron.edu/dotAsset/726604.pdf> [perma.cc/5L7V-G2KC] (much later, in 1875, the first American student-led university affiliated law journal – also short-lived – the *Albany Law School Journal*, was founded).

³⁰ See Ryder, *supra* note 27 at 630; Trautman, *supra* note 45 at 705.

³¹ See Ryder, *supra* note 27 at 628.

³² See Waters, *supra* note 28 at 479.

³³ See Ryder, *supra* note 27 at 628.

spite of having a broader focus than the professional-oriented law journals.³⁴ The broader mission of law journals was off to an uncertain start.

Regardless, in 1971, over 25 years after the founding of Canada's earliest ULJ, the Supreme Court of Canada cited its first Canadian ULJ article, so, apparently, somebody of note was taking note of something.³⁵

In 1984, shortly after the *explicit* recognition of journal articles as a viable source to cite in court,³⁶ the Consultative Group on Research and Education in Law released its report on legal pedagogy in Canada, the Arthurs Report.³⁷ The question of how legal scholarship and pedagogy could improve was asked, and the answer was voluminous and multifaceted. For our purposes, legal writing was being produced and published, but its utility as scholarly publication was suspect.

The report made several recommendations regarding the conduct of law schools, some either directly or tangentially relevant to ULJ publication, including: having students write research papers that would be subject to critical evaluation (submission of such papers to law journals with peer review ensures, in all but the rarest cases, that critical evaluation will be received); greater scholarly valuation of, among other methodologies, historical and empirical research in law; greater engagement in inter-faculty and interdisciplinary scholarship; the adoption of openly accessible publication mediums; the publishing of more articles by practicing lawyers and justices; and finally, the development of a "rigorously refereed, nationally and internationally recognized scholarly journal" along with "retrenchment or reorientation" of Canada's many then-generalist law

³⁴ *Ibid* at 630.

³⁵ See *McKeown v The Queen*, 1971 CanLII 194 (SCC), [1971] SCR 446 at 463, citing Jacob Ziegel, "Some Aspects of the Law of Contempt of Court in Canada, England and the United States", (1960) 6 McGill LJ 228, at 256; see also "About" (last visited 3 July 2024) online: <lawjournal.mcgill.ca/about/> [perma.cc/YM9N-JXA6] ("[a]s the first law journal in the country to be cited by the Supreme Court of Canada ..."); James Cummins, "Appendix A: Complete bibliography of McGill Law Journal articles cited by the Supreme Court of Canada" in *The Journal: 60 years of people, prose and publication* (Montreal: BabalonBooks, 2013) 193 at 201; we attempted to find an earlier ULJ citation in the SCC online database, but *McKeown* was the earliest.

³⁶ See J E Côté, "Far-Cited" (2001) 39:3 Alta L Rev 640 at 641-643 (in short, academic articles were *citeable*, but would be given little weight by convention; there was also an English rule, adopted as a then-convention in Canada, that an author's work could not be cited until after their death, or at the very least would be given no weight until then).

³⁷ See generally *Arthurs Report*, *supra* note 25.

journals.³⁸ However, acceptance of the validity of these criticisms was and is not by any means uniform.³⁹

The last substantial, academic study specifically on scholarship in Canadian ULJs (as opposed to other forms of scholarship, like textbooks or legal studies programs)⁴⁰ was published in 2011 by Neil Craik, Philip Bryden, and Katie Ireton.⁴¹ This paper, in many ways, continues the inquiry into Canadian ULJs that they last picked up. As such, there are not many shoulders for this paper to lean on in its assessment of the state of Canadian ULJs between 2000 and 2020. Academics in other disciplines write about their journals more than those in law, and Canadian legal academics write still less about journal publication than their American counterparts.⁴²

There are differing perspectives on whether Canada moved to adopt something like a central, national/internationally recognized law journal in line with *Arthurs*.⁴³ Our progress towards, or perhaps away from, the Arthurs Report recommendations on interdisciplinary and empirical research, collaboration, and author contributions, to name a few, is similarly ripe for present-day study – the principal goal of this paper – but the value of such study and its subject publications should first be established.

³⁸ *Ibid* at 155, 157, 158, 160, 161.

³⁹ See *New Vision*, *supra* note 19 at p iii.

⁴⁰ See Guillaume Laganier, "Beyond the Textbook: Assessing the Value of Scholarship in Undergraduate Legal Education" (2016) 48:2 *Ottawa L Rev* 391; Vincent Kazmierski, "How much Law in Legal Studies" (2014) *CJLS* 29:3 287; but see Hannah Rosborough, "Visualizing the Landscape of Canadian Law School Journals" (6 April 2022) online: <slaw.ca> [perma.cc/2EF6-3HTZ].

⁴¹ "Law Review: Scholarship and Pedagogy in Canadian Law Journals" (2011) 36:2 *Queen's LJ* 393 [Craik].

⁴² See Roderick A Macdonald, "Who's Afraid of the Cyber-Law-Journal" (2011) 36:2 *Queen's LJ* 345 at 379; Laganier, *supra* note 40 at 402; Ryder, *supra* note 27 at 625-626; see also Adam S Chilton & Eric A Posner, "An Empirical Study of Political Bias in Legal Scholarship" (2015) 44:2 *J Leg Stud* 277 (a recent example of laudable study of law journals' publishing from the US).

⁴³ See Craik, *supra* note 41 at 394-395 (holding that the recommendation towards a "national journal was not acted on); but see Macdonald, *supra* note 42 at 389 (considering the Canadian Journal of Law and Society in the mid 1980's as an attempt at a "national journal").

1. *Varying Views on Value*

Impacting Jurisprudence: One perspective on the value of ULJ scholarship focuses on the fact that some of our and the United State's superior and apex court decisions can be traced back directly or indirectly to ideas originating in law journals (through long-form analyses by scholars, acceptance of a journal article used as an authority in submissions, or direct citation by a justice).⁴⁴ This ability to influence the law might be the value and function, if not the driving force, behind ULJs in the modern era:⁴⁵ they provide a unique perspective on legal issues, going beyond what might be presentable on its own in court, with the aim of receiving endorsement from the judiciary and broadly "improv[ing] quality of life [of the public] by persuading judges and legislators ... to change the law."⁴⁶ They potentially give legal weight to what might otherwise be merely theoretical, policy-oriented, or socially-minded arguments unlikely to sway any bench.⁴⁷

Historical Record and Debate: In the same vein as above, a well-run ULJ also has value as a historical repository of ideas, providing a snapshot of the profession by outlining the actual and aspirational legal arguments of the day.⁴⁸ In so doing, they provide a vehicle for scholarly debate of those ideas, potentially elevating a particularly well-reasoned idea or work as a means of legal reform.⁴⁹

Doctrinal Education: On the other hand, some prefer to see law journals take a more black-letter, doctrinal approach, delineating something

⁴⁴ See, eg, Jacob Hammond, "How the Law Review Grind Makes Legal Scholarship Worse" (2022) online: <ballsandstrikes.org> [perma.cc/B6JL-NFV5] citing Anthony G Amsterdam, "Perspectives on the Fourth Amendment" (1974) 58 Minn L Rev 349; for examples involving books, see Barker, *supra* note 8 at 11.

⁴⁵ See Lawrence J Trautman, "The Value of Legal Writing, Law Review, and Publications" (2018) 51:3 Ind L Rev 693 at 697-699; see also Yan Campagnolo & Camille Andrzejewski, "The Most-Cited Law Review Articles of All Time by the Supreme Court of Canada" (2022) 60:1 Alta L Rev 129 (for an example of legal academia's penchant for SCC citations of scholarly articles).

⁴⁶ See Trautman, *supra* note 45 at 697, citing Lucien J Dhooge, "Toward a Global and Digital Age" (2013) 50 Am Bus LJ 43 at 48.

⁴⁷ See Debra C Weiss, "Law Prof Responds After Chief Justice Roberts Disses Legal Scholarship" (7 July 2011) online: <abajournal.com/news/> [perma.cc/TR6B-JC8N].

⁴⁸ See Macdonald, *supra* note 43 at 369-371; Jean Leclair, "A Review of Law Reviews: Comments of a Contented Victim" (2005) 31:1 Queen's LJ 385 at 385.

⁴⁹ See Trautman, *supra* note 45 at 745; Parks, *supra* note 29 at 194, 198.

like best practices surrounding difficult areas of law.⁵⁰ The value here would also be as an aid to the practice of law, but more as a practical guide to lawyers than source of novel or policy/socially minded arguments.

Experiential Skills-Building: On still another hand lies a perspective on ULJs as a learning experience for student editors.⁵¹ This view is generally framed as an exercise in developing the writing and organizational skills a law student will need to employ as a lawyer in practice.⁵² Technically editing submissions, providing initial reviews of manuscripts' quality, and participating in the real-world practice of running a law journal takes advantage of the shared aims of ULJ scholarship and University pedagogy: doctrinal, theoretical, methodological, and professional skills building.⁵³ As such, not only should law journals employ student editors, if not maintain student-exclusive editorship, but co-authorship between students and professors should be encouraged.⁵⁴ This allows students to engage in the feedback-and-revision and research process that could improve merely laudable writing skills to the truly exemplary.⁵⁵

The Critical View: Somewhere beyond – or at the edges of – these supportive views lies an alternative, at *best* constructively critical view suggesting that law journals really don't provide much value at all. Rather, they are more of a non sequitur to the profession than an aid, one with more potential to censor or confuse than proliferate ideas;⁵⁶ they are treated as a platform for professional advancement and tenure rather than for enrichment and progression of legal academia and practice;⁵⁷ or, at worst, they are a more-or-less perpetual series of make-work assignments to be ill-

⁵⁰ See Côté, *supra* note 36 at 648.

⁵¹ See Craik, *supra* note 41 at 436.

⁵² *Ibid.*

⁵³ See Ryder, *supra* note 27 at 630; see also Laganier, *supra* note 40 at 405, citing Ruthann Robson, "Enhancing Reciprocal Synergies Between Teaching and Scholarship" (2015) 64:3 J Leg Educ 480 at 484; Trautman, *supra* note 45 at 696-697.

⁵⁴ See John Villaseñor, "Why law professors should co-author academic articles with law students" (22 June 2022) online: <abajournal.com/voice/> [perma.cc/SYY2-GF6U].

⁵⁵ See Trautman, *supra* note 45 at 703-704, 707-708, 714-715.

⁵⁶ See Macdonald, *supra* note 43 at 382; see also Pierre Legrand, "Comparative Contraventions" (2005) 50 McGill LJ 669 at 673-677.

⁵⁷ See Côté, *supra* note 36 at 381, citing John F T Murray, "Publish and Perish: by Suffocation" (1975) 27:4 J Legal Educ 566.

handled by the hard-working “hands of [students].”⁵⁸ The relationship, these harshest of critics say, is a dysfunctional one, with ULJs touting a value greater than they actually bring, leading their affiliated faculties on with promises of prestige and proliferation to come.

Similarly, some scholars suggest that by focussing on esoteric or niche, but yet-unexplored, areas of law and legal scholarship, ULJs reduce their utility to the profession and academia alike (subjects like the “influence of Immanuel Kant on evidentiary approaches in 19th-century Bulgaria,” brought up by then-Chief Justice Roberts of the US Supreme Court).⁵⁹ Others are dismissive of law journals for their academic narrowness, lack of history, and political conformity.⁶⁰

2. *Questions of Quality*

Given the relative dearth of writing on Canadian ULJ publication, it might appear that there is less appetite for insight into our law journals than journals elsewhere – geographically or of another discipline.⁶¹ Nonetheless,

⁵⁸ See Adam Liptak, “The Lackluster Reviews That Lawyers Love to Hate” (21 October 2013) online: <web.archive.org/web/20230929135815/https://www.nytimes.com/2013/10/22/us/law-scholarships-lackluster-reviews.html> [perma.cc/AN8C-EACU] (the original quotation reads “hands of incompetents,” which we could not bring ourselves to reproduce in body-text); Rania Muhareb, Bram Wispelwey & Mads Gilbert, “Political censorship in academic journals sets a dangerous new precedent” (last visited 27 May 2024) online (blog): <blogs.bmj.com/bmj/2021/06/02/> [perma.cc/W7B7-HDFW].

⁵⁹ See Brent Newton, “Scholar’s highlight: Law review articles in the eyes of the Justices” (30 April 2012) online: <scotusblog.com/2012/04/scholar%E2%80%99s-highlight-law-review-articles-in-the-eyes-of-the-justices/> [perma.cc/G57L-HHUE] (interestingly, this subject-matter was “cited” before it was written about, albeit written cheekily: see Orin Kerr, “The Influence of Immanuel Kant on Evidentiary Approaches in Eighteenth Century Bulgaria” online (pdf): (31 March 2015) <wsj.com/public/resources/documents/kantbulgaria_kerr.pdf> [perma.cc/8Z52-3A3D] (“[i]t concludes that Kant’s influence, in all likelihood, was none”).

⁶⁰ See Macdonald, *supra* note 43 at 382; see also Craik, *supra* note 41 (specialization, as opposed to narrowness, relies on (non-legal) expertise, often in collaboration, whereas narrowness might be artificial specialization that needlessly avoids expert collaboration/interdisciplinarity).

⁶¹ See Craik, *supra* note 41 at 432-433; see generally, A N Khokhlov, “How Scientometrics Became the Most Important Science for Researchers of All Specialties” Moscow U Biological Science Bull (2020) 75:4 159 online: <ncbi.nlm.nih.gov/pmc/articles/PMC7869756/> [perma.cc/7MB6-LWHA] (as an example of the argued (over) use of metrics in scientific disciplines as indicators of quality).

there is room to carry over the conversation through shared concerns around academic clickbait (in our case, works with qualities attached that are perceived as high-value measures), the value – or lack thereof – of subsequent citations to a work by academics,⁶² and the potential utility to the legal profession of quality legal scholarship.⁶³

Quality in journal publication has been described as broadly as requiring “plausibility, originality, and ... value,” grounded primarily in the content of submissions received (as opposed to editorial efforts).⁶⁴ Where scholarship is presented as argument before a justice – as ULJ articles’ authors regularly strive to be – it has been argued that different indicators of quality ought to be at play regarding settled and novel law. Doctrinal works on settled law should be diligently referenced, objective, contain practical insight to experiences in the relevant area of law, and be written by an expert of established reputation; novel, theoretical, or, for our purposes, multidisciplinary works, on the other hand, should present a perspective that is lacking in the then-current realm of legal expertise – conflict of interest concerns here are more significant given the broader potential to shape the law.⁶⁵

Not explored in this paper, though somewhat relevant to our journal selection process, peer review is widely regarded as a quality-enhancing measure, albeit one not without minor caveats.⁶⁶

Quality, and determination of quality, is a relevant consideration in our study: the overall quality of a journal’s works is a factor of concern to authors seeking publication, but how exactly quality is assessed is inconsistent.⁶⁷ Ergo, looking to traditional measures associated with quality,

⁶² See Barker, *supra* note 8 at 11, 21-22.

⁶³ See Craik, *supra* note 41 at 429-435.

⁶⁴ See Dag Aksnes, Liv Langfeldt & Paul Wouters, “Citations, Citation Indicators, and Research Quality: An Overview of Basic Concepts and Theories” Sage Open (2019) 9:1 online (pdf): <doi.org/10.1177/2158244019829575> [perma.cc/MMM7-ZNHV]; Macdonald, *supra* note 43 at 375-376.

⁶⁵ See Côté, *supra* note 36 at 648-649.

⁶⁶ *Ibid* at 650-651 (specifying that our “small academic and legal population” may lead to an insufficient pool of peer reviewers that would be problematically aware of each other’s identity, or likely to become aware as they read the work in question); Craik, *supra* note 41 at 403, 415-416, 430, 432 (pro peer review); Macdonald, *supra* note 43 at 375, 382 (largely pro peer review, but noting that the “selection process” of peer reviewers might “blunt intellectual dialogue”).

⁶⁷ See Craik, *supra* note 41 at 416; Barker, *supra* note 8.

like scholarly citations, number of internal references, ideological variety, multidisciplinary, etc., can inform the viability of the direction we are headed as publishers of legal scholarship.⁶⁸ What ultimately and exactly scholarly “quality” is, is beyond this project, but the various, potentially competing qualities associated with quality are central.

Ultimately, in collecting and reporting this data, we are concerned with how Canadian ULJs might be progressing towards greater quality and usefulness through their scholarship, and other markers associated with quality journal scholarship that may be developing.⁶⁹ While metrics as measures of quality are most useful when assessed holistically, rather than zealously pursued as ends in themselves, cautious engagement with metrics is important to understanding the practical impact of ULJs.⁷⁰ The idea that journals serve as useful pedagogical touchstones for those in practice, while also providing a forum for debate and scrutiny of those ideas, is very much still prevalent in legal academia and often embraced by ULJs themselves.⁷¹ For us, as a law journal, the question we want to answer is, effectively: *what* are we doing and *what* are we *doing* – that is, what is our content, and what is our effect?

⁶⁸ See Craik, *supra* note 41 at 433; Campagnolo, *supra* note 45.

⁶⁹ See *Arthurs Report*, *supra* note 25 at 158.

⁷⁰ See generally, Fire-Guestin, *supra* note 7.

⁷¹ See eg, “Saskatchewan Law Review” (last visited 13 June 2024) online: <sasklawreview.ca> [perma.cc/HUU3-TEVH] (“a vehicle for the publication of ... practicing and academic members of the legal profession ... and other persons interested in analyzing subject matter of concern to lawyers ... its mandate to promote legal scholarship and debate”) [About SLR]; “About This Journal” (last visited 13 June 2024) online: <digitalcommons.osgoode.yorku.ca/OHLJ/about.html> [perma.cc/FK68-LF7S] (“[w]e aim to provide an interdisciplinary forum for legal innovation and for provocative approaches to legal knowledge”) [About OHLJ]; “About” (last visited 13 June 2024) online: <themanitobalawjournal.com/> [perma.cc/EMY9-WGRA] (“MLJ’s current mission is to provide lively, independent and high-[c]aliber commentary on legal events ... aims to bring diverse and multidisciplinary perspectives to the issues ... to focus on issues that are particularly relevant to our own population”) [About MLJ].

METHODOLOGY

A. General Methodology Overview

Hoping to achieve a high level of rigour, verifiability, and repeatability, while minding the message of the forty-years-removed Arthurs Report, we opted for an empirical content analysis and metrics-based approach.⁷²

Our project began with a selection of the law journals we would use to form our dataset. Being Manitoba's law school we opted to include, alongside the *MLJ*, the *Asper Review of International Business and Trade Law* (*Asper*) and the *Canadian Journal of Human Rights* (*CJHR*)⁷³ The *Asper Review of International Business and Trade Law* was founded by Dr. Bryan Schwartz when he became the inaugural holder of the Asper Chair in International Business and Trade Law, focussing on the subject areas of the chair. It was peer reviewed, and rose to be among the-top ranked journals in Canada in rankings (such as the Washington and Lee University annual survey). In 2024, it was integrated into the *MLJ* and merged with the Desautels Review under the new name *The Review of Enterprise and Trade Law*.

The second publication, the *Canadian Journal of Human Rights Law*, was founded by Professor Donn Short in 2012. It is open to scholarship on human rights issues around the world and uses an exceptionally demanding external peer review system, with no fewer than three positive reviews required to proceed.

We thought it useful to not only analyze our own content at the *MLJ* as a reflection on our performance and how we should innovate going forward, but that it would be instructive to conduct the same study of some comparator journals. As fully external comparators, we chose two journals published outside of the University of Manitoba, Faculty of Law. The *Saskatchewan Law Review* (*SLR*) was selected because it shares many

⁷² See Maryam Salehijam, "The Value of Systematic Content Analysis in Legal Research" (2018) 23:1 *Tilburg Intl L Rev* (for a general discussion of "systematic content analysis" as a specific type of empirical research particularly well-suited to the discipline of law, beyond the now-distant *Arthurs Report*, *supra* note 25).

⁷³ Note that *Asper* has now merged with the *Desautels Review* and publishes as the sixth dimension of the *MLJ*, under the name *The Review of Enterprise and Trade Law* — see Connor Jonsson, "The Review of Enterprise and Trade Law" (last visited 20 July 2024) online: <themanitobalawjournal.com/the-review-of-enterprise-and-trade-law/> [perma.cc/KG45-5TNS].

similarities with the MLJ. The law school that publishes it is a similar size and demographic makeup, including Indigenous enrollment, and it is located in a province that is similar in population, demography and economic foundations.

The second external comparator is the *Osgoode Hall Law Journal* (OHLJ): it is a representative of a much larger law school in a much more populous and significantly higher-income province. Nonetheless, the journal shares a similar structure to that of the MLJ, utilizing a joint faculty-student editorial board.⁷⁴

Given the limited scope of our selection, different or contrary trends in unselected ULJs could very well be developing that will not be explored in this paper.

Each individual in our dataset is a paper published in a selected ULJ. These works were analyzed through the questions in Part B, below – considering their form, content, authorship, subsequent citations, and internal references –⁷⁵ and assigned values representative of those assessments.

The 19 questions used to track and code our collection and assessment of data from journal papers were chosen by Dr. Bryan Schwartz. These questions were based on his long experience with editing law journals and his reading of the literature concerning the history and current challenges facing law journals. He sought questions that were amenable to quantitative exploration. These questions will be looked at individually, but it is worth stating at this point that they perform five basic functions, providing:

- (1) quantitative data on points of editorial distinction;
- (2) categorization of papers through procedural distinctions;
- (3) categorization of papers by author information;
- (4) categorization of papers by the paper's internal references; or
- (5) categorization of papers by their substance.

In every case, Dr. Schwartz sought to frame the questions in a manner that was as objective as possible. Every research question is answered by the co-author's initiative in locating the literature on law journals and freely

⁷⁴ See "Canadian Law School Profiles" (last visited 19 June 2024) online: <oxfordseminars.ca/LSAT/lstat_profiles.php> [perma.cc/CY67-WCZZ] (this ranking of law schools lists Osgoode as the faculty with the largest 1L cohort).

⁷⁵ For zealous clarity's sake, "references" refers to sources relied on within a work while "citations" refer to the number of external references to a particular work subsequent to publication.

providing perspective to explain the results to the readers. This article was sent through an iterative external peer review process to refine the methodology.

A “snapshot through time” method was used to study the various law journals. It would have been unmanageable to survey every issue from every journal for every year. The study therefore looked at the entire content of each journal at five-year intervals: 2000, 2005, 2010, 2015, and 2020.⁷⁶ This provided the study with a dataset that was sufficiently close to the present time to be instructive. In total, the project spanned 10,284 pages. We developed a list of 19 questions to track and code in our collection and assessment of data from journal papers.

The work of data collection and organization was completed through the painstaking efforts various student editors and summer research assistants working for the MLJ over a period of 3 years, supervised by faculty editorial staff. Work was handed off through transition documents identifying what was done and still needed to be done. Any errors or inconsistencies were addressed as they were identified.

B. Specific Explanation of Methodology and Presentation of Preliminary Results

For ease of reference, the individual questions on which we based our data are enumerated and elaborated on below. The impressions fuelling our curiosity, gleaned both from looking within the practice and pedagogy of law as well as journals in other disciplines of study, will be set out in a preliminary manner, setting the stage for expository articles to engage further. The exact methods we used to collect our data will also be laid out for the sake of verifiability and to provide a means of consistency for future research.

Readers will find our preliminary results alongside the described methodology. The order of presentation is no reflection on the significance of our results – readers are encouraged to begin and end with whatever they feel is most and least interesting.

⁷⁶ Note *CJHR* data contains only 2015 and 2020, volumes published in our timeframe, and *Asper* has its inaugural 2001 volume treated as 2000, given the proximity of the two dates.

1. DATA ON EDITORIAL DISTINCTIONS OF ULJS

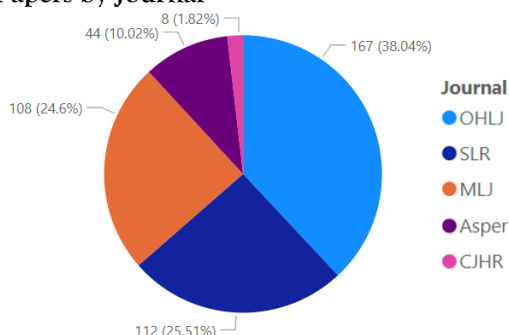
These questions are built around qualities of papers determined by editorial discretion. While “Number of Pages” also relates to content, we include it here as it does not fit well elsewhere and may be impacted by editorial page limits and/or formatting (though given the similar formats of our selected ULJs the latter is not likely an issue).

i. Number of Papers Published in Each Journal?

Elsewhere, the quantity of papers published in peer-reviewed journals has seen a dramatic uptick.⁷⁷ It is something of an open question whether this represents a deluge of papers that threatens to drown out any discernable, noteworthy contribution that the works might make, or a natural and desirable characteristic of competently run journals that appeal to highly productive researchers.⁷⁸ It is also something of an open question whether a similar uptick is occurring in Canadian ULJs.

The below infographics show the total number of papers published per year as well as per ULJ. *Papers by Year* is divided by Journal publication per year as well.

Papers by Journal

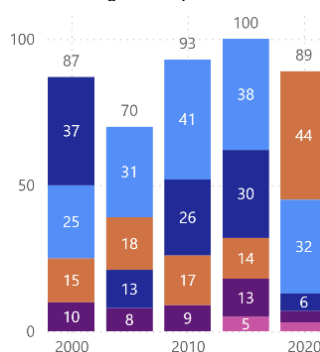


Initial Results on

Number of Papers

- Our study involved 439 papers
- There appears to be a slight upward trend
- *MLJ* and *Asper* together published 152 papers (34.62%)
- *OHLJ* published the most papers in '05, '10, and '15
- *SLR* and *MLJ* show the most fluctuation in publication across years

Papers by Year



⁷⁷ See Fire-Guestrin, *supra* note 7.

⁷⁸ See Craik, *supra* note 41 at 420, citing *Arthurs Report*, *supra* note 25; see also Ulf Sandström & Peter van den Besselaar, “Quantity and/or Quality? The Importance of Publishing Many Papers” (2016) PLoS One 11:11 online: <ncbi.nlm.nih.gov/pmc/articles/PMC5117611/> [perma.cc/24AM-DVWH].

ii. Number of Pages?

Tracking the total number of pages allows us look for any trends associated with the length of published papers. As each of these journals shares near-identical publication formatting, the number of words (actual length) can be expected to coincide more-or-less with the number of pages (the formatted length) across our selected journals.

Other disciplines have seen the length of individual papers *triple* over the last fifty years.⁷⁹ Overall length of papers has also been reported to correlate with a higher external citation count.⁸⁰ Further, Hannah Rosborough's recent *SLAW* article indicated highest *potential* publication output of Canadian ULJs (albeit through word count), and we wanted to see whether this potential is reflected in actual publication.⁸¹

This discussion should also aid in quantitatively assessing the distribution of categorical trends and biases across different journals and within the same journal. Such discussion, and of trends across *individual* papers, will be left for expository articles. Future research might apply a length-by-wordcount metric for greater specificity.

The following infographics show the number of pages published by each journal per year and the total number of papers grouped by length and sorted by frequency.

Initial Results on Length of Publication

- Our study canvassed 10,284 pages
- 7 of the top 10 longest papers (ranging from 95 to 61 pages) were published in 2020 and 3 were published in 2015
- Of the 27 papers with 50 or more pages, 14 (51.85%) were published in 2020
- Of the 75 papers with 3 or less pages, 30 (40%) were published in 2010

⁷⁹ See David Card & Stefano DellaVigna, "Page Limits on Economic Articles: Evidence from Two Journals" (2014) 28:3 J Econ Perspectives 149 (the increase noted was from about 15-20 pages per article to 50).

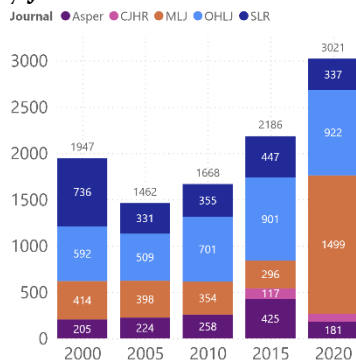
⁸⁰ See Kayvan Kousha & Mike Thelwall, "Factors associating with or predicting more cited or higher quality journal articles" (7 June 2023) 75:3 J Assoc Information Science & Tech 215 at 219.

⁸¹ See Rosborough, *supra* note 40; see also "Submission and Review Process" online: <digitalcommons.osgoode.yorku.ca/OHLJ/policies.html> [perma.cc/7UVA-URKA] (max: 20, 000 words); "Submissions" online: <themanitobalawjournal.com/submissions> [perma.cc/PEZ2-BHJU] (max: 15, 000 words); Fire-Guestrin, *supra* note 7.

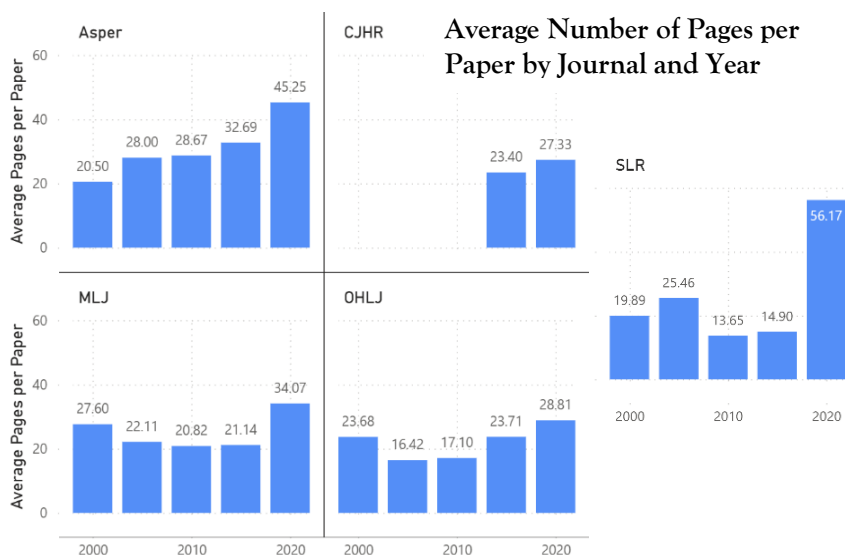
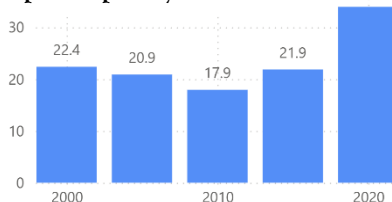
Initial Results on Length of Publication Continued

- The first-blush trend across average paper length appears to be upward, following a dip around 2010
- The decrease in 2020's number of papers published is not reflected in the number of pages published, suggesting that papers are getting longer overall
- MLJ and *Asper* published 4,254 pages grouped together – 2,961 and 1,293 respectively
- OHLJ published 3,625 pages in total; SLR, 2,206 pages; CJHR, 199 pages
- MLJ published 50.62% (n=1499) of its pages in 2020, a sharp increase. *Asper*, SLR, and CJHR saw a decrease that same year
- SLR ran against the upward trend overall, publishing its most pages in 2000 and least in 2005 and 2020

Number of Pages Published by Journal and Year



Average Number of Pages per Paper by Year



2. CATEGORIZATION BASED ON PUBLICATION PROCEDURE

These questions classify papers based on considerations other than content or substance, such as how they were produced/published and if they were subsequently cited by the academic community.

iii. Research Funding of Paper Disclosed?

Categories: Disclosed: [Funding Organization]; Undisclosed

The rate of disclosure of funding in ULJs, and the sources of funding when disclosed, were of significant interest to us given the practical implications of journal-spurred reform for the profession at large. *Arthurs* recommended a renewed focus on “intellectual priorities” as opposed to those of government or granting bodies.⁸² Other studies have identified a correlation between the receipt of research funding and a paper’s impact through metrics like citation count and Google Scholar’s “H5-index.”⁸³ It has also been said that disclosure of research funding from grants, donations, etc. has ethical implications given the potential for conflicts of interest and/or authorial influence.⁸⁴

We looked to a paper’s authorial footnote to disclose any information re funding of the paper and/or its research. If a paper does disclose a funding source, that source is categorized as “Disclosed.” If the paper provides no disclosure of funding it is categorized as “Undisclosed.”

While a lack of disclosure does not explicitly mean *no* funding was received, looking to this question can inform both which funding bodies an author may be more likely to disclose, and whether or not there is any trend in disclosure compared to a paper’s subject matter, private/public nature, or other research question.

⁸² See *Arthurs Report*, *supra* note 25 at 157.

⁸³ See Rachel Heyard & Hanna Hottenrott, “The value of research funding for knowledge creation and dissemination” (2021) *Humanities & Soc Sciences Communications* 8:217 at 2-3 online: <doi.org/10.1057/s41599-021-00891-x> [perma.cc/YLL2-9SXA] (see “Law” (last visited June 15 2024) online: <scholar.google.com/citations?view_op=top_venues&hl=en&vq=soc_law> [perma.cc/R259-KCW4] [Law Google] for an explanation of H5-index: H5-index describes the largest number (“H”) of articles published in a journal in the last 5 years that are cited “H” times).

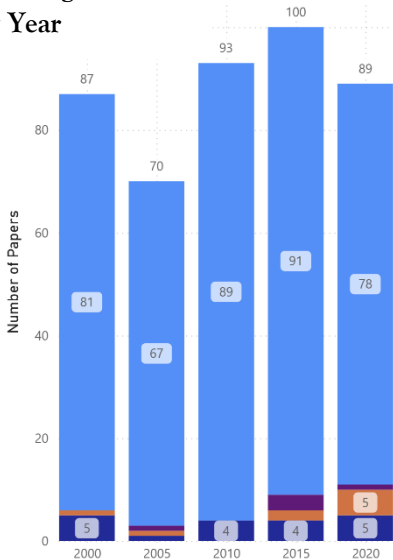
⁸⁴ See Raphaele Xenidis, Elias Deutscher & Birte Book, “Managing a Student-Run Peer-Reviewed Legal Journal: Ten Years of Bridging Research and Experience” (2017) 10:1 *Eur J Legal Stud* 1 at 5.

Further, while there may, in fact, have been no funding received for a significant number of these “undisclosed” papers, the potential of funding to bias the ideas within a work, and the central importance of law to the everyday lives of Canadians, means clearly denoting where funding is or is not received would promote greater transparency in research incentive and potential outside influences.

Initial Results on Funding

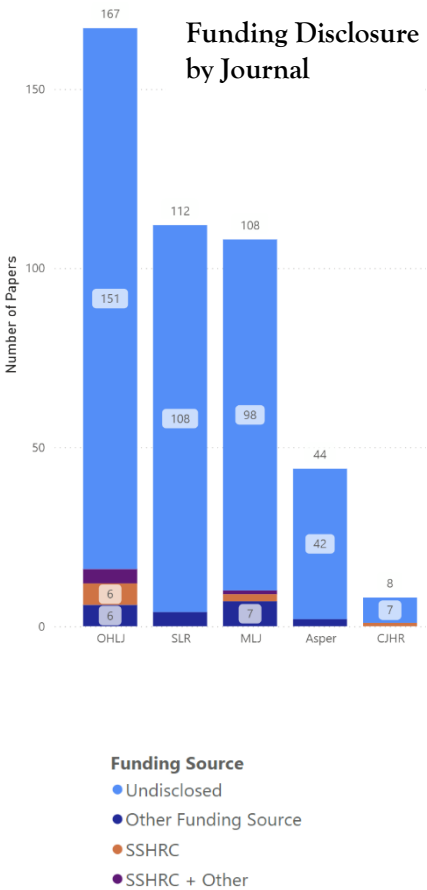
- Receipt of funding was overwhelmingly undisclosed (92.48%; n=406), with a slight trend towards disclosure
- 3.19% (n=14) of all papers were SSHRC funded, either in whole or part (42.42% of disclosed-as-funded papers)
- Of disclosed-as-funded papers, 9.09% (n=3) were funded in whole or part through private law firms
- 12.12% (n=4) of funded papers were funded in whole or part by provincial law foundations
- 24.24% (n=8) of funded papers were funded in whole or part by University research grants, awards, or scholarships

Funding Disclosure by Year



The below graphs break down disclosure by year and Journal.

Funding Disclosure by Journal



iv. Paper's External Citation Count?

Citation count is a frequently used metric to gauge the impact of a journal or individual paper on the broader academic community.⁸⁵ However, the idea of citation count as a measure of quality is not without its critics.⁸⁶

This datapoint is a total of the number of times a paper is cited in other academic works. We used Google Scholar to this end, as Google Scholar already collects such data to fuel its “H-Index” journal metric, can provide the greatest amount of data on the greatest number of sources, and brings the convenience of a ubiquitous and openly accessible service.⁸⁷ This decision was made in awareness of the fact that other indexing services, like HeinOnline, return different citation numbers for certain works.

We expect to find a decrease in the number of citations through the years, as older articles will have a larger window of opportunity to be cited.

It should be noted that our data on external citation count was collected over 2022-24 and may not reflect the citation count at the time of our project's publishing, or at a uniform moment in time. For example, at the time of writing, Google Scholar just released its most recent citation metrics, in which *MLJ* ranks considerably higher than it did in 2021.⁸⁸

Our data does not include whether the citation is favourable or unfavourable. While citations are often tacit endorsements, it is always possible that some of these citations indicate disagreement or unfavourable treatment. This total is an indicator of engagement, not necessarily positive or negative reception by the academic community.

Further research could look into favourable vs unfavourable, or in-depth vs superficial citations, to gauge whether law journals might be moving to more dramatic means of attracting engagement: possibly favouring negative, but zealous, critique over positive, but calm, endorsement, or adopting metrics-as-targets to make papers more superficially appealing.⁸⁹ This would mimic the way in which social media,

⁸⁵ See Fire-Guestrin, *supra* note 7.

⁸⁶ See Aksnes, *supra* note 64; Barker, *supra* note 8 at 10-12.

⁸⁷ See Law Google, *supra* note 83 (for an explanation of H-5 Index).

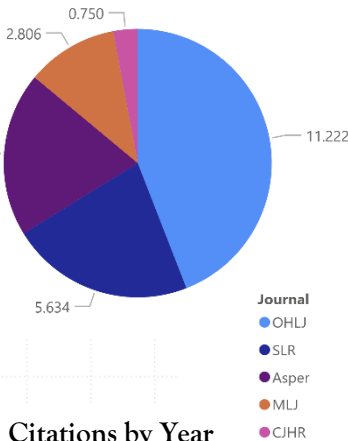
⁸⁸ See “Manitoba Law Journal Ranking”, (2025) online: <<https://themanitobalawjournal.com/manitoba-law-journal-ranking/>> [https://perma.cc/N49P-36TD].

⁸⁹ See Fire-Guestrin, *supra* note 7 at 12 (discussing a move in academia to the adoption of “clickbait” tactics as a means of promoting citations over other markers of quality).

news sites, and even certain international scientific journals have shifted from a push for positive reception to volume of engagement, be it positive or negative.⁹⁰

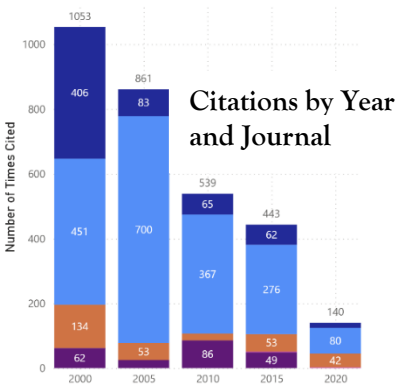
The below infographics show the average and total number of citations for each journal over time and per journal. Future works could look more closely at correlations between citation counts and other variable metrics.

Average Number of Citations per Paper by Journal

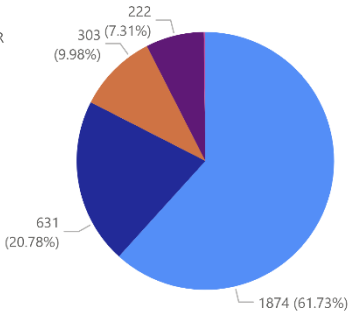


Initial Results on Citations

- There were 3,036 citations to our selected papers
- Raw citation count aligned roughly with average count, noting the relative reversal of *MLJ* and *Asper*
- The expected decrease in citations over time was observed
- Unexpectedly, 2005 and 2010 were the most-cited years for *OHLJ* and *Asper* respectively, rather than 2000
- *CJHR* was cited thrice in each year of its publication



Total Citations by Journal



⁹⁰ See Priyanjana Bengani, Jonathan Stray & Luke Thorburn, “What’s Right and What’s Wrong with Optimizing for Engagement” (27 April 2022) online: <medium.com/understanding-recommenders> [perma.cc/D3SC-NNAP] (engagement motive, like profit motive, can be a good or bad thing; engagement is often an indicator of value, but engagement prioritized over all else is problematic); see also Robin McKie, “‘The situation has become appalling’: fake scientific papers push research credibility to crisis point” (3 Feb 2024) online: <theguardian.com> [perma.cc/9EST-77WG].

v. Number of Authors?

This is a total of the number of authors listed as working on a paper, to an encountered maximum of 6.

The Arthurs Report called for greater collaboration in research between, among others, lawyers and non-lawyers.⁹¹ The Craik et al study found sole-authorship as the majority in legal-academic publication: 88% of their articles had a single author.⁹² On the other, slightly earlier, hand, a 2006 study placed Canadian collaborative publication rates at a surprising 39.7% from 1998-2002,⁹³ and 74% of respondents to a white-paper study on global Humanities and Social Science journals' co-authorship frequency said the "typical number" of authors for a paper in their field was two or more.⁹⁴ Co-authored, or "team research" papers have also been associated with more frequent citation by other academics.⁹⁵

Stateside, rates of collaboration in certain areas of legal academia have tripled, but remained under 20%.⁹⁶ Some scholars contend that even the academic practice of faculty co-authoring papers with students is, apparently, less common in law than other disciplines, citing "strong pressure" to position ones' career, alone, for future promotions or hiring opportunities, and a general idea that "the single-author law review article is the ... most worthy of respect."⁹⁷ We are interested in seeing the state of any such trend in Canada.

The following graphics show the number of papers published by x number of authors for each year and journal, and the number of times cited.

⁹¹ *Supra*, note 7 at 97.

⁹² *Supra*, note 41.

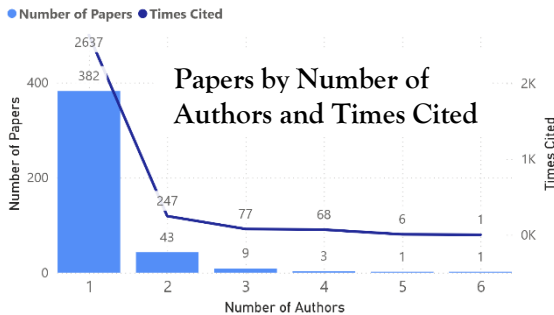
⁹³ See Vincent Larivière, Yves Gingras & Eric Archambault, "Canadian Collaboration Networks" (2006) *Scientometrics* 68:3 519 at 525.

⁹⁴ See Bruce Macfarlane, "Co-authorship in the Humanities and Social Sciences" (2017) at 4 online (pdf): <authorservices.taylorandfrancis.com> [perma.cc/8NHW-JJRU].

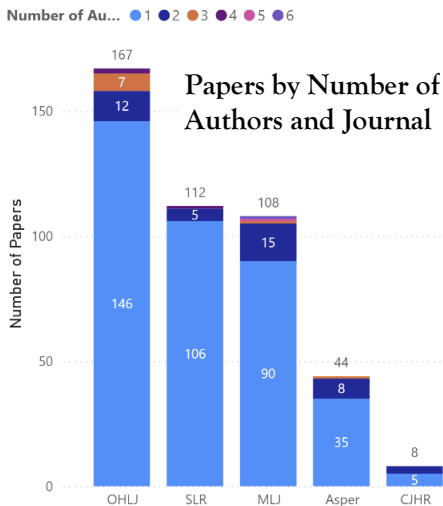
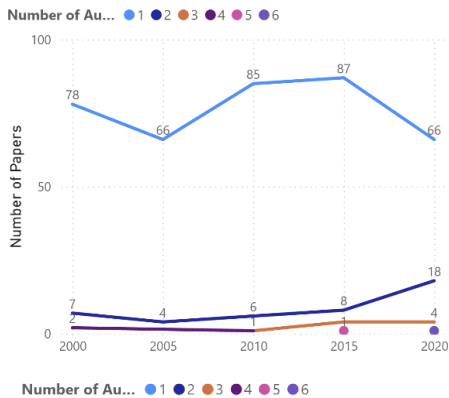
⁹⁵ See Villasenor, *supra* note 54.

⁹⁶ See Andrew Hayashi, "The Small and Diversifying Network of Legal Scholars: A Study of Co-Authorship from 1980-2020" (2022) *Va L Rev* 108 343 online (pdf): <virginialawreview.org> [perma.cc/3E74-HYY8]; Villasenor, *supra* note 54, citing Christopher A Cotropia, "The Dominance of Teams in the Production of Legal Knowledge" (2014) *Yale LJ Forum* 124 18.

⁹⁷ See Villasenor, *supra* note 54.



Papers by Number of Authors per Year



Initial Results on

Collaboration

- The rate of citation is highest for papers with 4 authors at 22.6 citations per paper; 8.5 per paper for 3 authors; 6.9 per paper for 1 author; and 5.7 per paper for 2 authors
- Only 12.98% (n=57) of the total papers we looked at had more than 1 author
- 9.79% (n=43) of all papers were authored by 2 individuals
- Only 2.05% of papers had 3 authors (n=9), 0.68% (n=3) had 4 authors; 1 paper each was written by 5 and 5+ authors (0.23% each)
- 2020 was the most collaborative year, with 5.23% (n=23) of papers written by 2+ authors, compared to just 2.05% (n=9) in 2000
- 2020 saw a 77% increase in the rate of collaboration from 2015
- MLJ had the most significant effect on 2020's collaborative increase, publishing 12 collaborative papers, 52.17% of collaborative papers published that year

3. CATEGORIZATION BASED ON AUTHOR INFORMATION

These questions classify papers by looking to information directly related to qualities of the author(s) working on a paper.

vi. Status of Author(s)?

Categories: Faculty, Faculty: non-journal; Academic: law, non-law; Student: JD/LLB, LLM/Grad, Articling, SJD/PhD, Non-Law; Justice; Practicing lawyer; Unclear; Other.

Our project also looks at which occupation of authorial contributor, or combination thereof, is most or least often published. Per the Craik et al study, only 8% of authors were non-law academics, leaving a field of publication dominated by legal academics, practicing lawyers, and students.⁹⁸ At that time, instances of inter-faculty publication significantly outnumbered intra-faculty publication.⁹⁹ Further, there have been suggestions of diminishing student involvement in authoring papers.¹⁰⁰

This question looks to the authorial footnote for information regarding the occupational status of the author at the time of publication. If there is author status information, we fit it into one of the above categories as specifically as possible. In the case of multiple authors all authors are coded.

If an author's status is not included in the authorial footnote, the author is categorized as "Not Disclosed," while author statuses outside our classification are "Other". In cases where the author's status at time of publication would have been temporally close to the date of our research, author status may have been supplemented through Google or LinkedIn. Where multiple statuses are listed, we selected the first-listed status.

If an author identifies themselves as a judge, we categorize them under "Justice," deeming the distinction between levels of court unnecessary.

"Faculty" effectively replaces Craik et al's "Law Academic" while "journal/non-journal" replaces "(Same Institution)/(Other Institution)".¹⁰¹ Our "Academic: Law" category is narrower as well, and includes non-faculty-employed legal academics, such as retired professors.

⁹⁸ *Supra* note 41 at 406 (Law Academic: 56%; Lawyer: 18%; Student: 10%; Non-law Academic: 8%).

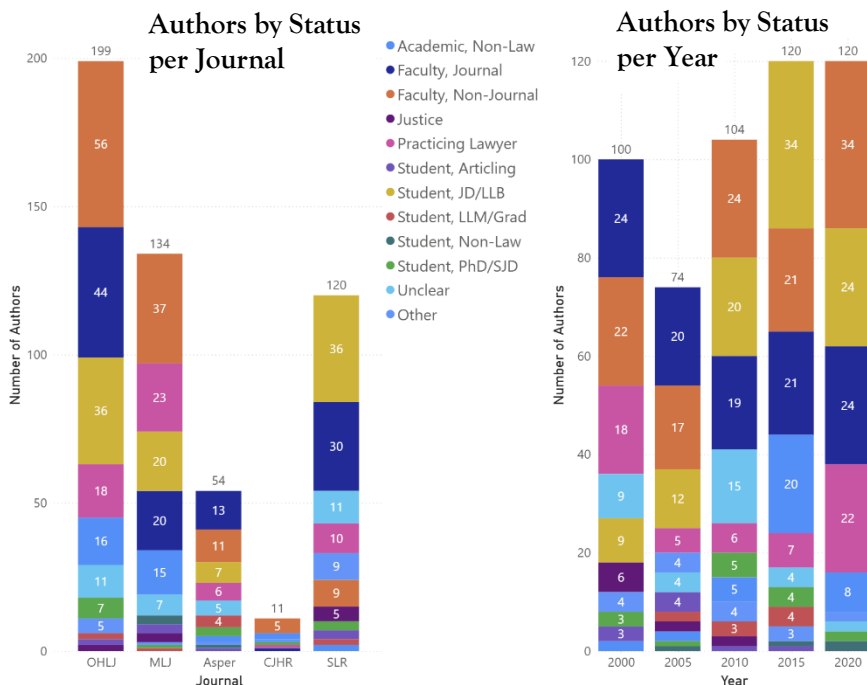
⁹⁹ *Ibid* (same Institution: 22%; Other Institution: 34%).

¹⁰⁰ *Ibid* at 408; Ryder, *supra* note 27 at 631; Villasenor, *supra* note 54.

¹⁰¹ *Supra* note 41 at 405-406.

Future analysis could look to whether certain works are more frequently published by certain authors, or even which status of authors are more/less frequently collaborative.

The below infographics show the number of authors of each status that published works in each year and journal.



Initial Results on Author Status

- Our study included 518 authors (with possible repetition)
- There is an upward trend in the number of law students, non-law students, and non-law academics authoring papers, and a downward trend in justices
- The total proportion of non-law academic authors, 7.14% (n=37) is consistent with Craik et al's 2011 study (8%); the highest year for non law academics was 2015 (16.67% of that year; n=20)
- The five most frequent author status were: Non-Journal Faculty Members, 22.8% (n=118); Journal Faculty Members, 20.8% (n=108); JD /LLB Students 19.1% (n=99); Practicing Lawyers, 11.20% (n=58); and Non-Law Academics, 7.14% (n=37)
- The five least frequent author status were: Non-Law Students, 0.77% (n=4); Articling Students, 1.74% (n=9); LLM/Grad Students, 1.74% (n=9); Justices/Judges, 1.93% (n=10); and PhD/SJD Students, 2.9% (n=15)
- 51 authors were either unclassifiable ("Other") or did not disclose an occupation

vii. Author's Country of Study/Residence at The Time of Writing?

Categories: [Any Country of Study/Residence]

Other journals have seen a rise in international collaboration, and we wanted to see if a similar trend is developing in law.¹⁰² We are also interested in identifying instances of local publication of international authors: studies of other journals have reported an almost 100% increase in foreign authorship (in certain disciplines – social sciences see the least foreign authors, while hard sciences see the most).¹⁰³

This question looks to the authorial footnote to determine where the author taught, studied, or practiced when they produced their paper, and categorizes the paper according to that country.

If the information is not disclosed, it is categorized as “Undisclosed.”

In the case of multiple authors, they are classified as a group.

vii.b. Author's Province or Territory?

Categories: [Provinces/Territories of Canada]

Canada has long been a nation of “have” and “have-not” provinces; we wanted to see if different provinces have greater, or lesser, instances of contribution to legal academia, and whether there has been an increase in interprovincial author publication. Elsewhere, interregional authorship (more-or-less equivalent to our provincial distinction) has only seen a minor increase compared to rates of international or foreign authorship.¹⁰⁴

If the author indicates in the authorial footnote that their country of study or residence was Canada, the paper is further categorized by their Province or Territory, if provided in said footnote. Otherwise, the author is classified “Unclear” (in the case of no information) or “NA” (in the case of non-Canadian).

¹⁰² See Dag Aksnes & Gunnar Sivertsen, “Global trends in international research collaboration, 1980-2021” (2023) *J Data Information Science* 8:2 26 online: <jdis.com/EN/10.2478/jdis-2023-0015> [perma.cc/Y8K6-7SH2] (citing a rise from 4.7 to 25.7% across global interdisciplinary science journals, and a frequency of international publication in Canada of 59% for 2020-21; this study utilized a database containing “more than 50 million publications”).

¹⁰³ See Ali Gazni, “Globalization of national journals: investigating the growth of international authorship” (2015) *Learned Publishing* 28:3 195 at 195, 199.

¹⁰⁴ See Villasenor, *supra* note 54 (the increase found is from 77-82%).

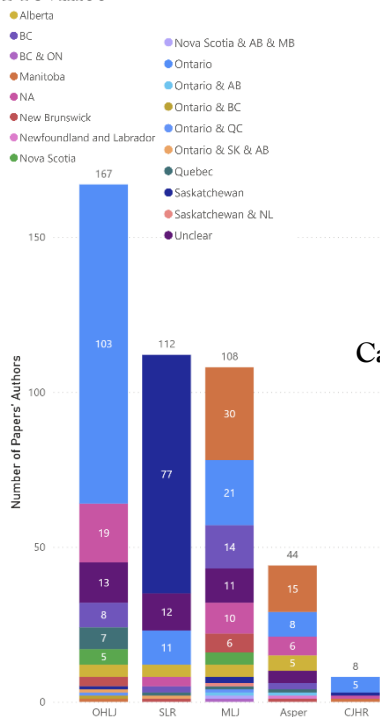
In the case of multiple authors, all will be assessed in the above manner. This will hopefully allow us to track the qualities of papers associated with collaborating authors from specific regions.

The below infographics show the total number papers classed by their authors per each ULJ, and then a closer look at non-Canadian authors' country of affiliation, as well as the Province of each Canadian author.

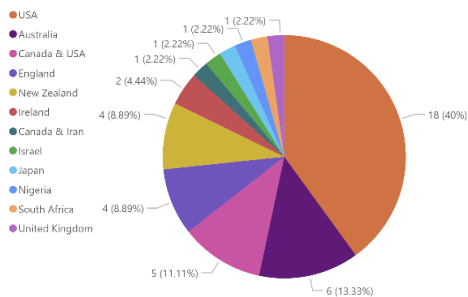
Initial Results on Author Residence

- There does not appear to be a discernable trend over time
- The US is, across all years, the majority non-Canadian authorial contributor; Australia is the 2nd, overall (n=6; 1.36% of all papers), but 5 of those papers were published in 2000; in 2020, New Zealand was the 2nd highest contributor, albeit with only 2 publications that year
- Inter-provincial collaboration only occurred in 10 papers: 5 in *MLJ*, 3 in *OHLJ*, 1 in *Asper*, and 1 in *SLR*; Ontario was the most frequent collaborator, doing so in 6 papers
- *OHLJ* published 32 papers authored by non-Ontarians, 19.16% of its publication

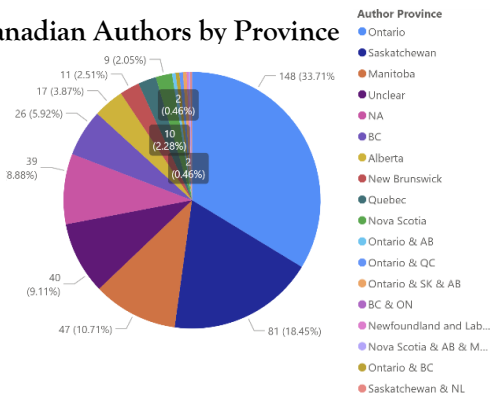
Papers' Authors by Journal and Province



Non-Canadian Authors by Country



Canadian Authors by Province



viii. Author's Political Contributions?

Originally planned to be included in our analysis, this question would have looked to authors' political contributions as another indicator of ideological leaning that might coincide with the ideology identified within a paper (question xvi, below).

In the end, there were several concerns regarding collection of this data. Foremost was privacy, and the fact that the utility of this information, anonymized, would be limited; second was practicality: the costs associated with, and length of time to collect, this data were significant and proved a substantial barrier to inclusion in our project. Ultimately, we decided to leave this potential data-point unexplored. Future research might look to political contributions in a manner that would not run counter to an otherwise transparent study, or where the purview of such a project might be more appropriately limited.¹⁰⁵

¹⁰⁵ See, eg, Posner-Chilton, *supra* note 42 (this study was limited solely to ideological leaning and used an Americanized approach to the collection of political donation information that was more accessible than is available in Canada).

Initial Results on Author's
Political Contributions

• NA

4. CATEGORIZATION BASED ON REFERENCES WITHIN PAPER

These questions either classify references within a paper based on the form, scope, and discipline of the source being cited, or view those classifications in aggregate to categorize individual papers.

ix. Number of References in Paper?

Academic journals have seen a broad increase in the number of references contained in individual papers.¹⁰⁶ Whether or not this is indicative of an increase in quality of research, a means of knowledge signalling, or an attempt to inflate journal metrics is an open question.¹⁰⁷ However, when analyzed in other disciplines' journals, it does appear that a greater number of references correlates with an increase in citation count.¹⁰⁸

We are interested in seeing which papers – by whom, about what, produced or published where – are more likely to contain a relatively high number of references to external works, and any other results correlating with number of references.

This is a simple total of all the cited references contained in footnotes to an individual paper, including *supras*, *ibids*, and the occasional *infra*. *Supras* and *infras* referring to multiple references saw each reference counted again, except where sources are not explicitly named in the reference itself (i.e. a footnote stating “see ‘First Principles, Second Thoughts’ and the

¹⁰⁶ See Ana M Ariza-Guerrero & “Evolution of number of citations per article in Materials Science: possible causes and effect on the impact factor of journals” (2023) *Scientometrics* 128 6589 online: <link.springer.com/article/10.1007/s11192-023-04863-7> [perma.cc/57W5-XWG5] (noting a rise in the number of references within a paper that coincides roughly with access and use of electronic services; given the increase in ubiquity of online services and journal indexing, whether such a concurrent rise has taken place in law is of interest); Can Dai, Quan Chen & Tao Wan et al “Literary runaway: Increasingly more references cited per academic research article from 1980 to 2019” (2021) *PLoS One* 16:8 e0255849 online: <ncbi.nlm.nih.gov/pmc/articles/PMC8345841/> [perma.cc/P8X2-H4XB].

¹⁰⁷ See Lori McPherson, “Law Review Articles Have Too Many Footnotes” (2019) *J of Leg Education* 68:2 457 online: <jle.aals.org/cgi/viewcontent.cgi?article=1626&context=home> [perma.cc/TUW6-6647].

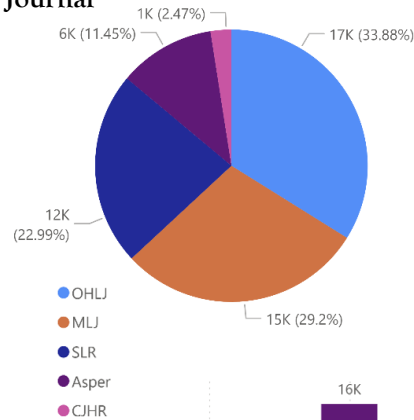
¹⁰⁸ See Kayvan Kousha & Mike Thelwall “Factors associating with or predicting more cited or higher quality journal articles: An Annual Review of Information Science and Technology (ARIST) paper” (2023) *J Association Information Science & Tech*.

sources noted therein” would see “First Principles, Second Thoughts” included in our data, but not the “sources noted therein”).¹⁰⁹

Note that this is not a total of the footnotes, as one footnote may contain multiple sources, but a total of all individual references. As such, our dataset often shows multiple sources attached to one footnote.

The following graphics break number of references down by year, journal and average per page and paper.

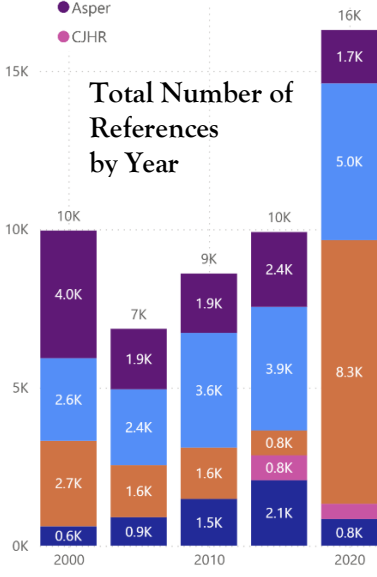
Total Number of References by Journal



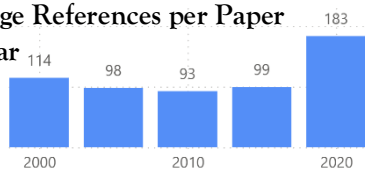
Initial Results on Number of References

- Our study included 51,626 references
- In spite of a reduction in number of papers published in 2020, the number of references within those works spiked sharply by about 60%
- The above increase is due to increased references in the *MLJ* and *OHLJ*
- The average number of references per page by year is remarkably stable, at roughly 5
- There is slightly more variation in average by Journal, mostly due to *CJHR*

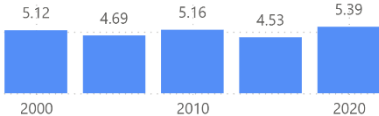
Total Number of References by Year



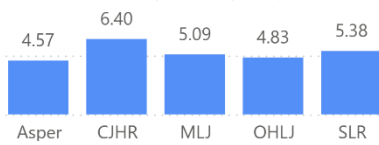
Average References per Paper by Year



Average References per Page by Year



Average References per Page by Journal



¹⁰⁹ Bryan P Schwartz, *First Principles, Second Thoughts: Aboriginal Peoples, Constitutional Reform and Canadian Statecraft*, 1st ed (Institution for Research, Canada: 1987).

x. Form of Works Referenced?

Categories: Case Law/Jurisprudence; Journal Article; Legislation/Statute; Book; Website; Other

We are also curious what types of works authors are actually referencing. Standard post-secondary pedagogy, especially in the humanities, consistently prioritizes referencing scholarly, peer-reviewed works, running counter to the scholarship reform sought initially by the Arthurs Report: less library-based research, more empirical, outside-the-library research.¹¹⁰ It has been assumed that scholarly articles are most commonly referenced in Canadian ULJ articles, and we wanted to see whether that assumption has been made out.¹¹¹

References within a paper are individually classified according to select categories from the McGill Guide's forms of citeable material.¹¹² Secondary sources are divided into articles, books, websites (including PDFs and online news articles), and "Other."

These categorizations were arrived at by looking to indications of form in citation formatting (reversing the familiar process of citing according to form) and/or by looking to the original source's publishing page for their categorization of the work. Future research might expand our data to include a classification of self-references as well.

The forms listed here as categories are different than the genres listed in sub-group xiii, below, as sources might be cited that are not published in ULJs, like legislation or case law.

The following graphs break down references to each form in total, by year, and by average per paper by year and journal.

¹¹⁰ See *Arthurs Report*, *supra* note 25 at 97; see also, University of California San Diego, "What Types of References are Appropriate?" (last visited 6 July 2024) online: <psychology.ucsd.edu/undergraduate-program/undergraduate-resources/academic-writing-resources/writing-research-papers/appropriate-references.html> [perma.cc/XMU6-5CVH] (though geared towards students, this ideology represents a hierarchization of source material taught early in post-secondary education that might persist into career publishing, and might not necessarily serve the empirically- or interdisciplinary-oriented goals of reform in Canadian legal scholarship).

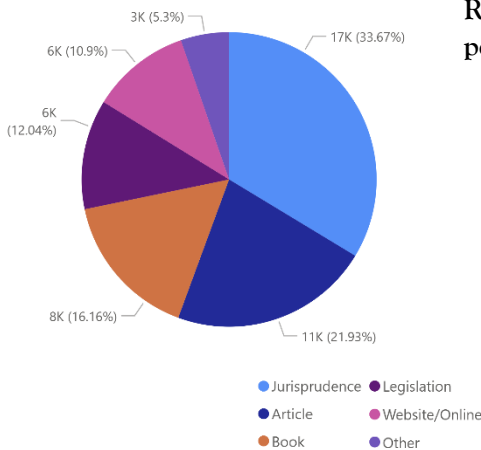
¹¹¹ See Rosborough, *supra* note 40; see also Rex Shoyama, "Citations to Wikipedia in Canadian Law Journal and Law Review Articles" (2014) 39:2 Can L Libr Rev 12 (for a brief discussion of citations to Wikipedia in Canadian journal articles).

¹¹² *Canadian Guide to Uniform Legal Citation*, 10th ed (Toronto: Thomson Carswell, 2023).

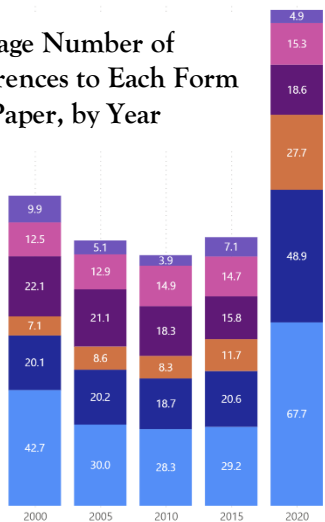
Initial Results on References by Form

- There has been a relatively stable “hierarchy” of forms of works referenced: Jurisprudence is most often cited, “Other” forms of writing the least
- While total references to Websites spiked in 2020, this was commensurate to the increase in papers and only resulted in a slight increase from 2020
- There is an upward trend in references to most forms as well as average references though Books and Legislation are surprisingly stable
- Interestingly, *CJHR* has the highest average number of references per paper, as well as average references to Jurisprudence, Articles, and Legislation

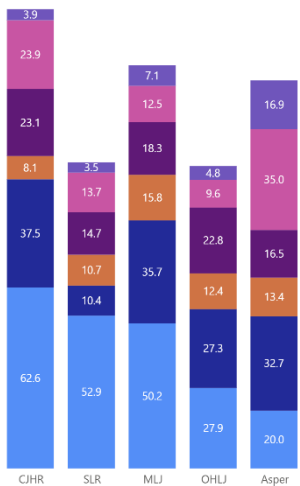
Total of References by Form



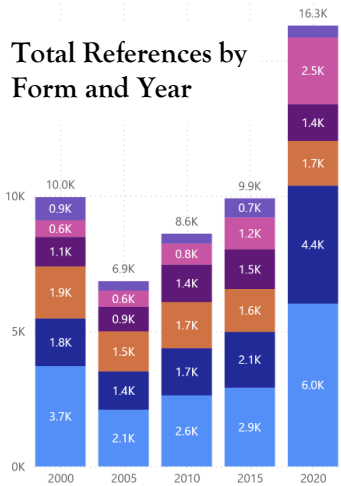
Average Number of References to Each Form per Paper, by Year



Average Number of References to Each Form per Paper, by Journal



Total References by Form and Year



xi. Scope of Paper by Referenced Works' Community Level?

Categories: *Local, Local Indigenous; National, National Indigenous; International, International Indigenous; Unclear*

Part of the Arthurs Report's recommendations were towards a deeper focus on "special regional interests," as well as the development of a "nationally and internationally recognized" journal.¹¹³ As mentioned above, it remains to be seen whether a journal (or journals) has taken up this role.¹¹⁴ The TRC's calls to action also support more academic and student engagement with Indigenous legal issues, history, and markers of cultural competency.¹¹⁵ While our dataset is not expansive enough to provide the final word, it can demonstrate the degree to which these initiatives are being engaged with. Per Craik et al, there was a distinct lack of regionally focussed content from ULJs, and little attention was then paid to establishing an explicit local, national, or international focus at the level of individual law journals.¹¹⁶ At present, more journals lay out a target geographic scope, but this is not universal.¹¹⁷

A reference's scope is determined by the level of community referred to. A reference will be classified "International" if the title or place of publication refer to an organization, publishing body, legislation, jurisprudential decision, website, article, or book about issues relating to a country other than Canada; "National" if they refer to the same relating to Canada as a whole; and "Local" if they refer to the same at a provincial level.

This datapoint is further divided to reflect engagement with Indigenous issues. At the turn of the millennium, there were no Canadian journals

¹¹³ See *Arthurs Report*, *supra* note 25 at 158, 96-97.

¹¹⁴ See Craik, *supra* note 41 at 412.

¹¹⁵ See Truth and Reconciliation Commission of Canada, "Calls to Action" (2015) at 3 online (pdf): <ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls_to_Action_English2.pdf> [https://perma.cc/8W35-74KS]

¹¹⁶ *Ibid* at 403, 428.

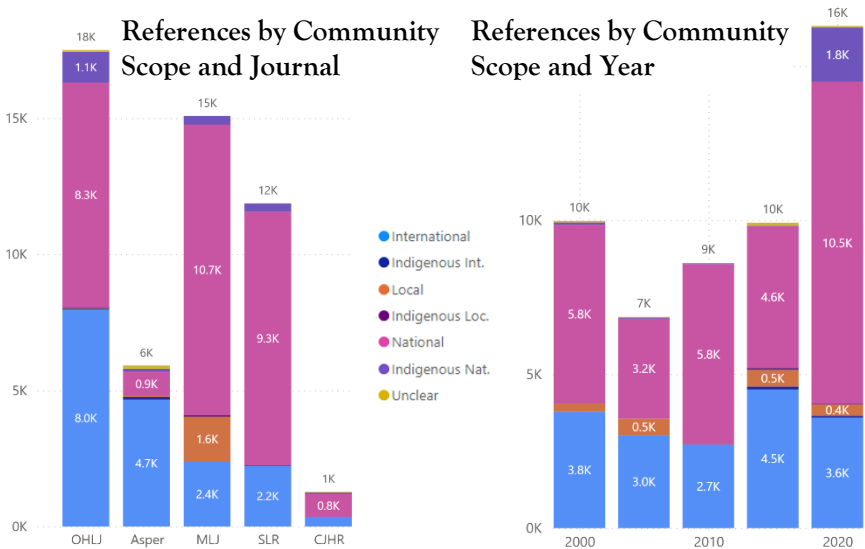
¹¹⁷ See About *MLJ*, *supra* note 71 (as an example of a delineated scope: "to provide ... commentary on legal events in Manitoba or events of special interest to our community"); About *SLR*, *supra* note 71 ("[t]opics may be of international, national, or provincial interest").

specialized in Indigenous legal issues;¹¹⁸ nonetheless, a 2014 study of Canadian legal scholarship by Harry Arthurs and Annie Bunting, covering 1100 journal articles, showed a healthy attention paid to “Aboriginal law and Indigenous peoples’ engagement with law” that might also be captured by the purview of other journals.¹¹⁹

Initial Results on References by Scope

- Works with a National scope are by far the most frequently referenced, with the SLR showing the highest engagement with 78.54% of its references to National sources
- MLJ had the most engagement with Local-scope references
- “Indigenous International” is the most frequent scope of engagement with an Indigenous focus
- Despite an overall reduction in papers published in 2020, the number of total references increased by 60% compared to 2015
- 2020 had by far the most references to works with an Indigenous focus, with over 1700 such references, compared to just over 150 in 2015

The following graphs break down Scope by year and journal.



¹¹⁸ See Ryder, *supra* note 27; but see, eg, About MLJ, *supra* note 71 (the “Interdisciplinary Journal of Indigenous Inaakonigewin” dimension) and “Indigenous Law Journal” (last visited July 12 2024) online: <ilj.law.utoronto.ca/> [perma.cc/T5BB-8MBY].

¹¹⁹ See Harry Arthurs & Annie Bunting, “Socio-Legal Scholarship in Canada: A Review of the Field” (2014) 41:4 JL & Soc’y 487 at 495 [Arthurs-Bunting].

xii. Discipline of Referenced Works?

Categories: See Appendix A, List of Discipline Code Headers per SSHRC

Citations are additionally coded by the discipline of the source they reference. The categories are expansive and have been gleaned from the off-the-shelf discipline list headings per the Government of Canada's Social Sciences and Humanities Research Council.¹²⁰

If the citation is sourced from an academic journal, we looked to the name of the journal for the overarching discipline of its contents, as journal names are by convention descriptive of the discipline they engage with (e.g. a journal centered on bioethics, like the American Journal of Bioethics). If the citation refers to a book, website, or other, non-journal, source, the title of the individual work will be looked to for its discipline.

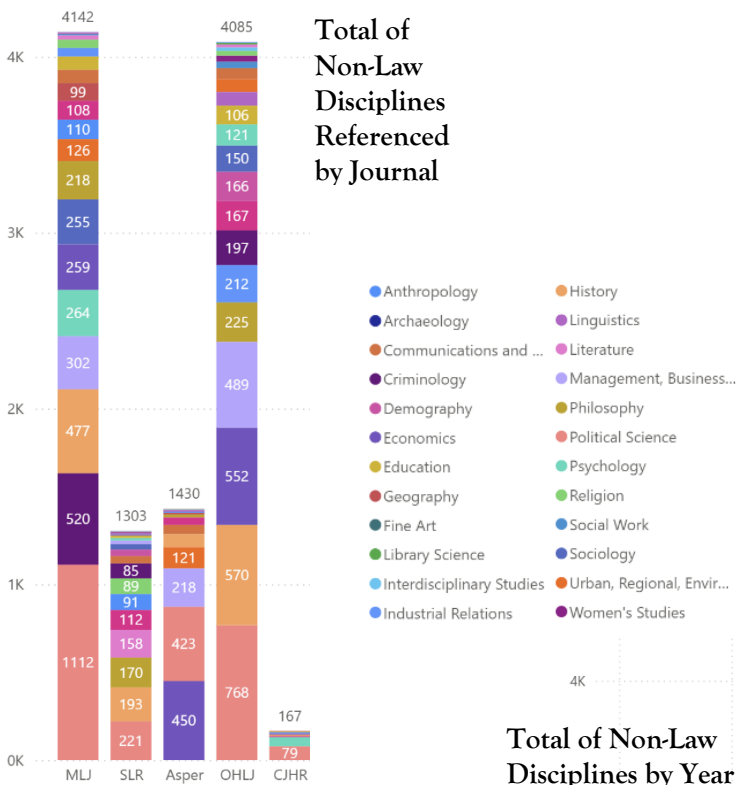
The above approach was necessary to make the project manageable in scope. Greater certainty regarding the discipline of a referenced work could be gleaned by looking to its substance, however, given the sheer bulk of references encountered – about 49,300 in total – relying on article and journal titles allows us to accomplish the same level of categorization with a sufficient level of certainty for our purposes. The rigour of peer-review at the academic journal level and academic conventions surrounding titling support the validity of this method.

The following infographics break down references to non-law disciplines by journal, year, and in total.

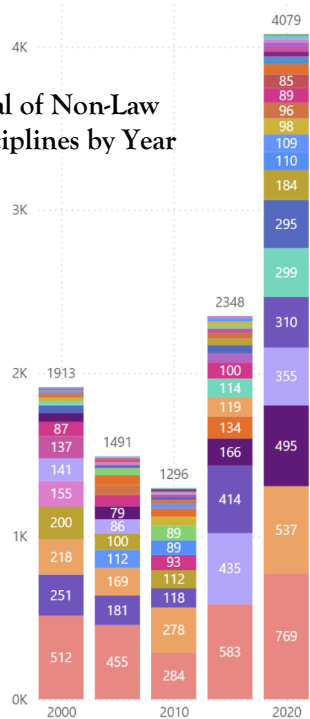
Initial Results on References by Discipline

- Law was, unsurprisingly, by far the most referenced discipline: 79.30% (n=40,938) leaving 10,668 non-law references on which the below percentages are calculated
- Many disciplines show an upward trend in non-averaged totals, including: Political Science, History, Management & Business Admin., Criminology, Economics, Psychology and Sociology
- 2020 saw a marked increase in the number of disciplines referenced over 90 times (n=12) compared to all preceding years (2015, n=7; 2010, n=4; 2005, n=5; 2000, n=7)
- Political Science was by far the most referenced non-Law discipline (24.35%; n=2603) in total and across all years; History was second overall (12.36%; n=1321), but placed sporadically year by year
- The least referenced discipline was “Archaeology” with 1 (0.0001%); 2nd least was “Fine Art”, with 2 (0.0002%); 3rd least was “Library Science” with 9 (0.08%)

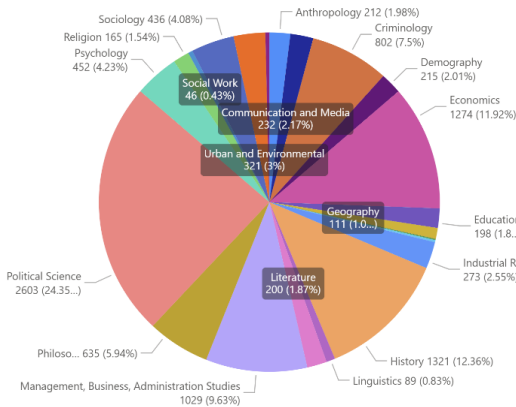
¹²⁰ See “Code Tables” (2015) online (pdf): <sshrc-crsh.gc.ca/funding-financement/forms-formulaires/pdf/discipline_codes_2015_e.pdf> [perma.cc/Y25H-3U68].



Total of Non-Law Disciplines by Year



Total Non-Law Disciplines Referenced



xi-b. Is the Paper Multidisciplinary or Doctrinal by Discipline(s) of Referenced Works?

Categories: Doctrinal; Multidisciplinary

A paper will be classified as either “Doctrinal” or “Multidisciplinary” depending on the number of references to sources from disciplines other than those under the SSHRC’s “LAW” heading.

If the number of references to sources other than those related to law meets a threshold of 25% or greater, then the paper will be classified as “Multidisciplinary”; otherwise, it will be classified as “Doctrinal,” that is, predominantly containing references to works concerned with law. We opted for a threshold lower than 50% to compensate for legal scholarship’s historical focus on doctrinal works and relatively lower incidences of interdisciplinarity.¹²¹

Studies and scholars have identified an association with multidisciplinary work and a higher rate of subsequent citation, inside the legal realm and elsewhere.¹²² Per Craik et al, doctrinal works were potentially declining, or at most remaining steady in journal publication (doctrinal works then accounting for 48%).¹²³ The Arthurs-Bunting study on socio-legal scholarship generally indicated an increase in the acceptance of interdisciplinary scholarship, noting though that the methodology was “not yet indispensable or even mainstream.”¹²⁴

The following graphics break down multidisciplinarity by year and journal, with the proportion of multidisciplinary paper discussed in text.

¹²¹ See generally Craik, *supra* note 41 at 409-410.

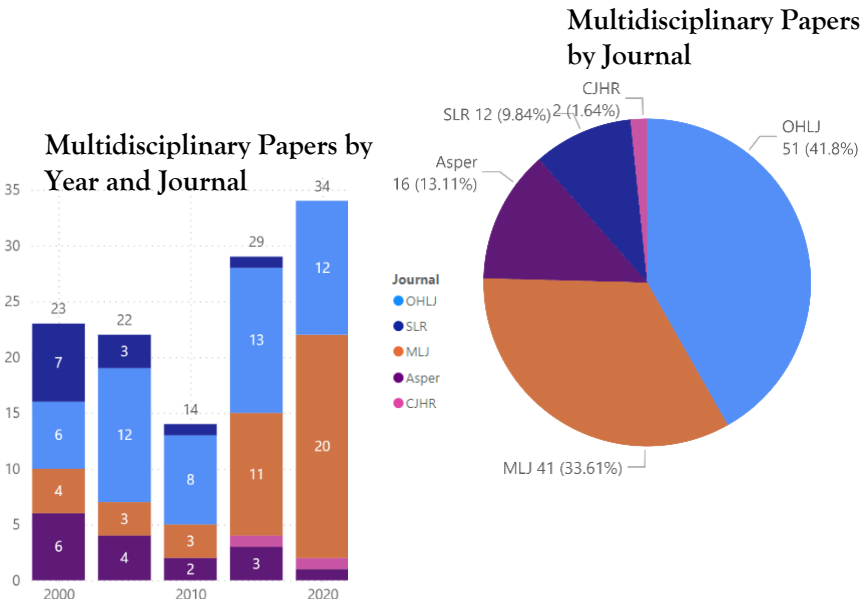
¹²² See Ryder, *supra* note 27 at 635; Shiji Chen, Clément Arsenault & Vincent Larivière, “Are Top-Cited Papers More Interdisciplinary?” (2015) *J Infometrics* 9:4 1034 online: <unesco.ebsi.umontreal.ca/files/sites/60/2015/11/IDR_chen-arsenault-lariviere_2015_revised2_CA20150909.pdf> [perma.cc/G55X-HCDL].

¹²³ See Craik, *supra* note 41 at 409 (note that comparison to the Craik, Brydon, & Ireton study is problematic due to the differing methodologies on this point between our study and theirs: they included several other categories that were mutually exclusive to “Doctrinal” and “Interdisciplinary”: “Empirical”, “Historical”, “Normative”, “Theoretical”, and “Comparative”; our project will likely see an increase from Craik et al in “Doctrinal,” as “Normative” and “Theoretical” will likely be captured under our “doctrinal” umbrella; for comparison’s sake, though not as reliable a comparison as elsewhere in this paper, had the Craik et al study operated as such they would have returned results of 81% “Doctrinal” and 19% “Interdisciplinary”).

¹²⁴ See Arthurs-Bunting, *supra* note 119 at 489.

Initial Results on Multidisciplinarity by References' Discipline

- 122 papers were classified as “Multidisciplinary”, leaving 317 doctrinal papers
- This represents a significant increase from of Craik et al’s figure of 4% interdisciplinary (or 19% consolidated per footnote 123), up to 27.79% in our study, and a marked change from 47% doctrinal (81% if consolidated) to 72.21% in our study
- In total, *MLJ* had the highest proportion of multidisciplinary papers: 37.96% (41/108); *Asper* second highest at 36.36% (16/44); *OHLJ*, 30.54% (51/167); *CJHR*, 25% (2/8); and *SLR* was the most doctrinal with only 10.71% (12/112) multidisciplinary papers
- Comparing total papers to multidisciplinary papers over time, we see a moderate overall upward trend: 26.44% of papers were multidisciplinary in 2000; 31.43% in 2005; 15.05% in 2010; 29.00% in 2015; and 38.20% in 2020
- While there is an upward trend overall, the only journals showing an upward trend specifically were *MLJ* and *OHLJ*; the other ULJs became more doctrinal over time, with only *MLJ* and *OHLJ* publishing more than 1 multidisciplinary paper in 2020
- *MLJ* published 45.45% (in 2020) and 78.57% (in 2015) multidisciplinary papers, compared to just 26.67% in 2000; *OHLJ* published 37.50% and 34.21% multidisciplinary papers in 2020 and 2015, compared to 24% in 2000



5. CATEGORIZATION BASED ON SUBSTANCE

These questions categorize individual papers by looking to the substantive qualities of those papers. This required consideration of the work's title and some reading of the individual papers in each journal issue.

xiii. Paper's Genre?

Categories: Article/Essay; Case Comment; Commentary; Book Review; Book Note; Conference/Lecture/Symposium; *Other:* (Book Comment, Introduction/Preface, Keynote, Memorial, Compendium, etc.)

It might be trite to say that “different forms of scholarship ... have different objectives and methods,”¹²⁵ but it is nonetheless valid, and therefore an aspect of ULJ publication worth exploring. The function of a ULJ will largely be decided by the function of its contents, and so whether a journal is, say, predominantly concerned with effecting reform or with providing clarity on legal issues could depend in part on the types of works it publishes.

While we expect our data to show that articles are most frequently published, in our impressionistic experience it seems as though Case Comments are falling out of vogue, and we wanted to verify as much – we weren't able to find any outside writing on this point, and in fact it appears as though Case Comment writing is alive and at least kicking in certain corners of legal academia.¹²⁶ This is an open question we hope to be able to give an initial answer on.

Regardless of the answer we find in publication trends, Case Comments do appear to be well received by our highest court up to the present day: the *MLJ* was cited recently at the SCC in *Poonian v. British Columbia* for a Case Comment on *Shaver-Kudell Manufacturing Inc. v Knight Manufacturing Inc.*¹²⁷

¹²⁵ See Craik, *supra* note 41 at 395.

¹²⁶ See, eg, Amy Vanderveer, “Supreme Court Case Comment Competition” (17 May 2024) online: <virginialawreview.org/announcements/supreme-court-case-comment-competition-october-term-2023/> [perma.cc/GG5D-T3TC]; see also, eg, “Robson Crim Legal Blog” (last visited 11 July 2024) online: <robsoncrim.com> [perma.cc/FP23-XFKF] (a number of Universities and law firms have adopted less-formal blogs as a means of publishing without the constraints of a ULJ's review process).

¹²⁷ See *Poonian v British Columbia (Securities Commission)*, 2024 SCC 28 at para 26, citing Alfonso Nocilla, “Comment on *Shaver-Kudell Manufacturing Inc. v Knight Manufacturing Inc.*” (2022), 45:2 Man LJ 177.

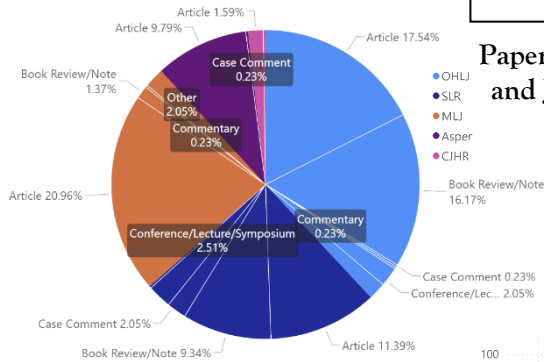
We chose the categories we did, from the array of possible paper genres, largely because of our impression that they are among the most frequently published genres or because we were specifically curious to see whether trends could be discerned in their rates of publication over time.

To determine what genre a paper fell within in an objective and verifiable manner, we looked to the genre as provided on the main page of each journal, which allowed for an efficient and transparent approach to categorization (though some genres were consolidated, such as “Essay” being included under “Article”).

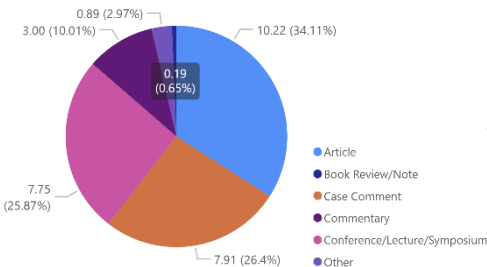
The following graphs break down genre by year, journal, and average.

Initial Results on Genre

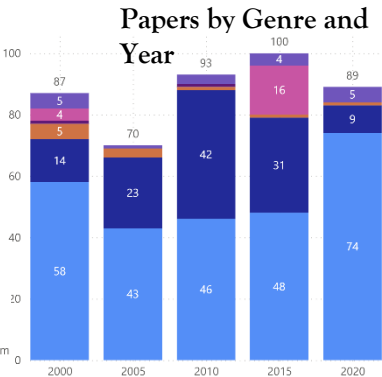
- Publication in *Asper* was the most homogenous: 97.73% (n=43) of papers were articles; the 1 non-article was a case comment
- *SLR* saw articles published the least frequently at 44.25% (n=50)
- *OHLJ* had an article frequency of 45.51% (n=76). The second most frequent genre at *OHLJ* was the book review (31.14%; n=52).
- 2nd at *SLR* was the Book Note (22.12%; n=25)
- *MLJ* published 83.64% articles (n=92)
- Case Comment publishing appears to be decreasing. Of 11 total, 8 were published between 2000 and 2005 (all in *SLR*), with only one case comment each per 2010, '15, and '20 (in *SLR*, *Asper*, and *OHLJ* respectively)



Average Citations per Paper, by Genre



Papers by Genre and Journal



xiv. Paper's Subject Matter?

Categories: See Appendix A: List of Subject Matter Codes per Westlaw

This is a look at the actual subject matter of a paper as related to law, using the subject matter headers established by Westlaw to categorize their content.¹²⁸ The selected papers were assessed – by looking to their title and abstract if necessary – for their primary subject matter(s) by our team and assigned one or more subject matter codes; we did not limit the number of codes that could attach to an individual paper, as one paper can cover a variety of subjects.

Our impression before collecting data was that some retrenchment of generalist journals had arguably occurred, but just how specialized, and in some respects useful, the surviving “specialty” journals are, remained to be seen.¹²⁹ The Craik et al study discerned “no appreciable overall trends in subject matter,” but noted several insights on individual subject matter.¹³⁰ For example, constitutional law was the most frequently engaged subject, comprising over 10% of the subject matters engaged by 7 of their included journals (17 in total).¹³¹ Similarly, 7 journals were identified as having a “primary subject matter” across most publications.¹³²

If greater clarity was needed on what exactly would fall under a particular subject matter code, the individual codes on the Westlaw Edge Canada website are clickable and provide elaboration on what makes up that subject matter.¹³³

¹²⁸ See “Legal Topics” (last visited 26 June 2024) online: <[nextcanada.westlaw.com/Browse/Home/BrowseLegalTopics?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://nextcanada.westlaw.com/Browse/Home/BrowseLegalTopics?transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1)> [perma.cc/HP4K-MG6L] [Legal Topics] (Note, we use “Aboriginal Law” in place of “Indigenous Law” solely because it is the language used in the Westlaw classification).

¹²⁹ And will require future research to confirm: other than *Asper* and *CJHR* our selected law journals are largely generalist; see Craik, *supra* note 41 at 420; see also Ryder, *supra* note 27 at 632-633 (specialist law journals, rather than replacing some generalist journals, exploded onto the scene at about the same time generalist journals plateaued).

¹³⁰ *Supra* note 41 at 412.

¹³¹ *Ibid.*

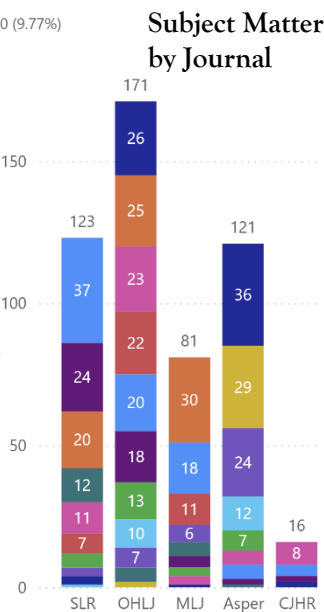
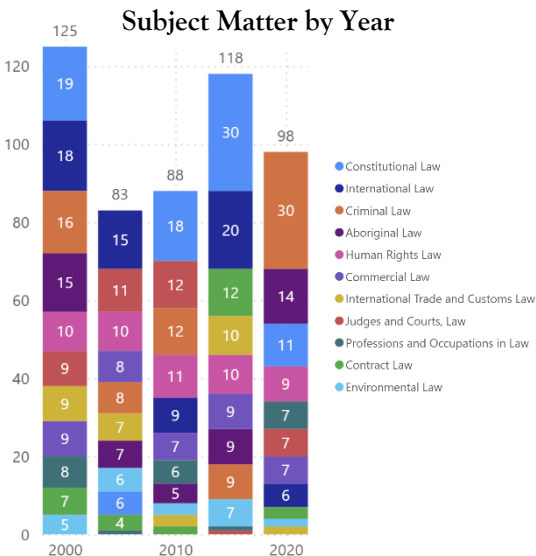
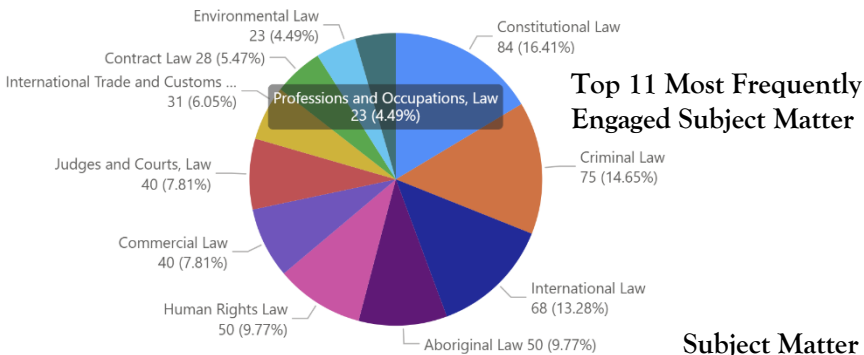
¹³² *Ibid.*

¹³³ See Legal Topics, *supra* note 128.

The following graphs break down the top 11 subject matter by year, journal, and in total.

Initial Results on Subject Matter

- With 48 classes of subject matter and 769 identified instances of subject matter, it was necessary to look at those most engaged
- Constitutional Law was most frequently engaged at 10.92% of all identified instances of subject matter, in line with Craik et al
- Engagement with Aboriginal Law shows a distinct U-curve, peaking in 2000 and returning to that peak in 2020, while Constitutional Law saw a dramatic peak in 2015, with a downward trend otherwise
- Criminal, Environmental, and Contract Law appear to be trending up
- Human Rights, Commercial, and Professions/Occupations Law are fairly consistent
- Law of Judges and Courts, International, and International Trade and Customs Law show a downward trend



xv. Is the Paper About Private or Public Law?

Categories: Public; Private; NA

Drawing on the subject matter identified in Sub-Group xiii, above, papers are categorized as primarily concerned with either public or private law. Where the subject matter is concerned with one or more relationships between a private party and a government entity, society-at-large, or between two levels or bodies of government, it is “Public.” Where the subject matter is concerned only with relationships between private parties, it is “Private.” “NA” generally indicates an introduction/preface.

We used Rules 3.2 and 3.3 of the FLSC’s “National Requirement” as a standard, which defines public law as including:

- 1) the constitutional law of Canada, including human rights principles and the rights of Aboriginal peoples of Canada;
- 2) Canadian criminal law; and
- 3) Canadian administrative law.¹³⁴

Private law includes principles applying to private relationships, such as contract, tort, or property law.¹³⁵

Craik et al identified “Public” law as dominating the field, and our preliminary impression of the state of ULJ publication aligns more or less with this finding.¹³⁶ Tracking articles’ public/private law focus will help us weigh in as to whether this is still the case.

Some selection bias, comparing the demographic state of private legal practice to legal academia, is anticipated in answering this question. As academic publications are staffed by individuals arguably more interested in public law than the average working lawyer, it might be expected that ULJs will be more concerned with public law than the practice as a whole. The extent of this bias and its implications will be left for further discussion.

Per a 2002 study, increased engagement with “traditionally”-federalist public law over private law was then consistent;¹³⁷ future research might

¹³⁴ See “National Requirement” (1 January 2018) c (1.2) online (pdf): <flsc.ca/wp-content/uploads/2024/04/National-Requirement-Jan-2018.pdf> [perma.cc/8CVC-Q82J].

¹³⁵ *Ibid.*

¹³⁶ *Supra* note 41 at 412-414.

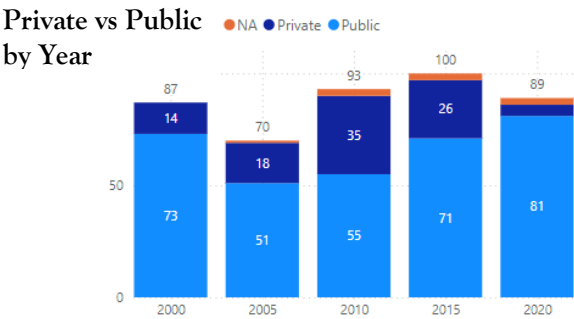
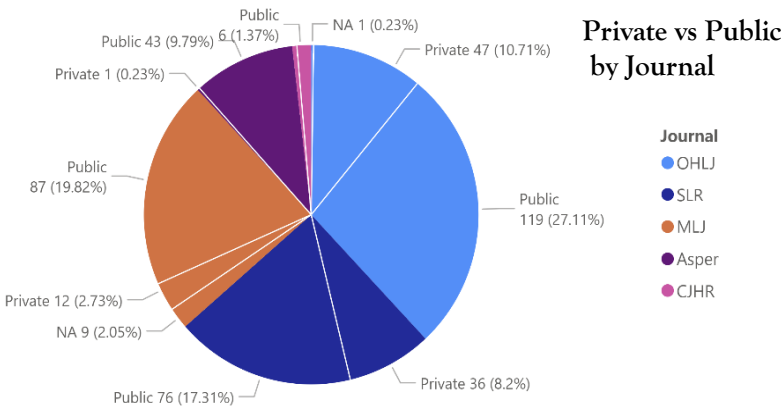
¹³⁷ See David R Cameron & Jacqueline D Krikorian, “The Study of Federalism, 1960-99: A content review of several leading Canadian academic journals” *Can Pub Administration* (2002) 45:3 328 at 331.

consider further dividing the public “Public” law papers by “Federalism” to better assess the state of federalist public scholarship specifically.

The following graphs break down “Private vs Public” by journal and year.

Initial Results on Private vs Public Law

- Published articles are primarily concerned with public law (n=331; 75.4%)
- On average, public law papers received 7.4 citations while private law received 5.9
- In spite of an upward trend until 2015, the number of private-law papers sharply decreased in 2020, from 26 to only 5 published papers
- In spite of a reduction in overall papers published in 2020, the number of public-law papers continued to rise
- *MLJ*, *Asper*, and *CJHR* saw the least frequent engagement with private law



xvi. Paper's Ideology?

Categories: 1 = Liberal; 0 = Neutral; -1 = Conservative

Sub-Categories: High-Confidence; Medium-Confidence; Low-Confidence

The view of Universities as unpartisan, neutral institutions is not without contention, with some studies reporting overwhelming left-wing bias, and many a resultant critique arguing either the study or its reporting are flawed.¹³⁸ Nonetheless, there does appear to be a verifiable stilt in U.S. law faculties regarding publishing preferences of their predominantly student-led law journals per the recent Posner-Chilton study.¹³⁹

Papers are classified according to the ideology of their argument. This analysis is heavily interpretive and as such a coherent and comprehensive means of off-the-shelf categorization was essential: we chose the "Decision Direction" coding from the Washington University School of Law's "Supreme Court Database."¹⁴⁰ This coding method operates in 7 established contexts and provides a relatively comprehensive list of ideological positions to be taken under a "Liberal" stance. The "Conservative" stance is then described below as "reverse of above."¹⁴¹ Their delineation of "Conservative" vs "Liberal" ideology is rooted in "conventional usage" except as applied to "interstate relations, private law, and ... miscellaneous issues."¹⁴²

This system is not without its shortcomings: due to the definition of conservative stances by inversion, it is possible that certain conservative stances have been overlooked, or that "Liberal" categories are overrepresented and prone to over selection. Future analysis might consider

¹³⁸ See generally Eric Kaufmann, *Academic Freedom in Crisis: Punishment, Political Discrimination, and Self-Censorship* (1 March 2021) online (pdf): <cspicenter.com> [perma.cc/ZQJ9-93SN] (for one such study); Lorrie Goldstein, "Liberal bias in Canadian universities is a fact, study says" (3 March 2021) online: <torontosun.com> [perma.cc/5B3S-4LD2] (an example of arguably overzealous reporting of the study); "The Real Story of Discrimination in Academia" <academeblog.org [perma.cc/AM6D-QBX2] (an example of the initial study being criticized as flawed and biased itself).

¹³⁹ See Posner-Chilton, *supra* note 42.

¹⁴⁰ See Harold J Spaeth & Lee Epstein et al, "2023 Supreme Court Database" (Version 2023) Release 1, online: <scdb.wustl.edu > [perma.cc/WU75-QNUN] (this coding system was used for a similar purpose in the Posner-Chilton study, *ibid*).

¹⁴¹ See Spaeth-Epstein, *supra* note 140 (there are two positively defined conservative stances: "pro-taxpayer" re federal taxation, and "pro-legislative veto" re judiciary power).

¹⁴² *Ibid*.

the value of adding more specific, positively defined conservative stances to a coding system.

Our data uses “Neutral” in place of WUSCD’s “Unspecifiable.” We use “Neutral” to describe:

- (1) a specific position, equally amenable to either of two or more outcomes (equivalent of “both”); or
- (2) no position taken (that is, a technocratic piece of writing that only outlines a subject); or
- (3) no discernable, codifiable argument per WUSCD’s coding.

“Neutral” in our data might describe a paper concerned with the issue of “a boundary dispute between two states,” which, arguably, does not align with a Liberal or Conservative ideals, or where no convention delineates between Liberal/Conservative on an issue.¹⁴³

We anticipate returning a higher number of “Neutral” papers than elsewhere (such as the Posner-Chilton study) as we did not exclude book reviews from our data (a significant number were coded “Neutral”).¹⁴⁴

Anticipating potential bias or uncertainty in coding, we included “Confidence” ratings reflecting the confidence of our coders in their classification of a paper as Neutral, Conservative, or Liberal. This allowed us to test our results for consistency on different levels of confidence.

The following infographics break down ideology by journal and year, the average number of citations per Neutral, Liberal, or Conservative paper. We also show a breakdown of our confidence coding regarding classifications of Neutral, Liberal, or Conservative.

Initial Results on Ideology

- Overall, ULJs appear to be foremost Neutral, and Liberal second, with almost no Conservative papers published
- Isolating our confidence ratings shows consistent results, though most of the conservative-identified papers were done so with Medium Confidence
- 2020 saw an almost two-fold increase in the number of Liberal papers published
- There is an apparent upward trend in Conservative publication, though this is thanks to 8 Conservative papers published in the *MLJ* and one in the *OHLJ* in 2020

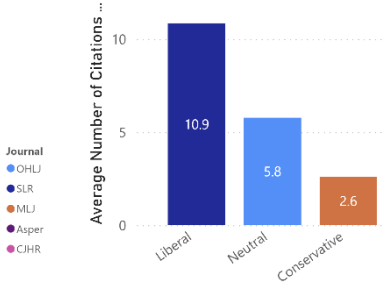
¹⁴³ *Ibid.*

¹⁴⁴ *Ibid.*

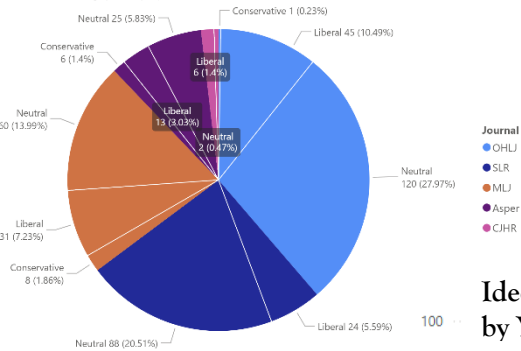
Initial Results on Ideology, Continued

- Noting that our Neutral category includes some papers that are not likely to be cited, such as book reviews, Liberal papers have double the citations of Neutral papers, and 4 times the citations of Conservative papers
- *Asper* was most ideologically balanced (publishing roughly 4 Neutral papers and 2 Liberal papers for every Conservative); *MLJ* second most (publishing roughly 8 Neutral and 4 Liberal papers for every Conservative); *CJHR* was arguably least balanced (3 Liberal papers for every Neutral paper, with no Conservative papers)
- *SLR* was balanced in that it published predominantly Neutral papers (publishing 3.7 Neutral for ever Liberal), but did not publish any Conservative papers
- *OHLJ* was also predominantly Neutral and published 1 Conservative paper in 2020

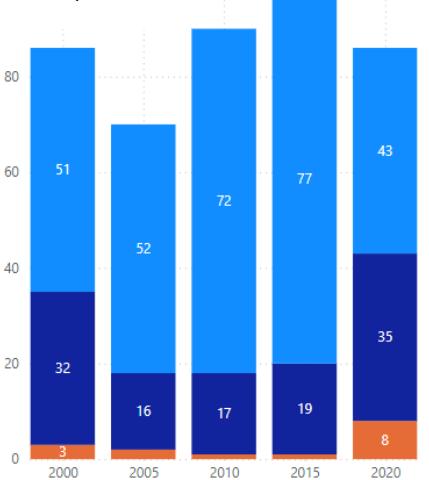
Average Citation Count per Ideological Paper



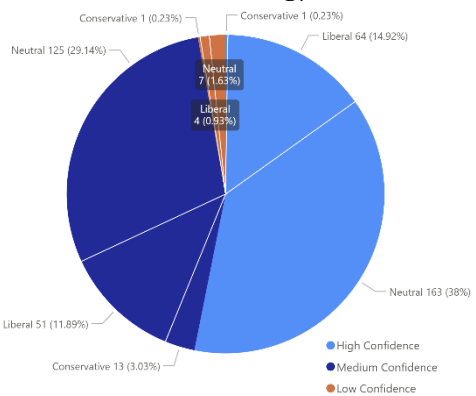
Ideology by Journal



Ideology by Year



Confidence in Ideology Classification



xvii. Is Paper Empirical?

Categories: *Empirical*; *Non-Empirical*; *NA*

Papers are categorized here by looking to their content. Papers are classed as “Empirical” if they include elements such as:

- (1) statistical analysis;
- (2) the presence of charts, graphs, or tables outlining data; and/or
- (3) analytical sections titled “Abstract/Introduction,” “Methods,” “Results,” or “Discussion.”

Absent these elements a paper is classed “Non-Empirical.”

Greater engagement with empirical methodology in law was a target going back to *Arthurs*.¹⁴⁵ Answering this question will show what level of real-world study vs theoretical exploration is being engaged in at these journals, highlighting trends towards more quantitative and evidence-based research in the legal field. It is worth noting, though, that an empirical paper may engage in theoretical or philosophical discourse as well.

The following graphs break down methodology by year and journal.

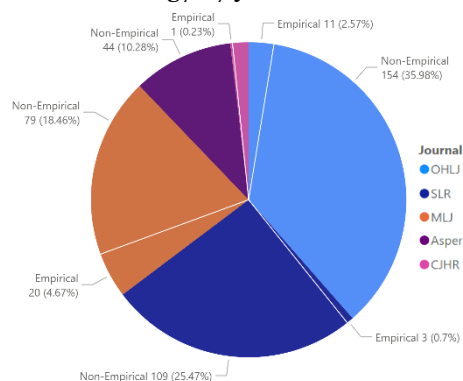
Initial Results on

Empirical

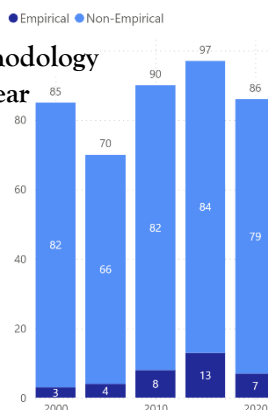
Methodology

- Relatively few papers were empirical (8.18%, n=35), an increase from Craik et al’s 2% figure.
- There is an upward trend in empirical papers in all ULJs, except *Asper*
- *MLJ* has the highest proportion of empirical papers, making up 20.2% of its total published articles; *OHLJ* the second highest proportion at 6.6%; *Asper* published none
- 11 papers were classed “NA”

Methodology by Journal



Methodology by Year



¹⁴⁵ *Supra*, note 25 at 83, 157.

CONCLUSION

What exactly the future holds for the legal profession is a difficult forecast to make, not least because of issues external to this paper, like the impact of AI and large-language-learning models, political turns, and non-ULJ scholarship. Nonetheless, by looking at what our profession's now and future leading minds are thinking and writing about in some of Canada's pre-eminent ULJs, we hope to prescribe with some accuracy the direction(s) in which it is likely to move.

Outlining broadly the functions identified above, ULJs can fulfill an educational, societal, and reformatory function for the profession at large. Educationally, they provide clarity on important legal issues or jurisprudential decisions to those in practice, and an arena for students and to cut their academic and professional teeth by identifying, and learning to themselves produce, quality writing and legal scholarship. Societally, they represent specific areas of academic exploration and study engaged by their law faculties, inviting further debate, insight and/or critique on interpretation of law or public policy. With respect to reform, they provide a vehicle for arguments for either judicial or legislative change according to certain social, legal, and/or political contexts.¹⁴⁶

This paper provides an introduction and reference point for future expository articles by outlining each of the questions that made up our data. It describes the strengths and shortcomings of our methods and draws attention to areas of potential future exploration. In providing an overview, this paper paints a 10,000-foot perspective of our project and its goals.

Transparency and objectivity were hallmarks of this project. While we recognized that a comprehensive study, accounting for something closer to the whole of Canada's academic output in law, would make this project more robust, it would also make it unmanageable and unlikely to see fruition. The slice of data we have looked at should provide a sufficiently robust starting point. We recognize that, absent data from the east, west,

¹⁴⁶ See Parks, *supra* note 29 at 194; see also AP Pandey, "The Role of Law Journals" (1982) J Indian L Institute (for fun; a free-verse poem pontificating on the role of law journals: "To take note / Of any statute / Or case, / Recent or remote ... / To keep pace / With the socio-economic urges / felt necessities of times ... / As a bridge ... / Of continuity / Between / Past, / Present, / And the future / What the law / Was, / Is, / And ought to be").

and northern corners of our country, our project paints a centralized picture of the Canadian legal landscape.

The suggested points of further research or analysis mentioned in this paper include:

- Collecting data for a length-by-wordcount metric for greater specificity in assessing metrics correlated to length;
- Building or expanding on the correlations between citation and other metrics included in this study;
- Classifying citations as favourable or unfavourable to distinguish between positive and negative engagement;
- Correlations between “Author Status” and other metrics, such as genre of publication, number of citations, or use of references;
 - Tracking self-references could be interesting but may not provide insight into meaningful trends;
- Collecting data on political contributions of authors in a manner that is appropriately anonymized;
- Incorporating more specialized journals into our data;
- Developing a system of ideological classification that includes more positively defined Conservative stances;
- Including a “Federalism” subcategory of “Public Law” to follow up on the 2002 Cameron-Krikorian Federalism study.

We welcome and invite further exploration of our data in the spirit of greater understanding of our profession and its scholarly publications.

APPENDIX: OFF-THE-SHELF SYSTEMS

Subject Matter per Westlaw¹

- AIL: Aboriginal and Indigenous Law
- ADM: Administrative law
- ADR: Alternative dispute resolution
- BKY: Bankruptcy and insolvency
- BIL: Bills of exchange and negotiable instruments
- BUS: Business associations
- CIV: Civil practice and procedure
- CML: Commercial law
- CMN: Communications law
- CNF: Conflict of laws
- CNL: Constitutional law
- CNT: Construction law
- CON: Contracts
- CRM: Criminal law
- DCR: Debtors and creditors
- EDU: Education law
- ENV: Environmental law
- EQU: Equity
- EST: Estates and trusts
- ETL: Estoppel
- EVD: Evidence
- FAM: Family law
- FNL: Financial institutions
- GTY: Guarantee and indemnity
- HLT: Health law
- HUM: Human rights
- IMM: Immigration and citizenship
- INF: Information technology
- INS: Insurance
- IPY: Intellectual property
- ITL: International law
- ITR: International trade and customs
- JDG: Judges and courts
- LAB: Labour and employment law
- LWE: Law enforcement agencies
- MAR: Maritime and admiralty law
- MOT: Motor vehicles
- MUN: Municipal law
- NAT: Natural resources
- PEN: Pensions
- PER: Personal property
- PPS: Personal property security
- PRI: Privacy and freedom of information
- PRO: Professions and occupations
- PUB: Public law
- REA: Real property
- REL: Religious institutions
- REM: Remedies
- RST: Restitution and unjust enrichment
- SEC: Securities
- STS: Statutes
- TAX: Tax
- TIM: Time
- TOR: Torts
- TSP: Transportation

¹ See Legal Topics, *supra* note 128.

List of Discipline Code Headers per *SSHRC*

149

- | | |
|--|--|
| ○ Anthropology | ○ Law |
| ○ Archaeology | ○ Library and Information Science |
| ○ Archival Science | ○ Linguistics |
| ○ Classics, Classical & Dead Languages | ○ Literature |
| ○ Communications and Media Studies | ○ Management, Business, Administrative Studies |
| ○ Criminology | ○ Mediaeval Studies |
| ○ Demography | ○ Philosophy |
| ○ Economics | ○ Political Science |
| ○ Education | ○ Psychology |
| ○ Fine Arts | ○ Religious Studies |
| ○ Folklore | ○ Social Work |
| ○ Geography | ○ Sociology |
| ○ History | ○ Urban and Regional, Environmental Studies |
| ○ Industrial Relations | ○ Women's Studies |
| ○ Interdisciplinary Studies | |

¹⁴⁹ See *SSHRC*, *supra* note 120 (note that these are only the headings; sub-headings in this coding system were not incorporated into our data, but rather only used to indicate the appropriate heading).