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1-27-2015

The Open Access Advantage in Legal Education's Age of Assessment

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Recommended Citation

Elizabeth Adelman, *The Open Access Advantage in Legal Education's Age of Assessment* (reviewing James M. Donovan, Carol A. Watson & Caroline Osborne, *The Open Access Advantage for American Law Reviews*), Jotwell (Jan. 27, 2015), <http://lex.jotwell.com/the-open-access-advantage-in-legal-educations-age-of-assessment/>.



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The Open Access Advantage in Legal Education's Age of Assessment

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Tagged as : [Librarianship and Legal Technology](#)

Date : January 27, 2015

James M. Donovan, Carol A. Watson & Caroline Osborne, *The Open Access Advantage for American Law Reviews* (October 7, 2014), available at [SSRN](#).

Open access (OA) scholarship is available online, without fees, and free of restrictive copyright and licensing provisions. As institutions of higher education implement a more metrics-driven paradigm, law schools are increasingly attentive to the quantification of both individual faculty and aggregate law school impact. Citation counts are one means of quantifying these impacts. Donovan, Watson, and Osborne build on their 2011 article, [Citation Advantage of Open Access Legal Scholarship](#), which demonstrated that open access resources have a great impact on legal scholarship, (103 Law Lib. J. 553, 557). In this article, they work to develop a systematic and scientific explanation for why open access scholarship has a citation advantage in the legal education context.

The authors' research shows that articles published simultaneously as print and open access law review articles provide at least a 50% citation advantage over their print-only law review counterparts. More specifically, they find that the aggregate cumulative OA advantage for new and retrospective works combined is about 53%; the OA advantage of newer works published during the years 2007-2012 is about 60%. Their research also indicates that OA articles are more heavily cited in the years immediately following an article's publication and that OA articles tend to "command greater attention over the lifespan of the work" (Donovan et al, at 8).

The authors also explore the measurement of the OA advantage to a law review as it relates to the institution's ranking in the U.S. News & World Report. They conclude that the greatest OA advantage is for a journal whose home institution is in tier 2, 3, or 4 of the U.S. News & World Report law school ranking. For those tiers, the aggregate cumulative OA advantage for new and retrospective works combined is about 51% compared to an OA advantage of new works published during the years 2007-2012 of about 89% for tiers 2 and 3, and 81% for tier 4. For journals at tier 1 schools, the OA impact decreases significantly because journals at higher ranked institutions have high levels of exposure even without OA. In this tier, the aggregate cumulative OA advantage for new and retrospective works combined is about 11% compared to an OA advantage of new works published during the years 2007-2012 of about 16%.

As the authors point out in their conclusion, this article is a sobering reminder that readily available information on the Internet will often be the first, and in some cases the only, source consulted. Consequently, OA publishing offers faculty the potential opportunity to increase their work's exposure in the field by being readily available, and therefore, is fertile ground for the OA citation advantage. According to Donovan, Watson, and Osborne, the OA citation advantage for a law review article is threefold: an OA article gets attention sooner; about half of the citations to an OA article will be from the first six years of the publication's existence; and OA articles receive attention for a sustained period of time that exceeds the length of attention received by its non-OA counterparts. Depositing faculty scholarship in an open access repository, whether in SSRN or in an educational institution's repository, is a simple, tasteful way that faculty can promote their scholarship while supporting the open access movement.

Cite as: Elizabeth Adelman, *The Open Access Advantage in Legal Education's Age of Assessment*, JOTWELL

(January 27, 2015) (reviewing James M. Donovan, Carol A. Watson & Caroline Osborne, *The Open Access Advantage for American Law Reviews* (October 7, 2014), available at SSRN),
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