

# ELECTRONICALLY SUBMITTING MANUSCRIPTS TO LAW REVIEWS

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Last year, while perusing the submission policies of several law reviews, I noticed that several of the reviews listed e-mail addresses and encouraged authors to submit manuscripts electronically by e-mail attachment.<sup>1</sup> Noting that the lists of law review names and addresses I traditionally used for my article submissions did not include e-mail addresses, I began to compile a list of my own. In Fall 1999, I wrote to some 180 general-interest law reviews and asked whether they accepted electronic submissions and, if so, whether they would send me their e-mail addresses. Eric W. Young<sup>2</sup> and I compiled the responses and created a Web site of law reviews that accept electronic submissions.<sup>3</sup>

My Fall 1999 letter sparked ongoing discussions with several law review editors who were reluctant to accept electronic submissions. In Spring 2000 I sent an e-mail to the editors of reviews that accept electronic submissions, inquiring about their experience with such submissions. Much of this Article is the product of my informal

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1. For general discussions of how the electronic medium is transforming the legal academy and the practice of law, see Paul D. Carrington, *Virtual Civil Litigation: A Visit to John Bunyan's Celestial City*, 98 Colum. L. Rev. 1516 (1998), and William R. Slomanson, *Electronic Lawyering and the Academy*, 48 J. Leg. Educ. 216 (1998). We also maintain a Web site that lists and describes legal symposia hosted by law reviews and law schools. Richard A. Bales & Eric W. Young, *Law School Symposia, Salmon P. Chase College of Law* <<http://www.nku.edu/~chase/libsymposia.html>> (accessed Nov. 30, 2000). It is designed to help connect scholars to symposia in which they might be interested in participating or attending or to which they might be interested in submitting an article.

2. Eric W. Young is the assistant professor of library services and a reference librarian at Northern Kentucky University, Salmon P. Chase College of Law.

3. Richard A. Bales & Eric W. Young, *Law Review Electronic Submissions* <<http://www.nku.edu/~chase/libsubmission.html>> (accessed Nov. 30, 2000). The site is universally accessible — please visit!

conversations and correspondence with law review editors about electronic submissions.

I found that an increasing number of law reviews are accepting submissions electronically, and an increasing number of authors are submitting their manuscripts that way. Authors like electronic submissions, because the medium is free (no postage or photocopy costs), paperless, and instantaneous. Some law reviews, while embracing some of the administrative conveniences offered by electronic submissions, are concerned that electronic submissions will effectively shift the cost of printing manuscripts from authors to law reviews. They also worry that the ease of electronically submitting manuscripts will result in a dramatic increase in the number of submissions (though not of available manuscripts), making it more difficult for law reviews to screen incoming manuscripts effectively.

This Article first examines the trend toward electronic submissions. Next, it describes the manuscript submission process, and discusses how electronic submissions fit into that process. It then evaluates electronic submissions from the perspective of both authors and law reviews. Finally, it concludes that law reviews and authors have a shared interest in maintaining an effective manuscript review process. It also suggests several possible solutions to any "submission proliferation" that might result from the advent of electronic submissions.

### I. PREVALENCE OF ELECTRONIC SUBMISSIONS

Approximately eighty general-interest law reviews and approximately ten specialty law reviews currently accept electronic submissions.<sup>4</sup> Among those that do, there is substantial variation regarding the proportion of manuscripts that they receive electronically. Some law reviews, despite welcoming electronic submissions, have not received any submissions electronically. One review reports receiving nearly half of its manuscripts electronically, and several report receiving nearly one-third of their submissions electronically. Most seem to be receiving between five to ten percent of their submissions electronically.

Several law review editors who reported a significant number of electronic submissions also reported that, as recently as last year,

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4. *Id.* (a list of the reviews and journals currently accepting electronic submissions is located in the appendix of this Article).

they received no more than a handful per year. One review went from five electronic submissions in the 1998–1999 academic year to nearly thirty in the 1999–2000 academic year. Because law review editorial boards change annually, most editors were unable to discern a long-term trend in the frequency of electronic submissions, though permanent staff members sometimes were able to fill this gap. Among law reviews that currently receive more than a handful of electronic submissions, receipt in this electronic format is a relatively new phenomenon. Although electronic submissions were rare until a year or so ago, they are now commonplace at many law reviews.

Many law reviews do not accept electronic submissions of manuscripts. However, many of these law reviews nonetheless extensively use e-mail in the editing process. Some use it for ongoing correspondence with authors whose manuscripts have been accepted for publication. Others use it to pass proofs to and from authors during editing. Many editors commented that this use of e-mail was particularly helpful when corresponding with authors who live outside of the United States. Thus, electronic correspondence is widely used and highly useful, even for law reviews that do not accept submissions through this medium.

## II. THE PROCESS OF SUBMITTING A MANUSCRIPT

The traditional method of submitting manuscripts to law reviews for publication consideration is well established and time-consuming. Unlike the manuscript submission process of most academic disciplines, where protocol requires submission to and evaluation by one journal at a time,<sup>5</sup> it is typical — and even expected — for an author of legal scholarship to submit manuscripts to scores of law reviews.<sup>6</sup> Some authors simultaneously send their

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5. See Erik M. Jensen, *The Law Review Manuscript Glut: The Need for Guidelines*, 39 J. Leg. Educ. 383, 384 (1989) (discussing the submission practices of other disciplines).

6. C. Steven Bradford, *As I Lay Writing: How to Write Law Review Articles for Fun and Profit*, 44 J. Leg. Educ. 13, 28 (1994) (suggesting tongue-in-cheek that authors should “[m]ake 250 copies of [their] article and send one copy to each American law review” (emphasis in original)); Stephen R. Heifetz, *Efficient Matching: Reforming the Market for Law Review Articles*, 5 Geo. Mason L. Rev. 629, 634 (1997); Eugene Volokh, *Writing a Student Article*, 48 J. Leg. Educ. 247, 265–266 (1998).

The exception is the growing number of peer-reviewed journals. These journals generally demand a single-submission promise from the author on the theory that the peer-review process takes faculty time, which is more valuable than student time and should not be wasted on articles that ultimately may not be available for the journal to publish.

manuscripts to anywhere from 20 to 100 law reviews. Other authors stagger their submissions in a tiered structure, perhaps sending twenty to what the author considers the “top-tier” law reviews.<sup>7</sup> If no response arrives, the authors often send another twenty manuscripts to the next lower tier of law reviews. This process continues until either the author receives an offer or the supply of law reviews is exhausted.<sup>8</sup>

Authors submit manuscripts in this fashion for four related reasons. First, publication of an article in an elite law review confers a considerable amount of prestige upon the author, whereas publication in a lower-tier law review is considerably less prestigious.<sup>9</sup> Publication in an elite versus a nonelite law review could have a significant impact on whether a legal academician is offered an initial teaching position, a promotion, tenure, a visitorship, a lateral move to a more prestigious law school, an endowed chair, or other such advancement.<sup>10</sup> Publication in an elite law review also is likely to increase the readership and influence of the article itself.<sup>11</sup>

Second, an author is under no obligation to accept the first publication offer received. To the contrary, it is expected that when a law review telephones an author with a publication offer, the author will request and receive approximately two weeks to “consider” the offer.<sup>12</sup> Immediately following the termination of this telephone call, the author will call the articles editor of every higher-tiered law review to which he or she submitted the article, tell the

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7. Many authors use the annual *U.S. News & World Report* law school ranking as a proxy for the quality of the law reviews at the listed schools. Volokh, *supra* n. 6, at 266. However, authors have criticized the *U.S. News & World Report* ranking system. Nancy B. Rapoport, *Ratings Not Rankings: Why U.S. News & World Report Shouldn't Want to Be Compared to Time and Newsweek — Or The New Yorker*, 60 Ohio St. L.J. 1097, 1097–1101 (1999); Richard Schmalbeck, *The Durability of Law School Reputation*, 48 J. Leg. Educ. 568, 586–587 (1998) (noting the reputational stability of law schools as reflected in the *U.S. News & World Report* rankings).

8. Volokh, *supra* n. 6, at 266–267.

9. Richard S. Markovits, *The Professional Assessment of Legal Academics: On the Shift from Evaluator Judgment to Market Evaluations*, 48 J. Leg. Educ. 417, 423 (1998); Volokh, *supra* n. 6, at 266–267.

10. See Kenneth Lasson, *Scholarship Amok: Excesses in the Pursuit of Truth and Tenure*, 103 Harv. L. Rev. 926, 948–949 (1990) (noting the benefits of publication in a prestigious law review).

11. Heifetz, *supra* n. 6, at 639–640.

12. An exception to this general rule is the “exploding offer,” by which a law review makes an offer with a very short acceptance window. *Id.* at 637–638. The exploding offer makes it difficult for the author to “shop” the manuscript to other, more prestigious law reviews. *Id.* at 637.

editor that he or she has an offer on the table, and ask the editor to “expedite” the review’s publication decision on his or her article.<sup>13</sup> If the author gets an offer from one of these higher-tiered law reviews, the article will be withdrawn from the law review that made the first offer, and negotiations will begin with the law review making the second offer. The process ends when either the *Harvard Law Review* calls with an offer or when a deadline approaches without the author receiving a better offer. Then, the author telephones the law review at which an outstanding offer remains and accepts.

The third reason for the prevalence of multiple submissions is that there virtually is no cost to the author for the practice.<sup>14</sup> No stigma attaches, and the author’s employer is likely to pay the postage and photocopying costs.<sup>15</sup>

Fourth, the large number of submissions most law reviews receive makes it unlikely that any given law review, particularly a relatively prestigious one, will accept any given article. An author, therefore, has every incentive to submit his or her article to a large number of law reviews to maximize the probability that at least one review — hopefully a relatively prestigious one — will make a publication offer.<sup>16</sup> Similarly, the chances of upgrading a publication offer through the expedited process is better if there are many law reviews from which the author can request an expedited review. However, this is the case only if the author initially submitted the article to many law reviews.

The result of the multiple submission process is that most law reviews receive an astoundingly large number of submissions. It is not uncommon for law reviews to receive upwards of 1000 submissions per year, and some reviews receive considerably more than that.<sup>17</sup> This puts a considerable burden on law review editorial

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13. Volokh, *supra* n. 6, at 266.

14. One possible cost of the multiple submission process might be the possibility that the author’s lowest-ranked law review will accept first, and the expedite process might take too long or not lead sufficiently high up the “rankings tree.” This possibility might constrain authors from sending their manuscripts too far down the “food chain.” It also explains why many authors use tiered submissions.

15. Jordan H. Leibman & James P. White, *How the Student-Edited Law Journals Make Their Publication Decisions*, 39 J. Leg. Educ. 387, 416 (1989).

16. See Bradford, *supra* n. 6, at 28 (stating that “[i]f [the] article is so bad that the odds of its being published are very low, the only way to increase those odds is to send it to as many places as possible”).

17. Jensen, *supra* n. 5, at 383; Leibman & White, *supra* n. 15, at 416.

staff.<sup>18</sup> Most law reviews publish fewer than twenty unsolicited articles per year.<sup>19</sup> The increasingly large number of submissions, coupled with the relatively fixed number of article slots at each law review, created two problems.

First, it is widely perceived that law reviews have become less able to screen submissions effectively to separate the wheat from the chaff. It seems unreasonable to expect a half dozen full-time law students to screen 1000 or more article submissions effectively, particularly when the submissions are written on topics about which the students are unlikely to have any degree of expertise.<sup>20</sup> This has led many legal academicians to fear that submissions are being evaluated less on their substantive merit and more on criteria that are used as proxies for substantive merit, such as the prestige of the school at which the author teaches<sup>21</sup> or the author's prior publication record.<sup>22</sup>

Some law review editors do not perceive any problems arising from the large volume of submissions. These editors report that after a month or so of practice, they can spot a poor-quality article

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18. Thomas R. Frenkel, editor in chief of the *Southern Illinois Law Journal*, put it succinctly in an e-mail correspondence with me. "[I]magine that each submitting author would be required [to] read, review, and report upon a number of submissions which is equal to the number which he/she is submitting." E-mail from Thomas R. Frenkel, Ed. in Chief, S. Ill. L.J., to Richard A. Bales, Asst. Prof. of L., N. Ky. U., Salmon P. Chase College of L., *Submissions* (Sept. 3, 1999) (copy on file with Author).

19. Leibman & White, *supra* n. 15, at 416.

20. Roger C. Cramton, "The Most Remarkable Institution": *The American Law Review*, 36 *J. Leg. Educ.* 1, 7-8 (1986); Dan Subotnik & Glen Lazar, *Deconstructing the Rejection Letter: A Look at Elitism in Article Selection*, 49 *J. Leg. Educ.* 601, 611 (1999); cf. Philip M. Nichols, *A Student Defense of Student Edited Journals: In Response to Professor Roger Cramton*, 1987 *Duke L.J.* 1122 (defending student editors).

21. Ronald J. Krotoszynski, Jr., *Legal Scholarship at the Crossroads: On Farce, Tragedy, and Redemption*, 77 *Tex. L. Rev.* 321, 330 (1998). Additionally, legal academicians fear that submissions are evaluated on criteria such as the letterhead on which the article is written. Subotnik & Lazar, *supra* n. 20, at 606, 611-612.

22. Articles Eds., Student Authors, *A Response*, 61 *U. Chi. L. Rev.* 553, 554 (1994); Charles W. Collier, *Intellectual Authority and Institutional Authority*, 42 *J. Leg. Educ.* 151, 169 (1992); Jensen, *supra* n. 5, at 383 ("With serious substantive review impossible, authors' credentials have assumed greater importance than they should in the evaluation process."); Nathan S. Saunders, Student Author, *Student-Edited Law Reviews: Reflections and Responses of an Inmate*, 49 *Duke L.J.* 1663, 1666-1667 (2000) (noting the propensity of law review articles editors to first review the submissions made by prestigious authors).

from a mile away<sup>23</sup> and can concentrate their efforts on the relatively few articles worthy of extended consideration.

Second, the submission proliferation problem has become self-perpetuating. Authors, knowing that law review editors are overwhelmed and that the chances of their article being accepted at any given law review are remote,<sup>24</sup> have every incentive to respond by submitting their manuscript to even more law reviews. This creates an ever-spiraling effect of more and more submissions going out and more and more trees coming down.

When a law review receives a manuscript, the first step is to “log it in.” Most law reviews have computer programs to track incoming manuscripts. Many of these programs also track the manuscripts throughout the evaluation process, store evaluative commentary, record the law review’s decision-making at the various levels of review, and generate appropriate correspondence (for example, a letter or postcard confirming receipt of the manuscript) to authors.<sup>25</sup> Some law reviews have a paid staff member handling the receipt of manuscripts.

After the manuscript is entered, it is distributed to one or more articles editors for an initial screening. Some law reviews make multiple copies of the manuscript for simultaneous distribution to several editors. If the manuscript passes the initial screening, it may go to a committee of articles editors, all of the articles editors, or the editor in chief for a second or third evaluation before a final publication decision is made.

Most law reviews that accept electronic submissions treat these submissions almost exactly as they would hard-copy submissions. When a submission comes in over the computer, an editor or staff member prints it, logs it, and distributes it to the articles editors. However, a few law reviews do not print the article immediately. Instead, after it is logged in, the manuscript is forwarded by e-mail

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23. Jensen, *supra* n. 5, at 383. Interestingly, when I was on law review, title pages from several notable manuscripts were posted on a bulletin board in the law review office. One of these manuscripts was entitled, “If Dwarf-Tossing Is Outlawed, Only Outlaws Will Toss Dwarves.” I suspect that every articles editor has seen similar manuscripts.

24. Authors are likely to have first-hand experience with this phenomenon since they probably have been law review editors themselves. Moreover, since a large portion of law review articles are written by *untenured* law professors, it is likely that the author’s law review experience was a relatively recent one. Philip F. Postlewaite, *Life after Tenure: Where Have All the Articles Gone?*, 48 J. Leg. Educ. 558, 563 (1998) (finding that academicians who have obtained tenure are less likely than their untenured colleagues to publish articles in academic journals).

25. Leibman & White, *supra* n. 15, at 402–403.

attachment to the appropriate articles editors, who may either conduct the initial screening on the computer or print a hard copy to review. The *Chicago-Kent Law Review* follows this latter process and conducts nearly all of its cite-checking and proofreading electronically. This method records any changes made to the original manuscript and permits an immediate comparison between the original work and the edited version. The result is that the *Chicago-Kent Law Review* is able to take a manuscript from submission to publication without necessarily creating a single hard copy.

The *University of Virginia Law Review* not only accepts electronic submissions, but also *requests* that manuscripts be sent electronically whenever an author makes a request for expedited review. This process saves law review editors from having to find the hard-copy submission in a pile of other submissions and makes it easy to circulate the manuscript quickly among articles editors.

### III. ADVANTAGES AND DISADVANTAGES OF ELECTRONIC SUBMISSIONS

#### A. Authors

From an author's perspective, electronic submission is fast, free, and easy. By downloading (or cutting and pasting) e-mail addresses from our Web site,<sup>26</sup> an author easily might send his manuscript and cover letter to fifty law reviews in well under an hour. Moreover, the law reviews receive the manuscript minutes after it is sent, instead of the several days that regular mail takes. The author does not have to bother with coordinating a "mass mailing." Although saving a few days might not be critical for most manuscripts,<sup>27</sup> it might decrease marginally the stress level of an author with a time-sensitive topic or an impending tenure decision.

Electronic submission is free — it obviates the need for the author to pay photocopying and postage costs. Electronic submission also is easy; the only computer skills required are the ability to go to a Web site, copy and paste e-mail addresses, and send an e-mail.

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26. Bales & Young, *supra* n. 3.

27. *But see* Davis M. Richardson, *Improving the Law Review Model: A Case in Point*, 44 J. Leg. Educ. 6, 7–8 (1994) (noting the advantages to authors of rapid publication of legal scholarship).

Despite the obvious benefits of electronic submissions to authors,<sup>28</sup> there are a few legitimate concerns. One is that some law reviews seem to have periodic problems receiving electronic submissions. For example, if the law review changes its e-mail address, an e-mail is not always forwarded or returned as easily as regular mail.<sup>29</sup> Also, a few law reviews seem to be having problems keeping their e-mail systems working consistently. Some do not check their e-mail regularly; others report having formatting problems with manuscripts submitted electronically, presumably because the law reviews' word processing programs are incompatible. Formatting problems tend to be more serious if the manuscript contains graphs, tables, or charts.<sup>30</sup> These technical problems seem to be sporadic, and law reviews will almost certainly resolve them as an increasing proportion of manuscripts are submitted electronically.

A second concern authors might have is that if a law review editor screens electronically submitted manuscripts without printing a hard copy, electronic manuscripts might receive more cursory treatment than hard-copy submissions. Many of us are accustomed to breezing through (and deleting) large numbers of e-mails very quickly.<sup>31</sup> Many of us also are familiar with the common preference for reading hard-copy materials rather than computer screens. Whether these factors put electronically submitted manuscripts at a competitive disadvantage is difficult to determine because, at this point, the vast majority of law reviews print electronic submissions and treat them exactly like hard-copy submissions. This situation may change as electronic submissions become more commonplace,

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28. The degree to which an author benefits from electronically submitting manuscripts will depend on the degree to which the author is responsible for coordinating and paying for the distribution of his or her manuscripts. If the author's employer pays the photocopying and postage costs and his or her secretary handles the mailing, there is no real benefit *to the author* for electronically submitting the piece, except for saving a couple days of delivery time.

29. At present, many law reviews that accept electronic submissions do not have a permanent law review e-mail address, but rely instead on the personal e-mail addresses of articles editors. Our Web site updates these addresses every year. Bales & Young, *supra* n. 3. Most of the law reviews on our site appear to be in the process of obtaining a permanent e-mail address.

30. Such formatting problems are not insurmountable. File Transfer Protocol is a very effective way to send files electronically, but is not as widely used as e-mail attachments.

31. I have heard authors make this argument both ways. On the one hand, the articles editor might scroll the inbox and delete every submission that does not have "harvard.edu" or "yale.edu" as the return address, without even opening the document. On the other hand, the source of the manuscript is probably more obvious from the letterhead of a hard-copy cover letter than it is from a return e-mail address.

but any tendency to give electronic manuscripts cursory treatment should be offset by the law reviews' increased dependence on electronic submissions as a source of publishable articles. Law reviews are unlikely to bite the hand that, to an increasing degree, is feeding them.

A third concern authors might have is that some law review editors perceive electronically submitted manuscripts as inferior in quality to hard-copy manuscripts.<sup>32</sup> To the extent that law review editors have this perception, high-quality manuscripts submitted electronically may be tainted by association. As discussed below, this perception is far from universal and should diminish as the proportion of manuscripts submitted electronically increases.

A fourth concern authors might have is that law reviews that accept electronic submissions might not be a representative sample of law reviews. If, for example, only lower-tiered law reviews accept electronic submissions, an author would not want to rely exclusively on electronic submissions for sending out a manuscript. However, the law reviews listed on our Web site as accepting electronic submissions seem fairly representative, because both higher- and lower-tiered law reviews are included.

## B. Law Reviews

There are four primary advantages to accepting electronic submissions. First, it is very easy to route manuscripts to editors — the manuscript can simply be forwarded by e-mail. If the reviewing editors are willing to review the manuscript from the computer, there is no need for a hard copy to be printed or for photocopies to be made. This is likely to be particularly appealing to an environmentally conscious or cost-conscious law review. However, if editors prefer to review the manuscript from a hard copy, this advantage is negligible.

Second, it is fast, free, and easy for the law review to send confirmation to an author regarding receipt of an electronic submission. In fact, all the law review member has to do is hit the “reply” button on the e-mail program.

Third, once the law review has filled all of its article slots for the academic year, it is easy to deal with further submissions — reply to the author that the volume is full and electronically “trash”

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32. *Infra* pt. III(B) (discussing law reviews' negativity toward electronically submitted manuscripts).

the submission. By contrast, with a hard copy, someone has to open the mail, generate a rejection letter, and recycle the excess manuscripts.

Fourth, law reviews soon may find that accepting electronic submissions gives them access to a larger number of manuscripts and, therefore, a competitive advantage in their goal of publishing the best available manuscripts.<sup>33</sup> There is little reason for authors to continue to submit manuscripts by mail, because so many law reviews accept electronic submissions, and it is fast, free, and easy for authors. My guess is that, over the next few years, authors increasingly will begin to experiment with electronic submissions, perhaps submitting some manuscripts electronically and others by mail. As authors become more comfortable with the electronic medium, many are likely to use e-mail as the predominant, if not exclusive, method of submission.

Although law reviews have something to gain from electronic submissions, many believe that they have much to lose. Law review editors insist on having a hard copy of a submission to screen, because electronic submissions pass the costs of printing the manuscripts from authors (or, more likely, the authors' employers) to law reviews. Many, if not most, law reviews operate on a tight budget<sup>34</sup> and cannot afford this expense. However, this expense can be avoided entirely if law review editors are willing to review manuscripts electronically. Moreover, for law reviews where the practice is for manuscripts to be reviewed simultaneously by several editors, electronic submissions, coupled with a willingness on the part of editors to review manuscripts electronically, could *save* the law review a significant amount of money in photocopying costs.

Another potential problem arises because the barriers to submitting an article are so low, and authors may be tempted to submit poor-quality or unfinished material in the hope that a law review will accept it for publication and finish the work. A few law review editors have indicated to me that they have found electronically submitted manuscripts, on the whole, to be of a lesser quality than hard-copy submissions.<sup>35</sup> Most law review editors found no

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33. Heifetz, *supra* n. 6, at 641–642 (discussing reasons why law reviews attempt to publish the best law review articles available to them).

34. Leibman & White, *supra* n. 15, at 416–417.

35. Mike Cargnel, executive editor of the *Washburn Law Journal*, put it bluntly, “There seems to be some web surfers who feel that everything from chat-room dialogues to electronic ‘articles’ are now law journal material.” E-mail from Mike Cargnel, Exec. Ed., *Washburn L.J.*, to Richard A. Bales, Asst. Prof. of L., N. Ky. U., Salmon P. Chase College of L., *Submissions*

discernable difference in quality based on the method of submission. More than one law review editor commented on the large amount of drivel submitted through both media.

Additionally, electronic submissions compound the problem of multiple submissions. The fact that it is fast, free, and easy for authors to submit manuscripts electronically may lead authors to submit their manuscripts to forty law reviews instead of twenty or to eighty instead of forty. The result might be a dramatic increase in the number of submissions without a corresponding increase in the number of manuscripts available to publish. A law review's already over-burdened articles editors would then face the prospect of having even more manuscripts to review while at the same time the chances of getting an author to accept an offer would decrease (because the author presumably submitted the manuscript to a larger number of higher-level law reviews). Not surprisingly, many law reviews are concerned that the advent of electronic submissions may make it more difficult for law reviews to screen incoming manuscripts adequately.

Authors, of course, have a shared interest in manuscripts being evaluated carefully and accurately. No author who has spent months working on a manuscript wants the manuscript to be rejected after a thirty-second glance by a harried law review editor with a backlog of fifty manuscripts to plow through. Perhaps now is the time to reconsider proposals to limit the number of manuscripts an author can circulate. Erik M. Jensen suggested that authors be limited to having no more than five manuscripts circulating for publication consideration at any one time.<sup>36</sup> Jordan H. Leibman and James P. White suggested that authors limit submissions to no more than ten reviews in a three-month period.<sup>37</sup> Another alternative might be to require authors to disclose all the law reviews to which they submit their manuscript. This would allow a law review to invest more time in reviewing narrowly-distributed manuscripts, because there would be a greater likelihood of return in the form of an accepted publication offer.

Even without externally-imposed constraints, if manuscript proliferation accelerates significantly, the market may create its own solutions. An author who targets a single journal, or even a handful of journals, and who is able to communicate this targeting

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(Feb. 3, 2000) (copy on file with Author).

36. Jensen, *supra* n. 5, at 385-386.

37. Leibman & White, *supra* n. 15, at 419 n. 96.

to the journal, may be able to “buy” a faster and more favorable “read” for his or her manuscript. My own (albeit limited) experience with journal-targeting has been very favorable. Pamela S. Karlan of Stanford Law School had considerable success when she made an explicit promise in her cover letter that she would accept the first publication offer she received and that she did not “shop” offers.<sup>38</sup> Such narrowcasting or “no-shop” promises may be an effective way for authors to distinguish their manuscripts from the masses of others and for law reviews to fill their volumes without having to invest so much time in manuscripts that ultimately may not be available to publish. Thus, if the advent of electronic submissions increases the number of submissions to the point where articles editors are not able to screen articles effectively, it may be in the best interest of authors to target their submissions more restrictively and of law reviews to reward this behavior by a preferential review of such manuscripts.

#### IV. CONCLUSION

As recently as last year, electronic submission of manuscripts to law reviews was rare. In 2000 a few law reviews reported that as many as one-third of their manuscripts are submitted electronically, and many other law reviews reported that the proportion of manuscripts electronically submitted is growing significantly. The increasing proportion of law review manuscripts that are submitted electronically is likely to put competitive pressure on all law reviews to accept electronic submissions.

There are a myriad of advantages to electronic submissions. From an author’s perspective, electronic submission makes the submission process even cheaper, faster, and easier than it already is. From a law review’s perspective, electronic submission offers the possibility of a paperless publishing process and reduced administrative burdens. At the same time, electronic submission risks exacerbating the current problem of manuscript proliferation and thereby makes it more difficult for law review editors to screen incoming manuscripts effectively. Both law review editors and authors have a shared interest in ensuring the careful and accurate

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38. Professor Karlan has placed articles in this way in the Harvard, Columbia, Northwestern, Duke, and Michigan law reviews. She typically sends her manuscripts to approximately fifteen law reviews.

evaluation of manuscripts and in developing a submission regime that accomplishes this goal.

## APPENDIX

### Law Reviews Accepting Electronic Submissions

- *Alabama Law Review*
- *American University Law Review*
- *Annual Survey of American Law* (New York University College of Law)
- *Arkansas Law Review*
- *Boston College Law Review*
- *Brigham Young University Law Review*
- *Brooklyn Law Review*
- *Buffalo Law Review*
- *California Western Law Review*
- *Capital University Law Review*
- *Chicago-Kent Law Review*
- *Cleveland State Law Review*
- *Connecticut Law Review*
- *Creighton Law Review*
- *Cumberland Law Review*
- *Denver University Law Review*
- *Detroit College of Law at Michigan State University Law Review*
- *Dickinson Law Review*
- *Drake Law Review*
- *Duke Law Journal*
- *Duquesne Law Review*
- *Emory Law Journal*
- *Employee Rights & Employment Policy Journal*  
(Chicago-Kent College of Law)
- *Environmental Law Reporter*
- *Florida State University Law Review*
- *Georgia Law Review*
- *Gonzaga Law Review*
- *Hamline Law Review*
- *Hofstra Labor & Employment Law Journal*
- *Hofstra Law Review*
- *Houston Law Review*

- *Howard Law Journal*
- *Idaho Law Review*
- *Iowa Law Review*
- *John Marshall Law Review*
- *Journal of International Wildlife Law & Policy*
- *Kansas Law Review*
- *Kentucky Law Journal*
- *Loyola of Los Angeles Law Review*
- *Loyola University of Chicago Law Journal*
- *Loyola Law Review*
- *Maine Law Review*
- *McGeorge Law Review*
- *Military Law Review*
- *Missouri Law Review*
- *New York University Journal of Legislation & Public Policy*
- *North Dakota Law Review*
- *Northern Kentucky Law Review*
- *Nova Law Review*
- *Ohio State Journal on Dispute Resolution*
- *Oklahoma City University Law Review*
- *Quinnipiac Law Review*
- *Regent University Law Review*
- *Rutgers Law Journal (Camden)*
- *Santa Clara University Law Review*
- *Seattle University Law Review*
- *South Carolina Law Review*
- *South Dakota Law Review*
- *St. Thomas Law Review*
- *Stetson Law Review*
- *Syracuse Law Review*
- *Texas Tech Law Review*
- *Thomas Jefferson Law Review*
- *Thomas M. Cooley Law Review*
- *UCLA Law Review*
- *University of Baltimore Law Review*
- *University of California Davis Journal of Juvenile Law and Policy*
- *University of Colorado Law Review*
- *University of Illinois Law Review*
- *University of Illinois Journal of Information and Technology*
- *University of Memphis Law Review*
- *University of Pittsburgh Law Review*

- *University of Puerto Rico Law Review*  
(*Revista Juridica de la Universidad de Puerto Rico*)
- *University of San Francisco Law Review*
- *University of West Los Angeles Law Review*
- *Utah Law Review*
- *Vanderbilt Law Review*
- *Villanova Law Review*
- *Virginia Law Review*
- *Wake Forest Law Review*
- *Washburn Law Journal*
- *Washington Law Review*
- *Washington University Law Quarterly*
- *Western New England Law Review*
- *West Virginia Law Review*
- *Whittier Law Review*
- *William and Mary Law Review*
- *William Mitchell Law Review*