PINCITES

SAMUEL FOX KRAUSS*

Within the literature on legal scholarship, academics have studied citation practices. For example, scholars have examined which authors, journals, and articles are most cited. But no one has examined which parts of articles scholars cite. Understanding which parts of articles scholars cite is not only intrinsically interesting, but also could inform how authors structure articles. This Note presents the results of a unique, hand-coded dataset of thousands of pinpoint citations. In brief: Authors are more likely to cite the beginning of articles but split their remaining citations roughly evenly. This pattern holds across flagship journals of variously ranked law schools and articles of varying length, but it is less pronounced for self-citation. While cynical explanations—that cite-worthy content is concentrated at the beginning, or authors tend not to thoroughly read the articles they cite—of the data is possible, a better explanation serves as a modest rebuttal to certain criticisms of legal scholarship.

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INTRODUCTION

Lawyers have long lamented legal scholarship's supposedly sorry state[1]: Articles are not anonymously reviewed;[2] student editors are unqualified[3] and rely on the wrong selection heuristics;[4] articles are

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[1] *See, e.g.*, Fred Rodell, *Goodbye to Law Reviews*, 23 VA. L. REV. 38, 38 (1936) ("There are two things wrong with almost all legal writing. One is its style. The other is its content."); Pierre Schlag, Essay, *Spam Jurisprudence, Air Law, and the Rank Anxiety of Nothing Happening (A Report on the State of the Art)*, 97 GEO. L.J. 803, 821 (2009) ("[M]ainstream legal scholarship tends to converge toward the sorry state."); Richard A. Posner, *Against the Law Reviews: Welcome to a World Where Inexperienced Editors Make Articles About the Wrong Topics Worse*, LEGAL AFFS. (Nov./Dec. 2004), https://www.legalaffairs.org/issues/November-December-2004/review_posner_novdec04.msp [https://perma.cc/CK3C-TXV3]; Stanley H. Fuld, *A Judge Looks at the Law Review*, 28 N.Y.U. L. REV. 915, 916 (1953) ("Over the years, law reviews have been the target of much criticism, some justified, some not."); Bernard J. Hibbitts, *Last Writes? Reassessing the Law Review in the Age of Cyberspace*, 71 N.Y.U. L. REV. 615, 628 (1996) ("Criticizing the law review is a time-honored legal tradition."); Scott Dodson & Jacob Hirsch, *A Model Code of Conduct for Student-Edited Law Journal Submissions*, 67 J. LEGAL EDUC. 734, 734–35 (2018) ("[A] surprising amount of literature covers [legal scholarship's] merits and demerits. This literature has generated an equally surprising amount of basic consensus. In a nutshell, student-edited law journals offer some positive attributes but remain deeply flawed as vehicles for the cultivation of quality legal scholarship." (footnotes omitted)); Lawrence M. Friedman, *Law Reviews and Legal Scholarship: Some Comments*, 75 DENV. U. L. REV. 661, 661 & n.1 (1998) [hereinafter L. Friedman] ("There is . . . quite a literature of invective—professors and others railing against the law reviews."); Walter Olson, *Abolish the Law Reviews!*, THE ATLANTIC (July 5, 2012), https://www.theatlantic.com/national/archive/2012/07/abolish-the-law-reviews/259389 [https://perma.cc/TC5A-B6QP] (arguing for law review abolition); Barry Friedman, *Fixing Law Reviews*, 67 DUKE L.J. 1297, 1303–04 (2018) [hereinafter B. Friedman] (summarizing the criticisms and defenses); Adam Liptak, *The Lackluster Reviews that Lawyers Love to Hate*, N.Y. TIMES (Oct. 21, 2013), https://www.nytimes.com/2013/10/22/us/law-scholarships-lackluster-reviews.html [https://perma.cc/V3GA-SLVM].

[2] *See, e.g.*, Richard A. Wise, Lucy S. McGough, James W. Bowers, Douglas P. Peters, Joseph C. Miller, Heather K. Terrell, Brett Holfeld & Joe H. Neal, *Do Law Reviews Need Reform? A Survey of Law Professors, Student Editors, Attorneys, and Judges*, 59 LOY. L. REV. 1, 9 & n.29, 71 (2013) (finding in a survey that law professors generally prefer anonymous review as opposed to the status quo); Joëlle Anne Moreno, *99 Problems and the Bitchin' Is One: A Pragmatist's Guide to Student-Edited Law Reviews*, 33 TOURO L. REV. 407, 414 (2017) (arguing that article selection should be "fully blind").

[3] *See, e.g.*, James Lindgren, *An Author's Manifesto*, 61 U. CHI. L. REV. 527, 527 (1994) ("Our scholarly journals are in the hands of incompetents."); Arthur D. Austin, Essay, *The "Custom of Vetting" as a Substitute for Peer Review*, 32 ARIZ. L. REV. 1, 4 (1989) ("The use of student edited journals as the main outlet for legal writing is an embarrassing situation deserving the smirks of disdain it gets from colleagues in the sciences and humanities."); Richard S. Harnsberger, *Reflections About Law Reviews and American Legal Scholarship*, 76 NEB. L. REV. 681, 682 (1997) ("[L]aw reviews . . . are poorly edited by immature students who are ill-prepared to judge good scholarship . . . ."). A letter from H.L.A. Hart to Lon Fuller, of Harvard, in which Hart asked Fuller to intervene with the student editors of the *Harvard Law Review* in their editing of the article version of his famous Holmes Lecture defending legal positivism, presents an example:

> Meanwhile a spot of trouble! The L. Rev. boys had *mutilated* my article by making major excisions of what they think is irrelevant or fanciful. They have made a ghastly mess of it and of the references to Bentham and I have written

> to say they must not publish it under my name with these cuts which often destroy the precise nuance. I took great care and much time over what they have coolly cut out.

NICOLA LACEY, A LIFE OF H.L.A. HART: THE NIGHTMARE AND THE NOBLE DREAM 200 (2006); Richard A. Epstein, *Faculty-Edited Law Journals*, 70 CHI.-KENT L. REV. 87, 88 (1994) (asserting that student editors "cannot comment intelligently about the structure of the argument, the possible lines of counterattack, and the interpretation given to primary sources"); Geoffrey Preckshot, Comment, *All Hail Emperor Law Review: Criticism of the Law Review System and Its Success at Provoking Change*, 55 MO. L. REV. 1005, 1006–07 (1990) ("[T]he training or experience in the art of the law, or lack thereof, possessed by such student-writers and editors has been the subject of comment from the first student-published review."); United States v. Gissantaner, 990 F.3d 457, 464 (6th Cir. 2021) ("Peer review is not student review. . . . [I]t is one thing to convince lawyers in training to publish a piece; it is quite another to convince peers in a professional community to publish a piece.").

[4] *See, e.g.*, Richard A. Posner, *The Future of the Student-Edited Law Review*, 47 STAN. L. REV. 1131, 1133–34 (1995) (arguing that student editors are bad at evaluating nondoctrinal articles and instead use author institution as a heuristic for article quality; and noting also that student editors look to the "congeniality of the author's politics to the editors, the author's commitment to gender-neutral grammatical forms, the prestige of the author's law school, a desire for equitable representation . . . , length . . . , the number and length of the footnotes . . . , and whether the article is a 'tenure article'"); Ronald B. Lansing, *The Creative Bridge Between Authors and Editors*, 45 MD. L. REV. 241, 247 (1986) ("[O]nce the author arms himself with the jargonese of a discipline, it is extremely difficult to ferret him out as a nincompoop."); Jason P. Nance & Dylan J. Steinberg, *The Law Review Article Selection Process: Results from a National Study*, 71 ALB. L. REV. 565, 612–13 (2008) (finding, among other things, that articles editors use author reputation not so much as a proxy for article quality, but as "one way to increase a journal's prestige"); Albert H. Yoon, *Editorial Bias in Legal Academia*, 5 J. LEGAL ANALYSIS 309 (2013) (finding that student editors prefer articles by their own faculty); Ronald J. Krotoszynski, Jr., Commentary, *Legal Scholarship at the Crossroads: On Farce, Tragedy, and Redemption*, 77 TEX. L. REV. 321, 329 (1998) (arguing that editors use the author's institutional affiliation as a proxy for an article's merit). Orin Kerr advises that article submitters proofread and *Bluebook* carefully: "Articles editors will make judgments about your submission based on whether it is [B]luebooked properly and has any typos or grammar problems." Orin Kerr, *Tips on Placing Law Review Articles*, PRAWFSBLAWG (Oct. 1, 2014, 12:24 AM), https://prawfsblawg.blogs.com/prawfsblawg/2014/10/tips-on-placing-law-review-articles.html [https://perma.cc/6YRJ-CJA4]; *accord Submissions*, N.Y.U. L. REV., https://www.nyulawreview.org/submissions [https://perma.cc/NZL3-WJK2] ("Failure to conform to *The Bluebook* will be a factor that weighs significantly against acceptance of the manuscript."); *see* Eric Segall, *The Future of Lengthy Law Review Scholarship*, DORF ON LAW (Apr. 9, 2018, 8:18 PM), http://www.dorfonlaw.org/2018/04/the-future-of-lengthy-law-review.html [https://perma.cc/28GJ-RWWB] ("It is of course absurd to put in the hands of second year students the ability to so substantially affect the careers of the people whose job it is to teach them the law."); *see also* Stephen Thomson, *Letterhead Bias and the Demographics of Elite Journal Publications*, 33 HARV. J.L. & TECH. 203 (2019); Jordan H. Leibman & James P. White, *How the Student-Edited Law Journals Make Their Publication Decisions*, 39 J. LEGAL EDUC. 387 (1989); Kevin M. Yamamoto, *What's in a Name? The Letterhead Impact Project*, 22 J. LEGAL STUD. EDUC. 65, 67–72 (2004). *But see* Natalie C. Cotton, Comment, *The Competence of Students as Editors of Law Reviews: A Response to Judge Posner*, 154 U. PA. L. REV. 951 (2006) (defending student-run journals); Steven Lubet, *Law Review vs. Peer Review: A Qualified Defense of Student Editors*, 2017 U. ILL. L. REV. 1 (2017) (offering a qualified defense of student editors and pointing to issues with alternative methods); Ronald D. Rotunda, *Law*

boring,[5] too long,[6] and have too many footnotes,[7] which are them-

Reviews—The Extreme Centrist Position, 62 IND. L.J. 1, 7–8 (1986) (arguing that student selection is "only one step in the process by which it is decided whether the article has merit").

[5] *See* Richard A. Posner, *Law Reviews*, 46 WASHBURN L.J. 155, 159 (2006) ("[T]oo many articles are . . . too dull . . . ."); Kenneth Lasson, Commentary, *Scholarship Amok: Excesses in the Pursuit of Truth and Tenure*, 103 HARV. L. REV. 926, 934 (1990) (quoting Elyce H. Zenoff, *I Have Seen the Enemy and They Are Us*, 36 J. LEGAL EDUC. 21, 21 (1986)) ("[A]rticles . . . are boring . . . ."); Andrew B. Delaney, *Taking a Sack: The NFL and Its Undeserved Tax-Exempt Status*, 1 ARIZ. ST. SPORTS & ENT. L.J. 63, 64–65 (2011) ("Law review articles are generally boring. . . . Your average law review article is an unparalleled sleep aid."); David A. Westbrook, Commentary, *Triptych: Three Meditations on How Law Rules After Globalization*, 12 MINN. J. GLOB. TRADE 337, 345 (2003) ("[T]he law review article is a terrible form: boring, inelegant, petty, implausible, ugly . . . ."); F.E. Guerra-Pujol, *Why Are Law Reviews So Dull, Tedious, and Boring?*, PRIOR PROBABILITY (Oct. 22, 2013), https://priorprobability.com/2013/10/22/why-are-the-law-reviews-so-dull-tedious-and-boring [https://perma.cc/KQ53-JPHK] ("[M]ost law review articles are simply dull, tedious, and boring."); Michael Kirby, *Welcome to Law Reviews*, 26 MELBOURNE U. L. REV. 1, 3 (2002) ("The tedious style of some legal writing can act as a soporific."); W. Lawrence Church, Essay, *A Plea for Readable Law Review Articles*, 1989 WIS. L. REV. 739, 739 (describing the "numbing, legal/bureaucratic style that has typified legal writing for decades"); *cf.* Preckshot, *supra* note 3, at 1013 (noting that law reviews have "long, drawn-out sentences and twenty-four dollar vocabulary"); J.T. Knight, Comment, *Humor and the Law*, 1993 WIS. L. REV. 897, 897 (arguing that more humor in legal scholarship may "help law reviews deflect the long-held criticism that they are esoteric, inaccessible, and boring"). *But cf.* L. Friedman, *supra* note 1, at 664 ("[L]aw reviews have opened their doors to 'narrative' [style], and, whatever the failings of this style, it is not usually boring. . . . But on the whole, law review style-blight is still definitely there.").

[6] *See, e.g.*, Posner, *supra* note 5, at 159 ("[T]oo many articles are too long . . . ."); Robert J. Spitzer, *Why History Matters: Saul Cornell's Second Amendment and the Consequences of Law Reviews*, 1 ALB. GOV'T L. REV. 312, 344 (2008) (including among common criticisms of law reviews that published articles are "too long – and pointlessly so"); L. Friedman, *supra* note 1, at 663 ("[L]egal scholarship suffers enormously from bloat."); Max Stier, Kelly M. Klaus, Dan L. Bagatell & Jeffrey J. Rachlinski, Project, *Law Review Usage and Suggestions for Improvement: A Survey of Attorneys, Professors, and Judges*, 44 STAN. L. REV. 1467, 1498 (1992) (reporting the results of a survey in which, on average, respondent attorneys, professors, and judges all desired articles that are shorter); James W. Ely, Jr., Address, *Through a Crystal Ball: Legal Education—Its Relation to the Bench, Bar, and University Community*, 21 TULSA L.J. 650, 654 (1986) ("There is widespread agreement that law review articles are too long . . . ."); Larry A. DiMatteo, *Human Capital and the Search for Originality*, 16 BERKELEY BUS. L.J. 267, 300 (2019) ("[A]rticles are too long because they tend to engage in an internal dialogue with other papers, summarizing everything that has ever been said on a given topic by other law professors."); Eric J. Segall, *The Law Review Follies*, 50 LOY. U. CHI. L.J. 385, 387 (2018) ("[M]ost [articles] break one of the cardinal rules of good writing. Footnotes should only point the reader to the source of the statement in the text or maybe to other helpful information for the interested reader. Placing substantive information in footnotes is quite confusing."); Lasson, *supra* note 5, at 934 ("[A]rticles . . . are . . . too long . . . ."); Scott Dodson, *The Short Paper*, 63 J. LEGAL EDUC. 667 (2014) (extolling the virtue of short papers); *Joint Law Review Statement on Article Length*, DUKE L.J., https://dlj.law.duke.edu/about/submissions [https://perma.cc/2XV3-VDJL] (expressing, with eleven other law reviews, a preference for articles of fewer than 35,000 words and reporting the results of a survey showing that "nearly 90% of faculty agreed that articles are too long"). *But see* Carissa Byrne Hessick, *In Defense of Law Review Articles*,

selves boring and too long;[8] authors cite themselves too much;[9]

PRAWFSBLAWG (Apr. 9, 2018, 1:19 PM), https://prawfsblawg.blogs.com/prawfsblawg/2018/04/in-defense-of-law-review-articles.html [https://perma.cc/PH8D-VDAA] (arguing against the common complaint that fifty to sixty-five pages is generally too long).

[7] *See, e.g.*, Lori McPherson, *Law Review Articles Have Too Many Footnotes*, 68 J. LEGAL EDUC. 457, 457 (2019) ("Law [r]eview articles have too many footnotes."); *id.* at 457 n.1 ("For the love of God and all that's holy, why don't we just put what we are saying *in the text of the article*?"); Posner, *supra* note 1 ("[Articles are] too heavily annotated . . . ."); Ely, *supra* note 6, at 654 ("[L]aw review articles are . . . overly documented . . . ."); Harnsberger, *supra* note 3, at 682 ("[L]aw reviews . . . contain too many footnotes."); John E. Nowak, Essay, *Woe unto You, Law Reviews!*, 27 ARIZ. L. REV. 317, 318 (1985) ("Footnotes in law review articles . . . are almost totally unnecessary."); Joan Ames Magat, *Bottomheavy: Legal Footnotes*, 60 J. LEGAL EDUC. 65, 66 (2010) ("Academic legal writing is still plagued with lead feet below the line."); Arthur D. Austin, Essay, *Footnotes as Product Differentiation*, 40 VAND. L. REV. 1131, 1142 & n.51 (1987) (citing Aside, *The Common Law Origins of the Infield Fly Rule*, 123 U. PA. L. REV. 1474, 1474 & n.1 (1975) (giving, as an example of a "too cute" citation, a citation to the dictionary for the word "the" in a comment)); Andrew J. McClurg, *The World's Greatest Law Review Article*, ABA J., Oct. 1995, at 84 nn.1–3 (offering *Webster's Dictionary* definitions of "[t]his," "is," and "the," the first three words of the article); *see also* J.M. Balkin, *The Footnote*, 83 NW. U. L. REV. 275, 275 (1989) (describing "the problem of the footnote"). *But see* Herma Hill Kay, Essay, *In Defense of Footnotes*, 32 ARIZ. L. REV. 419 (1990) (defending the footnote).

[8] *See* Zenoff, *supra* note 5, at 21 ("[A]rticles . . . have too many footnotes, which also are boring and too long." (footnote omitted)); Lansing, *supra* note 4, at 248 ("Footnotes can be 'subterpagean' weed roots — pods that suck life from the text."). *But see* Preckshot, *supra* note 3, at 1017–18 (defending lengthy footnotes because they are a research shortcut for students and practitioners).

[9] *See, e.g.*, Ronen Perry, Commentary, *The Relative Value of American Law Reviews: Refinement and Implementation*, 39 CONN. L. REV. 1, 8 n.27 (2006) (referring to self-citation as a "problem"); Karen Erger, *How Little We Know*, ILL. BAR J., June 2020, at 44, 45 n.5 (referring to self-citing as "icky"). A study of 1.5 million publications on JSTOR found that, of all citations in articles about "law," 6.3% were self-citations. Molly M. King, Carl T. Bergstrom, Shelley J. Correll, Jennifer Jacquet & Jevin D. West, *Men Set Their Own Cites High: Gender and Self-Citation Across Fields and over Time*, 3 SOCIUS 1, 7 (2017). And authors of "law" articles identified as men by the study self-cited 1.47 times as frequently as women. *Id.* at 12; *see also* Ellen G. Cohn, Amaia Iratzoqui, David P. Farrington, Alex R. Piquero & Zachary A. Powell, *Most-Cited Articles and Authors in* Crime and Justice*, 1979–2015*, 47 CRIME & JUST. 475, 481 n.2 (2018) (referring to a "wealth of literature arguing against self-citation"); Arthur Austin, *Footnote Skulduggery and Other Bad Habits*, 44 U. MIA. L. REV. 1009, 1026–27 (1990) ("Self-citation, like venereal disease or rejection slips from publishers, is rarely discussed in polite academic circles. . . . It is done for ego and for the very practical reason that it pads the author's citation count, thereby increasing reputation and status."). *But cf.* Ronen Perry, *The Relative Value of American Law Reviews: A Critical Appraisal of Ranking Methods*, 11 VA. J.L. & TECH. 1, 25 (2006) (distinguishing "excessive self-citation" from "selective citation"); J.M. Balkin & Sanford Levinson, *How to Win Cites and Influence People*, 71 CHI.-KENT L. REV. 843, 857 (1996) ("We realize that it takes a bit of chutzpah to shamelessly self-cite. But after a while, you'll get over it. Believe us . . . .").

the *Bluebook*'s rules are stupid;[10] and articles are not helpful to

[10] *See, e.g.*, Richard A. Posner, Essay, *Goodbye to the* Bluebook, 53 U. CHI. L. REV. 1343, 1343 (1986) ("The hypertrophy of law is *A Uniform System of Citation* . . . ."); Richard A. Posner, *The* Bluebook *Blues*, 120 YALE L.J. 850, 861 (2011) (referring to the "malignant growth of the *Bluebook*"); Alex MacDonald, *Citation Style Is a Cruel Mistress: A Review of the 21st Edition of* The Bluebook, 20 SCRIBES J. LEGAL WRITING 167, 169 (2022) (noting its "distension"); Richard A. Posner, *Michael C. Dorf's 'Review' of Richard A. Posner,* Divergent Paths: The Academy and the Judiciary*: A Response by the Book's Author*, 66 J. LEGAL EDUC. 203, 204 (2016) (criticizing the *Bluebook*'s length, unintelligible abbreviations, opacity, and superfluity); James D. Gordon III, Essay, *How Not to Succeed in Law School*, 100 YALE L.J. 1679, 1692 (1991) ("The worst part of legal writing is having to learn the legal citation system. . . . [There is] no logic to the system . . . ."); Jonathan Mermin, *Remaking Law Review*, 56 RUTGERS L. REV. 603, 613 (2004) ("[I]t is also essentially pointless, unless one happens to be editing a law review article."); Eric Segall (@espinsegall), TWITTER (Mar. 17, 2021, 10:34 PM) https://twitter.com/espinsegall/status/1372375748443582464 [https://perma.cc/8ZL5-MPMQ] ("Burn it!"); Reinhard Zimmermann, Essay, *Law Reviews: A Foray Through a Strange World*, 47 EMORY L.J. 659, 675 (1998) ("[The *Bluebook*] has driven generations of reviewers to scorn and sarcasm, and generations of authors and (presumably) editors of law reviews to despair." (footnote omitted)); E. Joshua Rosenkranz, *Law Review's Empire*, 39 HASTINGS L.J. 859, 902 (1988) (describing the *Bluebook* as "law review's paddle," referring to fraternities' "hell week" hazing paddling ritual); A. Darby Dickerson, *An Un-Uniform System of Citation: Surviving with the New* Bluebook *(Including Compendia of State and Federal Court Rules Concerning Citation Form)*, 26 STETSON L. REV. 53, 62 n.56 (1996) (collecting a dozen or so of the more biting criticisms: It is "tyrannical"; a form of "puritanical handcuffs"; a "dictionary of abbreviated mumbo jumbo"; its authors are "probably not entirely human" (and perhaps extraterrestrial); its use requires antacids; etc. (citations omitted)); Mary Whisner, *The Dreaded* Bluebook, 100 LAW LIBR. J. 393, 393 (2008) (mentioning the *Bluebook*'s "widespread loathing"); David J.S. Ziff, *The Worst System of Citation Except for All the Others*, 66 J. LEGAL EDUC. 668, 668–69 (2017) (book review) (proclaiming that "[e]verybody hates *The Bluebook*"—except for Ziff, who, after listing its flaws, defends it); B. Friedman, *supra* note 1, at 1321 ("Six hundred pages of instruction about citations? Have we lost our collective minds?"); Pamela Lysaght & Grace Tonner, *Bye-Bye* Bluebook*?*, 70 MICH. BAR J. 1058, 1058 (2000) (reporting "[l]ong-standing dissatisfaction with the *Bluebook*," in part because successive editors, "instead of striving for consistency and stability . . . [seek] to put their imprint on new editions and [make] pointless, frivolous changes"); Ira P. Robbins, *Semiotics, Analogical Legal Reasoning, and the* Cf. *Citation: Getting Our Signals Uncrossed*, 48 DUKE L.J. 1043, 1045 n.7 (1999) (describing how "evolving definitions [of signals] lead to confusion in interpretation of signal use") (citing Donald H. Gjerdingen, *A Uniform System of Citation*, 4 WM. MITCHELL L. Rev. 499, 510 (1978) (reviewing A UNIFORM SYSTEM OF CITATION (Columbia L. Rev. Ass'n et al. eds., 12th ed. 1976))); Wayne Schiess, *Meet ALWD: The New Citation Manual*, 64 TEX. BAR J. 911, 913 (2001) (referring to the "pointless and confusing changes" in successive editions, including changes to signals); Pamela Wilkins, *The* ALWD Citation Manual *Grows Up: A Guide to the Second Edition*, MICH. BAR J., March 2004, at 48, 48 (referring to the *Bluebook*'s "needless complexity, often pointless formalism, and arbitrary changes from edition to edition" as motivations for the *ALWD Citation Manual*). *But see* Bret D. Asbury & Thomas J.B. Cole, *Why* The Bluebook *Matters: The Virtues Judge Posner and Other Critics Overlook*, 79 TENN. L. REV. 95, 97 (2011) (defending the *Bluebook* for, among other things, reinforcing the mode of legal reasoning and its emphasis on consistency); James W. Paulsen, *An Uninformed System of Citation*, 105 HARV. L. REV. 1780, 1793 (1992) (reviewing THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia L. Rev. Ass'n et al. eds., 15th ed. 1991)) ("Bluebook-bashing is a popular and no doubt therapeutic activity. . . . [But] it is easy to forget that *The*

the bar[11] or judiciary.[12]

Bluebook actually serves some very useful purposes."); David Kemp, *In Defense of the* Bluebook, JUSTIA L. BLOG (June 8, 2011), https://lawblog.justia.com/2011/06/08/in-defense-of-the-bluebook [https://perma.cc/D2ML-NWAW] (offering a modest defense of the *Bluebook*—for creating uniformity of citation practice—even though parts of it are "ridiculous," and lamenting Table 6's abbreviation of "county," which at the time of Professor Kemp's writing would have been "Cnty." per THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION 430 tbl.6 (Columbia L. Rev. Ass'n et al. eds., 19th ed. 2010)). For the *Bluebook*'s next edition, the Columbia Law Review Association et al., in their wisdom, changed the abbreviation for "County" to "Cty." THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION 495 tbl.6 (Columbia L. Rev. Ass'n et al. eds., 20th ed. 2015). But this Cty.-interlude lasted only six years: The 21st edition went back to "Cnty." in THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION 305 tbl.6 (Columbia L. Rev. Ass'n et al. eds., 21st ed. 2021) [hereinafter THE BLUEBOOK, 21st ed.]. *Cf.* David Ziff (@djsziff), Twitter (Mar. 6, 2021, 10:45 PM), https://twitter.com/djsziff/status/1368407346943201283 [https://perma.cc/Y9S3-9NBP] (announcing "Lab'y" [Laboratory] as the #T6AbbrMadness champion in a March Madness-style Twitter competition, defeating "Cnty." in the final round of voting).

[11] *See, e.g.*, Ely, *supra* note 6, at 654 ("Put bluntly, much of what academic lawyers turn out in the name of scholarship is of little utility to the average lawyer."); Erik M. Jensen, *The Shortest Article in Law Review History*, 50 J. LEGAL EDUC. 156, 156 n.1 (2000) ("[I]t's been a long time since law review articles had to have anything to do with anything."); Harry T. Edwards, *Another Look at Professor Rodell's* Goodbye to Law Reviews, 100 VA. L. REV. 1483, 1484 (2014) ("[L]egal scholars should do a better job in producing scholarship that is of interest and use to wider audiences in society."); Harnsberger, *supra* note 3, at 682 ("[L]aw reviews . . . are full of useless theoretical articles . . . ."); C. Steven Bradford, *As I Lay Writing: How to Write Law Review Articles for Fun and Profit*, 44 J. LEGAL EDUC. 13, 15 (1994) ("Not just any important legal issue will do. In fact, no important legal issue will do. Law reviews frown upon importance. If law reviews discussed important issues, people would start reading them and the editors would come under closer scrutiny."); Peter A. Joy, *Law Schools and the Legal Profession: A Way Forward*, 47 AKRON L. REV. 177, 181–82 (2014) (arguing that this critique "is supported by the data" and citing several studies for support); Margaret Martin Barry, *Practice Ready: Are We There Yet?*, 32 B.C. J.L. & SOC. JUST. 247, 256 n.40 (2012) (describing a talk by Professor Richard K. Neumann in which he reports that "people who make law—namely legislators, courts, and the bar—have increasingly ignored law faculty scholarship"). *But see* Ann Althouse, *Let the Law Journal Be the Law Journal and the Blog Be the Blog*, 116 YALE L.J. POCKET PART 8 (Sept. 6, 2006), https://yalelawjournal.org/forum/let-the-law-journal-be-the-law-journal-and-the-blog-be-the-blog [https://perma.cc/W6GM-NKH9] (defending law review journals as doing "important work that the legal profession . . . rel[ies] on").

[12] As Chief Justice Roberts once said,

> Pick up a copy of any law review that you see and the first article is likely to be, you know, the influence of Immanuel Kant on evidentiary approaches in 18th-century Bulgaria, or something, which I'm sure was of great interest to the academic that wrote it, but isn't of much help to the bar.

A Conversation with Chief Justice Roberts, C-SPAN, at 30:47 (June 25, 2011), https://www.c-span.org/video/?300203-1/conversation-chief-justice-roberts [https://perma.cc/7TTV-T9N6]; *see also* Orin S. Kerr, *The Influence of Immanuel Kant on Evidentiary Approaches in 18th-Century Bulgaria*, 18 GREEN BAG 2D 251, 251 (2015) (finding Kant's influence on evidentiary approaches in 18th-century Bulgaria to have been, "in all likelihood, . . . none"); Timothy R. Rice, *A Missed Opportunity*, 90 TEMP. L. REV. S15, S15 (2018) ("[Law reviews'] topics rarely help practitioners or jurists."); Adam Liptak, *When Rendering Decisions, Judges Are Finding Law Reviews Irrelevant*, N.Y. TIMES (Mar. 19, 2007), https://www.nytimes.com/2007/03/19/us/19bar.html [https://perma.cc/WG2H-PUU7] (detailing how the federal judiciary no longer relies on academic scholarship). For criticism

Within scholarship on legal scholarship, citology examines citation practices,[13] including who is most cited,[14] which journals are most

of Liptak, *supra*, see generally Orin Kerr, *The Relevance and Readership of Student-Edited Law Reviews: Another Response to Liptak*, VOLOKH CONSPIRACY (Oct. 21, 2013, 3:08 PM), https://volokh.com/2013/10/21/relevance-readership-student-edited-law-reviews [https://perma.cc/L3H9-NQBU] (criticizing Liptak's article for overstating the decline of law reviews). Some studies found that courts now less frequently cite law review articles. *See* Brent E. Newton, *Law Review Scholarship in the Eyes of the Twenty-First-Century Supreme Court Justices: An Empirical Analysis*, 4 DREXEL L. REV. 399, 404, 408 (2012) (finding that Supreme Court citations to law review articles decreased over a roughly thirty-year period, and finding also that only 61.62% of authors of the cited work were full-time law professors); Michael D. McClintock, *The Declining Use of Legal Scholarship by Courts: An Empirical Study*, 51 OKLA. L. REV. 659, 684 (1998) ("The number of judicial citations of law reviews in each of the courts surveyed declined dramatically from 1975 to 1996. . . . [T]here was a 47.35% decrease in overall citations by the federal courts and state supreme courts combined."); *cf.* Gregory Scott Crespi, *Judicial and Law Review Citation Frequencies for Articles Published in Different "Tiers" of Law Journals: An Empirical Analysis*, 44 SANTA CLARA L. REV. 897, 897 (2004) ("[C]ourts virtually ignore altogether legal scholarship that appears in lower-tier law journals."). *But see* David L. Schwartz & Lee Petherbridge, *The Use of Legal Scholarship by the Federal Courts of Appeals: An Empirical Study*, 96 CORNELL L. REV. 1345, 1363 (2011) (finding that appellate courts cited legal scholarship more than twice as frequently from 1999–2008 as they did from 1950–1959); Kenneth F. Ripple, *The Role of the Law Review in the Tradition of Judicial Scholarship*, 57 N.Y.U. ANN. SURV. AM. L. 429, 444 (2000) (defending the law review as "intellectual fuel for the task of judging and . . . the chief source of responsible criticism for the judicial work product"); Fuld, *supra* note 1, at 917 (noting that while the primary role of law reviews is to "serve the editors who labor over them," they also "render a real service to lawyers," including judges).

[13] *See* Balkin & Levinson, *supra* note 9, at 843, 849–50 (coining the term "citology" and offering a self-help guide to garnering citations suggesting that, first, one have attended Harvard, Yale, or Chicago Law; second, one have published in those law schools' law reviews; and third, one have become a professor at Harvard, Yale, or Chicago Law, among other suggestions); Leigh Anne Williams, Note, *Measuring Internal Influence on the Rehnquist Court: An Analysis of Non-Majority Opinion Joining Behavior*, 68 OHIO ST. L.J. 679, 692 (2007) (giving a more detailed definition); McPherson, *supra* note 7, at 457 n.1 (assuring the reader that citology "is now a real thing"); Kathleen M. McGinnis, *Revisiting Claim and Issue Preclusion in Washington*, 90 WASH. L. REV. 75, 78 n.7 (2015) ("[C]itology is 'a thing.'"); Robert C. Ellickson, *The Market for "Law-and" Scholarship*, 21 HARV. J.L. & PUB. POL'Y 157, 158 (1997) (attributing the "boom in legal citology" to declining search costs); Thomas A. Smith, *The Web of Law*, 44 SAN DIEGO L. REV. 309, 310 n.4 (2007) (noting that "[c]itation studies of law constitute a significant literature" and giving many "leading" examples). For a delightful romp through the world of citation analysis, see Mary Whisner, *My Year of Citation Studies, Part 1*, 110 LAW LIBR. J. 167 (2018); Mary Whisner, *My Year of Citation Studies, Part 2*, 110 LAW LIBR. J. 283 (2018); Mary Whisner, *My Year of Citation Studies, Part 3*, 110 LAW LIBR. J. 419 (2018); Mary Whisner, *My Year of Citation Studies, Part 4*, 110 LAW LIBR. J. 561 (2018). *See generally* Mary Beth Beazley & Linda H. Edwards, *The Process and the Product: A Bibliography of Scholarship About Legal Scholarship*, 49 MERCER L. REV. 741 (1998) (providing a bibliography of scholarship about legal scholarship).

[14] *See, e.g.*, Fred R. Shapiro, *The Most-Cited Legal Scholars Revisited*, 88 U. CHI. L. REV. 1595 (2021) (providing lists of the most cited legal scholars, with each list representing different criteria or characteristics); Fred R. Shapiro, *The Most-Cited Legal Scholars*, 29 J. LEGAL STUD. 409 (2000) (same); *see also* Ian Ayres & Frederick E. Vars, *Determinants of Citations to Articles in Elite Law Reviews*, 29 J. LEGAL STUD. 427, 439

cited,[15] which articles are most cited,[16] which law faculties have the greatest "scholarly impact,"[17] and bias.[18] Among other grievances, scholars and judges have noted that people do not really read law

(2000) (finding, in a study of citations of articles that appeared in the *Harvard Law Review*, *Stanford Law Review*, and *Yale Law Journal* from 1980 to 1995, that articles by "minority women" were the most heavily cited); Christopher A. Cotropia & Lee Petherbridge, *Gender Disparity in Law Review Citation Rates*, 59 WM. & MARY L. REV. 771, 771 (2018) (finding that "[law review] articles authored by women receive significantly more citations than articles authored by men"). *See generally* Deborah Jones Merritt, *Scholarly Influence in a Diverse Legal Academy: Race, Sex, and Citation Counts*, 29 J. LEGAL STUD. 345 (2000) (finding a "small" lag in citation counts between, on the one hand, "white women, women of color, and men of color" and, on the other hand, "white men," and predicting that this discrepancy in citation count will diminish over time); Christopher A. Cotropia & Lee Petherbridge, *The Dominance of Teams in the Production of Legal Knowledge*, 124 YALE L.J. F. 18 (2014) (finding that articles with multiple authors are more frequently cited).

[15] *See, e.g.*, Crespi, *supra* note 12, at 897 ("[B]oth courts and scholars cite articles that are published in the three most prestigious law journals at much higher rates than they cite articles that appear in either mid-level or lower-tier law journals.").

[16] *See, e.g.*, Fred R. Shapiro & Michelle Pearse, *The Most-Cited Law Review Articles of All Time*, 110 MICH. L. REV. 1483 (2012); Fred R. Shapiro, *The Most-Cited Law Review Articles Revisited*, 71 CHI.-KENT L. REV. 751 (1996); Fred R. Shapiro, *The Most-Cited Law Review Articles*, 73 CAL. L. REV. 1540 (1985); Fred R. Shapiro, *The Most-Cited Articles from the* Minnesota Law Review, 100 MINN. L. REV. 1735 (2016); Fred R. Shapiro, *The Most-Cited Articles from* The Yale Law Journal, 100 YALE L.J. 1449 (1991); *see also* Ayres & Vars, *supra* note 14, at 427 (noting that articles with shorter titles, fewer footnotes per page, and without equations are cited more than average). For criticism, see generally William M. Landes & Richard A. Posner, *Heavily Cited Articles in Law*, 71 CHI.-KENT L. REV. 825 (1996) (offering criticism of certain citology methodology, such as ranking individual articles rather than scholars, failing to "take account of differences among articles in their age," and excluding books and certain articles).

[17] *See* Gregory Sisk, Nicole Catlin, Alexandra Anderson & Lauren Gunderson, *Scholarly Impact of Law School Faculties in 2021: Updating the Leiter Score Ranking for the Top Third*, 17 U. ST. THOMAS L.J. 1041 (2022); *cf.* Gary M. Lucas, Jr., Essay, *Measuring Scholarly Impact: A Guide for Law School Administrators and Legal Scholars*, 165 U. PA. L. REV. ONLINE 165 (2017) (explaining the landscape of legal scholarly impact measurement). For a critique of citation count as a measure of "impact," see Will Baude, *In Defense of Law Reviews*, VOLOKH CONSPIRACY (Oct. 21, 2013, 1:59 PM), https://volokh.com/2013/10/21/in-defense-law-reviews [https://perma.cc/2LZQ-DWPK] ("Not all law review articles are trying to be cited, let alone . . . by courts. . . . [T]here are a lot of articles that get read and used by law clerks and law firm associates but aren't cited in the final opinion or brief."). *See generally* Jeffrey L. Harrison & Amy R. Mashburn, *Citations, Justifications, and the Troubled State of Legal Scholarship: An Empirical Study*, 3 TEX. A&M L. REV. 45 (2015) (arguing that citation count is a bad proxy for impact).

[18] *See, e.g.*, Lawprofblawg & Darren Bush, *LAW REVIEWS, CITATION COUNTS, and TWITTER (Oh My!): Behind the Curtains of the Law Professor's Search for Meaning*, 50 LOY. U. CHI. L.J. 327, 341–42 (2018) (arguing that law review citation practices are biased with respect to gender, the author's law school alma mater, the author's institution, and the rank of the journal in which the article appears); Moreno, *supra* note 2, at 413 (asserting that law reviews prefer articles from faculty at "high-prestige institutions"); Debra Cassens Weiss, *Only 2 Women Make List of Most Cited Legal Scholars*, ABA J. (Nov. 11, 2021, 1:29 PM), https://www.abajournal.com/news/article/only-two-women-make-list-of-most-cited-legal-scholars [https://perma.cc/GT97-AEJ4] ("A list of the 50 most cited U.S. legal scholars of all time contains many well-known names but only two women.").

review articles,[19] and both quantitative[20] and qualitative[21] studies support this. But no one has studied which *parts* of articles scholars cite when they do cite them.

This Note fills a gap in the literature by empirically examining which parts of law review articles scholars cite. It presents the results of a unique, hand-coded dataset of thousands of pinpoint citations—or "pincites."[22] In brief: Authors are more likely to cite the begin-

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[19] *See, e.g.*, B. Friedman, *supra* note 1, at 1310 ("[M]ost articles don't get read, or even cited, at all."); Ezra Rosser, *On Becoming "Professor": A Semi-Serious Look in the Mirror*, 36 FLA. ST. U. L. REV. 215, 223 (2009) ("Judges, law clerks, practitioners, policymakers, students, other faculty, and even family members do not read or care about law review articles."); Kenneth Lasson, *Feminism Awry: Excesses in the Pursuit of Rights and Trifles*, 42 J. LEGAL EDUC. 1, 25 (1992) ("[C]hanging *anything* by way of law review articles is problematic: even lawyers don't read them, let alone the other movers-and-shakers."); Nowak, *supra* note 7, at 321 ("[M]ost volumes are purchased to decorate law school library shelves."); Elizabeth Chambliss, *Two Questions for Law Schools About the Future Boundaries of the Legal Profession*, 36 J. LEGAL PRO. 329, 347 (2012) ("No one reads all those law review articles, anyway."); Graham C. Lilly, Essay, *Law Schools Without Lawyers? Winds of Change in Legal Education*, 81 VA. L. REV. 1421, 1466 (1995) (quoting Douglas Leslie, *An Interview with Judge Richard Posner*, VA. L. WKLY., Apr. 22, 1994, at 4 (quoting Judge Richard Posner: "Judges don't read law review articles. That's a myth. Anyone who thinks that judges know or care what's going on in the academy is naive.")); Steven M. Wise, *Nonhuman Rights to Personhood*, 30 PACE ENV'T L. REV. 1278, 1281 (2013) ("People do not read law review articles. Law review articles do not catalyze social change."); Spitzer, *supra* note 6, at 344 (including among common criticism of law reviews that they publish excessive material that is "never read"); Thomas E. Baker, *Tyrannous Lex*, 82 IOWA L. REV. 689, 710 (1997) ("[N]o one of any consequence reads [law reviews], only other law professors and law students, and truth be told, not many of them."); Stephen G. Breyer, *Response of Justice Stephen G. Breyer*, 64 N.Y.U. ANN. SURV. AM. L. 33, 33 (2008) (quoting then-Chief Judge Jacobs of the Second Circuit: "'I haven't opened up a law review in years. No one speaks of them. No one relies upon them.'").

[20] *See* Smith, *supra* note 13, at 336 (finding, in a study of about 385,000 law review pieces across 726 U.S. law reviews and journals, that forty-three percent of articles are never cited, and about seventy-nine percent are cited ten or fewer times); Deborah L. Rhode, *Legal Scholarship*, 115 HARV. L. REV. 1327, 1331 n.16 (finding, in a survey of "70,560 articles published between 1981 and 1993", that "roughly fifty-seven percent had not been cited by 1997"); Newton, *supra* note 12, at 400 (describing the Smith study, *supra* note 13, as "convincing evidence that a substantial amount of law review scholarship today is not considered useful even by other law professors").

[21] *See* Wise et al., *supra* note 2, at 68 (finding, in a study of law review reading practice among law professors, lawyers, and judges, that "it appears that attorneys and especially judges only occasionally read law review articles").

[22] For the non-lawyers—hi Mom!—pincites, or pinpoint citations, are the page (or section, paragraph, etc.) where the relevant information in a referenced source appears. *See* THE BLUEBOOK, 21st ed., *supra* note 10, r. 3.2(a). Note that, despite its name, a pinpoint citation can be a page range. *Id.* For example, a pincite to this footnote would look like this: Samuel Fox Krauss, Note, *Pincites*, 98 N.Y.U. L. REV. 888, 897 n.22 (2023) (explaining what a pincite is and giving an example). "897 n.22" is the pincite. It tells you that within the cited article, the relevant information can be found on page 897 at footnote 22.

nings[23] of articles but split their remaining citations roughly evenly among the remainder.[24] This pattern holds across flagship journals of various law schools and articles of varying length, but it is less pronounced for self-citation—when an author cites themself.

A cynical interpretation of the data is as follows: If cite-worthy content—as measured by authors' propensity to cite—were evenly distributed throughout articles, and if articles were read in full, citations would be distributed evenly across those articles. The data show that citations are not evenly distributed—they cluster at the beginning—so either cite-worthy content is concentrated at the beginning, or authors tend not to thoroughly read the articles they cite. In either case, this might lead one to conclude that articles ought to be shorter. That is, either cut the less important content or write articles that people will fully read.

But there is a better explanation of the data. First, important claims in law review articles appear at least twice: once in the introduction and once in the body.[25] Second, the introduction is usually better than the rest of the piece: It is concise, has a congenial style, and has been revised more. So, authors may be more likely to cite the *introduction*'s version of the same proposition, even if it appears later in the piece, and even if the author actually read until the end. Among other reasons, the version of a proposition that appears in the introduction is more likely digestible to the average reader. In addition, authors may read an article and incorporate some of it in their draft, holding off on adding pincites until later. Then, when adding in the pincites—either before submission or at the encouragement of student editors—authors may select the version of the propositions that appear in the introduction.

These results, therefore, may serve as a modest rebuttal to criticisms of citation practice.

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[23] I do not define "beginning," but as a quick reference point, over a fifth of citations are to the first ten percent of articles.

[24] *See infra* Part II (providing empirical results).

[25] *See, e.g.*, Andrew Ingram, *Pinkerton Short-Circuits the Model Penal Code*, 64 VILL. L. REV. 71, 73, 82 (2019) (arguing in both the introduction and body of the article that while the Model Penal Code is committed to the principle that punishment should not exceed culpability, jurisdictions that adopt the Code violate the principle when they add *Pinkerton* liability to it); Daniel E. Rauch, *Customized Speech and the First Amendment*, 35 HARV. J.L. & TECH. 405, 410, 426–27 (2022) (arguing in both the introduction and body of the paper that states may, in some cases, limit audience-information collection practices).

I
METHODOLOGY

A. Development of the Dataset

This Note's purpose is to study from where, within articles, authors draw citations. So, I looked at over 4,000 pincites in the 2020–2021 publication cycle. I started with the *Yale Law Journal*'s most recent (at the time of this study) complete volume: Volume 130. The *Yale Law Journal* is the flagship[26] law review at what was[27] the highest-ranked law school.[28] Presumably, the scholarship and student editing exhibited by the journal is among the best in the country, so one would expect the citation practice to be top-notch. Volume 130 had 2,297 pincites, which make up the "Yale" part of the dataset.

But articles published in the *Yale Law Journal* are not representative. To look at a broader spectrum of legal scholarship, I also looked at pincites in lower-ranked law schools' flagship journals. Using the *U.S. News & World Report*'s Law School Rankings, I looked at the flagship journal from each school ranked at intervals of

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[26] By "flagship" I mean the school's best-regarded generalist journal, as distinct from specialized journals about, say, environmental law. Usually this journal is called "[Law School Name] Law Journal" or "[Law School Name] Law Review." *See* Ann E. Marimow, *For the First Time, Flagship Law Journals at Top U.S. Law Schools Are All Led by Women*, WASH. POST (Feb. 7, 2020), https://www.washingtonpost.com/local/legal-issues/for-the-first-time-flagship-law-journals-at-top-us-law-schools-are-all-led-by-women/2020/02/07/b4d3bc64-4836-11ea-bc78-8a18f7afcee7_story.html [https://perma.cc/4RX9-VW4J] (describing "flagship" journals as the "leading publications of legal scholarship at [law] schools").

[27] Since I conducted this study, Yale Law School left the U.S. News & World Report Rankings, along with many others. *See* Heather K. Gerken, *Dean Gerken: Why Yale Law School is Leaving the U.S. News & World Report Rankings*, YLS TODAY (Nov. 16, 2022), https://law.yale.edu/yls-today/news/dean-gerken-why-yale-law-school-leaving-us-news-world-report-rankings [https://perma.cc/7DQS-VPB5]; Anemona Hartocollis & Eliza Fawcett, *As More Top Law Schools Boycott Rankings, Others Say They Can't Afford to Leave*, N.Y. TIMES (Nov. 18, 2022), https://www.nytimes.com/2022/11/18/us/law-school-rankings-test-scores.html [https://perma.cc/N8UR-3T3P].

[28] Staci Zaretsky, *The 2021 U.S. News Law School Rankings Are Here*, ABOVE THE LAW (Mar. 16, 2020, 11:46 PM), https://abovethelaw.com/2020/03/2021-u-s-news-law-school-rankings [https://perma.cc/CTN2-2TFU]; *see also* Perry, *supra* note 9 at 28–29 (finding a strong correlation between a law school's *U.S. News* ranking and its flagship journal's rank, as determined by citation frequency and impact factor). Note, however, that while *U.S. News* is routinely used by faculty to gauge law journal quality, critiques of this practice exist. *See, e.g.*, Timothy T. Lau, *A Law and Economics Critique of the Law Review System*, 55 DUQ. L. REV. 369, 376 (2017) ("[B]y using the *U.S. News & World Report* rankings of law schools to rank journals, legal academics are taking the rankings far beyond their intended use and essentially are ranking journals based on factors that have little to do with the journals themselves."). However, Lau also notes that legal scholars default to evaluating the quality of the journal by the *U.S. News* ranking of the school with which it is affiliated. *See id.* at 377–78.

twenty lower than Yale.[29] The rankings involve many ties; for example, there is not a standalone school ranked forty-first. Instead, several schools are tied for thirty-eighth. The University of Wisconsin-Madison is listed in the forty-first slot, so that is the school I included. I included in the dataset each of 1,788 pincites in the first issue[30] of that school's flagship journal during the 2020–2021 academic year. These pincites make up the "Non-Yale" part of the dataset. Every article from which I drew pincites is listed in the Appendix, *infra*.

The study proceeded in the following way. I gathered every published article, essay, and book review (rather than traditionally student-written pieces, such as notes) that appeared in the above-described journal issues. Each time the author cited a law review article and included a pincite, I pulled the cited article, determined its length, in pages, and then calculated how deep into the cited article, as a percent, the pincite was. There are several ways to describe how far into an article a pincite appears: by words, paragraph, line, or section number (i.e., Introduction or Section I). I chose pages for several reasons. First, this is how authors cite propositions. If an author cites a quotation, then it would theoretically be possible to calculate how many *words* into an article the quotation appears, but where an author guides the reader to a page, they provide no further granularity. Second, pages are close to standardized across articles: All articles have a beginning and end page; not all articles have an introduction section, and, of those that do, the sections vary in length. However, not all articles actually "begin" on their first page: Some have one,[31] two,[32] three,[33] or four[34] pages before the introduction section. Nevertheless, I deferred to the article's "first" page, even if it contained merely an abstract or table of contents.

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[29] This includes the *Minnesota Law Review*, the *Wisconsin Law Review*, *Texas A&M Law Review*, *Oklahoma Law Review*, *University of New Mexico Law Review*, *University of Saint Thomas Law Journal*, and the *Mitchell Hamline Law Review*. *See* Zaretsky, *supra* note 28.

[30] When choosing the issue, I intended to skip symposia; articles are often solicited, or else, on a theme, and I thought that might skew the data somehow. This explains why the articles from the *Oklahoma Law Review* come from Issue 2 and not Issue 1 of Volume 73. This was not possible for the relevant volume of the *University of St. Thomas Law Journal*: Each of the three issues in Volume 17 are symposium issues (and one is a "Special 20th Anniversary Edition"), so I included Issue 1, even though it was a symposium. *Volume 17*, U. ST. THOMAS L.J., https://ir.stthomas.edu/ustlj/vol17 [https://perma.cc/VE83-YNRX].

[31] *See, e.g.*, Louis Kaplow, *Why (Ever) Define Markets?*, 124 HARV. L. REV. 437, 437–38 (2010).

[32] *See, e.g.*, Jowei Chen & Nicholas O. Stephanopoulos, *The Race-Blind Future of Voting Rights*, 130 YALE L.J. 862, 862–64 (2021).

[33] *See, e.g.*, Jennifer Lee Koh, *Executive Defiance and the Deportation State*, 130 YALE L.J. 948, 948–51 (2021).

[34] *See, e.g.*, Farah Peterson, *Expounding the Constitution*, 130 YALE L.J. 2, 2–6 (2020).

This study required many choices. One choice was to examine only pincites, rather than citations to whole articles. Thus, the study excludes citations that do not include pincites. This is intentional: The purpose of the study is to look at which parts of articles scholars cite. Others have studied various aspects of citation practice;[35] examining citations to whole articles is beyond the scope of this Note.

Another choice was to determine what counts as a "law review article," because this study concerns only pincites to other law reviews. To be as inclusive as possible, I included all and only periodicals that appeared on Washington and Lee School of Law's Law Journal Rankings,[36] which includes 1,554 journals. Thus, this study excluded citations to books, reports, government documents, letters, websites, and any publication not on the Washington and Lee list, but it does include citations to some publications that are not conventionally thought of as "law reviews," like *Ratio Juris*. The study further excludes pincites to manuscripts (even forthcoming articles). Relatedly, some journals change their names, or merge. Take footnote 1 of Darcy Covert's article: "*See, e.g.*, Robert H. Jackson, *The Federal Prosecutor*, 31 J. Am. Inst. Crim. L. & Criminology 3, 3 (1940)."[37] The *Journal of the American Institute of Criminal Law and Criminology* was founded in 1910 and changed its name several times.[38] It is now called the "*Journal of Criminal Law & Criminology*."[39] Only the latter is on the W&L list. I decided to include the pincite, anyway.

Authors sometimes include two or more pincites in the same citation clause. I counted these as separate citations. Authors sometimes cite a page range, rather than one page. I counted pincites to page ranges as one citation to the average of the page range.

Authors and student editors make mistakes. They get page numbers and *supra* cites wrong. In those cases, I tried to determine what the author meant, and when I felt confident I could, I included the pincite in the dataset. When I could not, I excluded it. For example, in Loren Jacobson's article, the following citation clause appears at note

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[35] *See supra* notes 13–18 and accompanying text.

[36] *W&L Law Journal Rankings*, Wash. & Lee Univ. Sch. of L. (June 30, 2021), https://managementtools4.wlu.edu/LawJournals/Default.aspx [https://perma.cc/96DT-M7EF].

[37] Darcy Covert, *Transforming the Progressive Prosecutor Movement*, 2021 Wis. L. Rev. 187, 188 n.1.

[38] *See* Kurt Schwerin, *Journal of Criminal Law, Criminology and Police Science—1910-1960—A Brief Historical Note*, 51 J. Crim. L. & Criminology 4, 4 (1960).

[39] *See About*, J. Crim. L. & Criminology, https://jclc.law.northwestern.edu/about/about [https://perma.cc/8YT8-BM22] (last visited Mar. 14, 2023).

263: "*See* Berg, *supra* note 206, at 225–26 . . . ."[40] But the *only* article by Berg appears at note 204.[41] Note 206 cites a case.[42] Despite the inconsistency, I decided to include it. From context, it is clear that some *supra* citations were not properly updated.

These choices surely affected the results, but I did not make them to change the results in a particular way. And, while I strove for accuracy, inevitably there are errors.[43]

B. Analysis of the Dataset

In addition to looking at all the pincites and noticing trends, this study compared self-citations (when authors cite themselves) to non-self-citations (when authors cite others); it compared pincite location (how deep into a piece the pincite occurred) to the cited article's length; and it examined what pincites to the last three-quarters of articles look like.

II
Results & Analysis

The results of the study follow. I show what pincites look like in both parts of the dataset—the Yale and Non-Yale journals; I compare self-pincites to non-self-pincites, pincite location to article length; and I examine what pincites to the last seventy-five percent of articles look like. The data exist online.[44]

A. All Pincites

Figures 1 and 2, below, show all the pincites in the dataset. For both the Yale and Non-Yale pincites, citations cluster at the beginning of the cited article, and then even out. For Yale pincites, the mean citation location was approximately 41%; for the Non-Yale pincites, the mean citation was approximately 39%.

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[40] Loren Jacobson, *The First Amendment and the Female Listener*, 51 N.M. L. Rev. 70, 113 n.263 (2021).

[41] *Id.* at 102 n.204.

[42] *Id.* at 102 n.206 (citing Rust v. Sullivan, 500 U.S. 173, 180 (1991)).

[43] *Cf.* D.C. Makinson, *The Paradox of the Preface*, 25 Analysis 205, 205 (1965) (explaining the preface paradox: the phenomenon of authors endorsing each of the statements in their work while acknowledging that at least one of them is wrong).

[44] Find the Yale data here: *Yale 2020–2021 Compiled Data NYU*, Google Sheets, https://docs.google.com/spreadsheets/d/1aqxbzijVv484abjSiIak6-SJOALvaRZsRfj4MgLZL6o/edit [https://perma.cc/KS4F-A8QG]. Find the Non-Yale data here: *Non-Yale 2020–2021 Compiled Data NYU*, Google Sheets, https://docs.google.com/spreadsheets/d/1i5mqooaNxLqdqNlCHNyhcFm6lE5lcYX0WJ_uG3Gfu4Y/edit [https://perma.cc/D5XT-AUZZ].

FIGURE 1

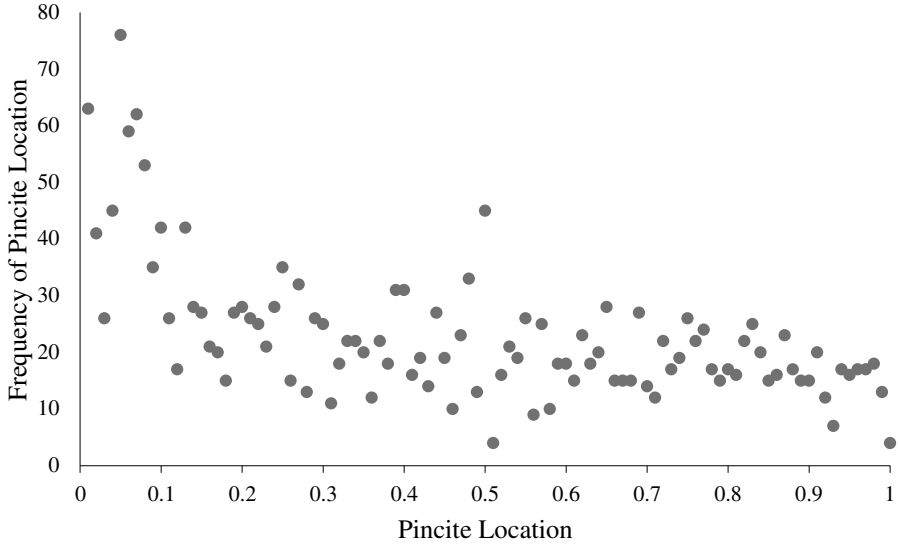
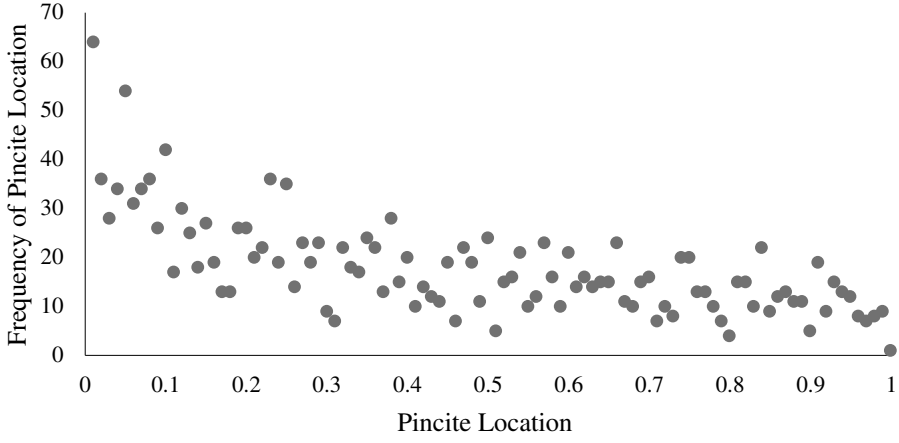


FIGURE 2



B. Self-Pincites vs. Non-Self-Pincites

Of the citations in this study, 8.4% in the Yale dataset were self-citations; 5.5% in the Non-Yale dataset were self-citations. In general, citations to one's own article were likelier to be deeper in that article. This makes sense if one assumes that authors are more familiar with their own work and may be engaging with more-substantive material, deeper into their piece, than they might with someone else's work. Figures 3 and 4 show the locations of non-self-citations (citations to articles not one's own) and self-citations, respectively, in the Yale

dataset. Figures 5 and 6 compare pincite placements of non-self-citations and self-citations in the Non-Yale dataset. For articles in the Yale dataset, the mean citation location for self-cites (Figure 4) was 46%, and that for non-self-cites (Figure 3) was 41%. For articles in the Non-Yale dataset, the mean citation location for self-cites (Figure 6) was 45%, and that for non-self-cites (Figure 5) was approximately 39%.

FIGURE 3

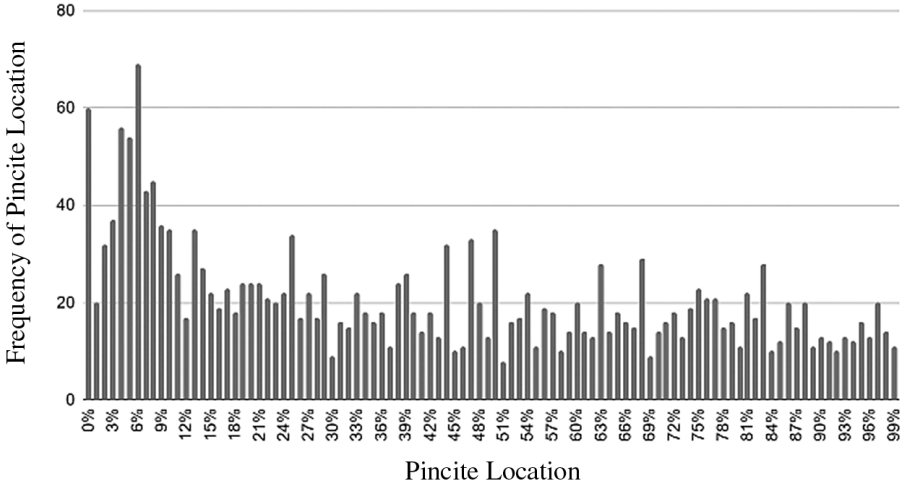


FIGURE 4

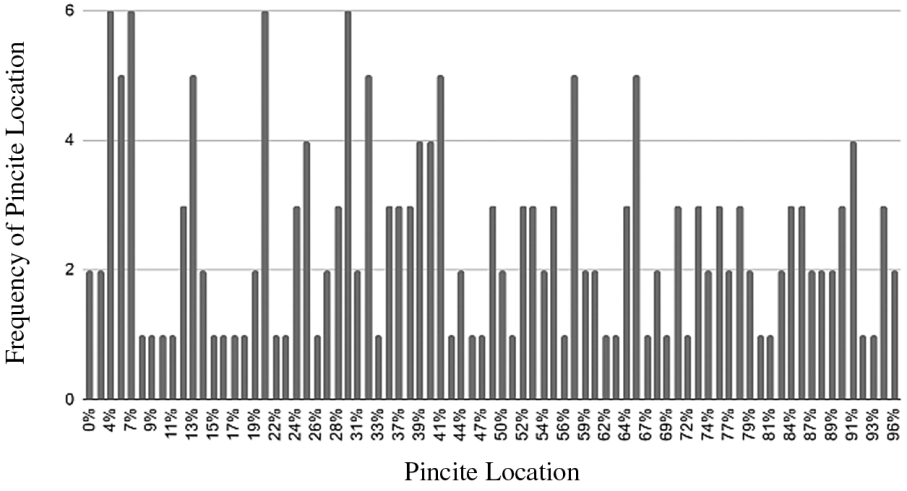


FIGURE 5

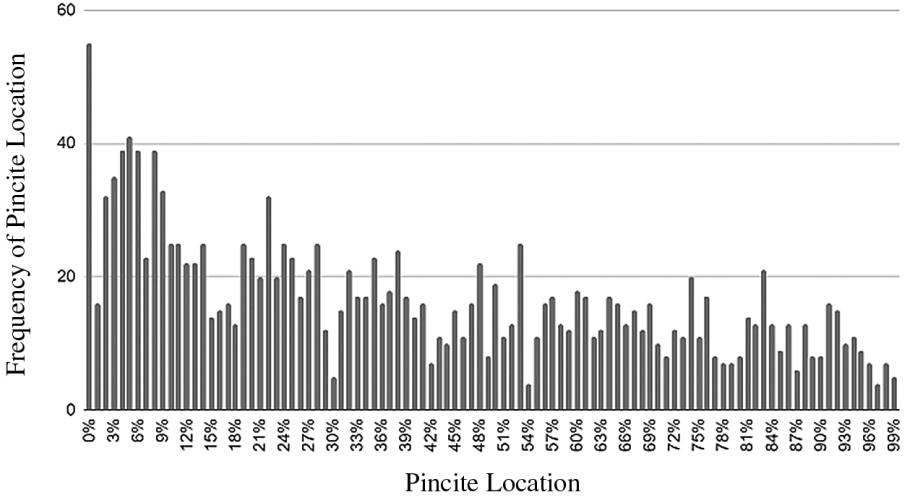
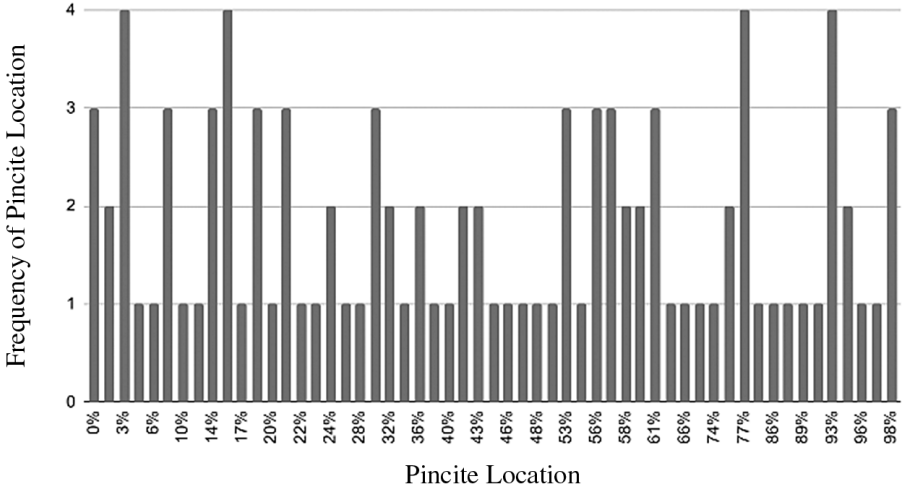


FIGURE 6



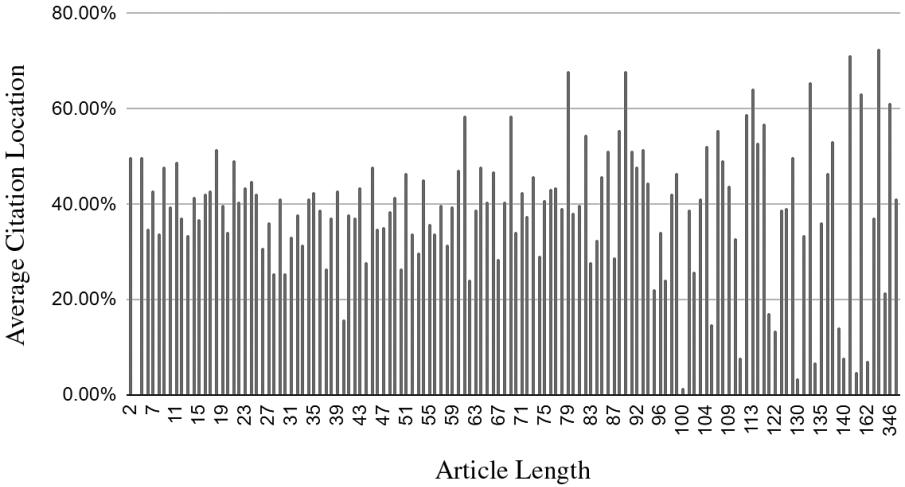
C. Page Length vs. Citation Location

Scholars often complain that law review articles ought to be shorter.[45] Perhaps, the argument goes, if law review articles were shorter, scholars would be more willing to read them and cite deeper into them. While this study does not address whether scholars are more likely to cite shorter articles, the data show that an article's page length does not predict how deep into it an author is willing to cite. Figure 7, below, shows citations in the *Yale Law Journal* with the

[45] *See supra* note 6 and accompanying text.

average citation location of pincites at every article length in the dataset.

FIGURE 7



D. The Last Seventy-Five Percent of Articles

Pincites in articles in this study cluster at the beginning of articles. If one ignores, however, pincites to the first twenty-five percent of articles, pincites are almost evenly distributed throughout the rest of the article. Figures 8 and 9, below, show that there is a slight downward trend.

FIGURE 8

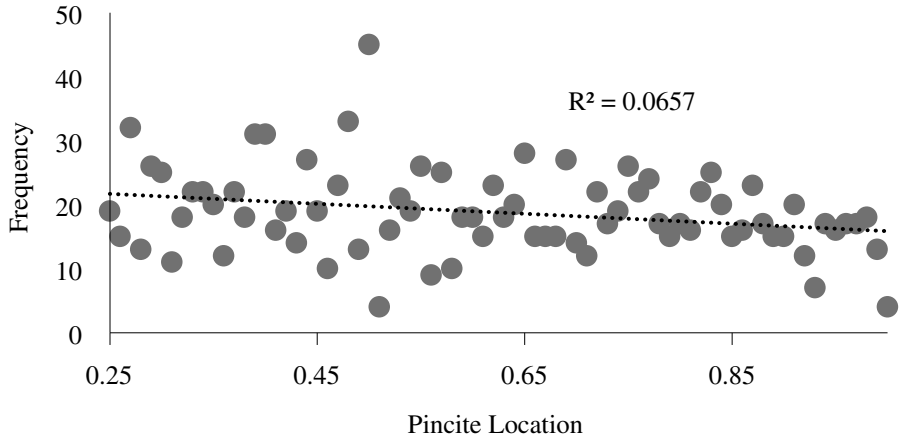
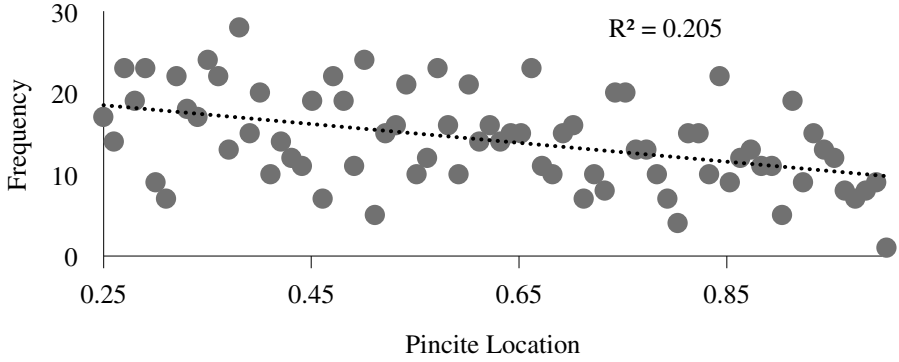


FIGURE 9



CONCLUSION

The purpose of this study was to determine where, from within articles, authors draw pincites. The data show that the pincites cluster at the beginning of articles and then even out. Authors are less likely to cite the beginning of their own articles than they are when citing other authors' articles. Long articles do not dissuade deep pincites. Moreover, these trends hold at the *Yale Law Journal* and law journals at schools of divergent ranks. While this result could be cynically interpreted as yet another contribution to the law review grievance literature—in particular, that people do not read law review articles in full, especially long ones—in fact it shows that scholars generally are willing to dig deep for citations, and that this subspecies of citation practice holds across the discipline. If there is a normative implication from all this, it is that authors should not be afraid to put substantive material deep into their articles: Scholars will find it.

APPENDIX

A. Data

The raw data exists online in Google spreadsheets.[46] Anyone can share or adapt the data, with attribution, for noncommercial purposes.

B. Primary Sources

As described in Section I.A, *supra*, the dataset has two parts, "Yale" and "Non-Yale." The "Yale" part of the dataset draws its pincites from every article in the *Yale Law Journal*'s Volume 130, 2020–2021. The "Non-Yale" part of the dataset draws its data from every article from Issue 1 of the corresponding volume from the flagship law journals of seven law schools of divergent U.S. News ranking. The source articles are below.

1. Yale

Farah Peterson, *Expounding the Constitution*, 130 YALE L.J. 2 (2020); Robert C. Post & Jennifer E. Rothman, *The First Amendment and the Right(s) of Publicity*, 130 YALE L.J. 86 (2020); Samuel Beswick, *Retroactive Adjudication*, 130 YALE L.J. 276 (2020); David A. Skeel, Jr., *Distorted Choice in Corporate Bankruptcy*, 130 YALE L.J. 366 (2020); Kate Andrias & Benjamin I. Sachs, *Constructing Countervailing Power: Law and Organizing in an Era of Political Inequality*, 130 YALE L.J. 546 (2021); Peter Conti-Brown & David A. Wishnick, *Technocratic Pragmatism, Bureaucratic Expertise, and the Federal Reserve*, 130 YALE L.J. 636 (2021); Jocelyn Simonson, *Police Reform Through a Power Lens*, 130 YALE L.J. 778 (2021); Jowei Chen & Nicholas O. Stephanopoulos, *The Race-Blind Future of Voting Rights*, 130 YALE L.J. 862 (2021); Jennifer Lee Koh, *Executive Defiance and the Deportation State*, 130 YALE L.J. 948 (2021); Henry E. Smith, *Equity as Meta-Law*, 130 YALE L.J. 1050 (2021); Gabriel S. Mendlow, *The Moral Ambiguity of Public Prosecution*, 130 YALE L.J. 1146 (2021); Sam Erman, *Truer U.S. History: Race, Borders, and Status Manipulation*, 130 YALE L.J. 1188 (2021) (reviewing DANIEL IMMERWAHR, HOW TO HIDE AN EMPIRE: A HISTORY OF THE GREATER UNITED STATES (2019)); Nicholas R. Parrillo, *A Critical*

[46] For Yale and Non-Yale data links, see *supra* note 44. For the raw data, you can find the Yale sheet at *Yale_2020-2021_Compiled data_NYU*, GOOGLE SHEETS, https://docs.google.com/spreadsheets/d/15IhCZVwUnNYdgvZWCZJWqetAZQhZNVDx/edit#gid=395458581 [https://perma.cc/DFN8-76LD], and the non-Yale sheet at *Non-Yale_2020-2021_compiled data_NYU*, GOOGLE SHEETS, https://docs.google.com/spreadsheets/d/15eA54Y-xmu7AFW7My6C9jCqwRrXin1Pp/edit#gid=1775834368 [https://perma.cc/8DX2-AKFK].

Assessment of the Originalist Case Against Administrative Regulatory Power: New Evidence from the Federal Tax on Private Real Estate in the 1790s, 130 YALE L.J. 1288 (2021); Jeff Pojanowski, *Reevaluating Legal Theory*, 130 YALE L.J. 1458 (2021) (reviewing JULIE DICKSON, EVALUATION AND LEGAL THEORY (2001)); Ilan Wurman, *Nondelegation at the Founding*, 130 YALE L.J. 1490 (2021); Nikolas Bowie, *The Constitutional Right of Self-Government*, 130 YALE L.J. 1652 (2021); Benjamin Eidelson, *Reasoned Explanation and Political Accountability in the Roberts Court*, 130 YALE L.J. 1748 (2021); Herbert Hovenkamp, *Antitrust and Platform Monopoly*, 130 YALE L.J. 1952 (2021); Angela Onwuachi-Willig & Anthony V. Alfieri, *(Re)Framing Race in Civil Rights Lawyering*, 130 YALE L.J. 2052 (2021) (reviewing HENRY LOUIS GATES, JR., STONY THE ROAD: RECONSTRUCTION, WHITE SUPREMACY, AND THE RISE OF JIM CROW (2019)).

2. Non-Yale

Nate Summers, *From Common Law to Affirmative Consent: Reforming Minnesota's Criminal Sexual Conduct Laws*, 47 MITCHELL HAMLINE L. REV. 1 (2021); Jen Randolph Reise, *Moving Ahead: Finding Opportunities for Transactional Training in Remote Legal Education*, 47 MITCHELL HAMLINE L. REV. 32 (2021); Laura D. Hermer, *Covid-19, Abortion, and Public Health in the Culture Wars*, 47 MITCHELL HAMLINE L. REV. 99 (2021); Sybil Dunlop & Jenny Gassman-Pines, *Why the Legal Profession Is the Nation's Least Diverse (and How to Fix It)*, 47 MITCHELL HAMLINE L. REV. 129 (2021); Kelsi B. White, Gamble v. United States*: Military Justice in Absence of Double Jeopardy*, 47 MITCHELL HAMLINE L. REV. 162 (2021); Sarah Houston, *Now the Border Is Everywhere: Why a Border Search Exception Based on Race Can No Longer Stand*, 47 MITCHELL HAMLINE L. REV. 197 (2021); Jim Hilbert, *Improving Police Officer Accountability in Minnesota: Three Proposed Legislative Reforms*, 47 MITCHELL HAMLINE L. REV. 222 (2021); Sarah Roa, *Designing Children: Tort Liability for Medical Providers in the Era of CRISPR/Cas-9 Genetic Editing*, 47 MITCHELL HAMLINE L. REV. 300 (2021); Angelique EagleWoman (Wambdi A. Was'teWinyan), *Jurisprudence and Recommendations for Trial Court Authority Due to Imposition of U.S. Limitations*, 47 MITCHELL HAMLINE L. REV. 342 (2021); David L. Hudson, Jr., *The Supreme Court's Worst Decision in Recent Years* – Garcetti v. Ceballos*, the* Dred Scott *Decision for Public Employees*, 47 MITCHELL HAMLINE L. REV. 375 (2021); C. Scott Sergeant, *Playing God: Faulty Decision-Making in Medical Futility Disputes*, 47 MITCHELL HAMLINE L. REV. 396 (2021); Charles J. Reid, Jr.,

Introduction: Labor Law and Antitrust Symposium, 16 U. ST. THOMAS L.J. 1 (2019); Alana Semuels, *Can Workers Regain the Upper Hand in the American Economy?*, 16 U. ST. THOMAS L.J. 7 (2019); Andrew Strom, *Caught in a Vicious Cycle: A Weak Labor Movement Emboldens the Ruling Class*, 16 U. ST. THOMAS L.J. 19 (2019); Sanjukta Paul & Nathan Tankus, *The Firm Exemption and the Hierarchy of Finance in the Gig Economy*, 16 U. ST. THOMAS L.J. 44 (2019); Anthony R. Picarello, Jr., *Taking the "Sum Total" of the Common Good in Religious Freedom Discourse*, 16 U. ST. THOMAS L.J. 57 (2019); Joseph A. Pull & Scott A. Benson, *When First Strikes Should Be Out: The Premature Special Litigation Committee*, 16 U. ST. THOMAS L.J. 69 (2019); Theodore F. DiSalvo, *Relief for Preachers: The History of Parsonages and Taxation*, 16 U. ST. THOMAS L.J. 89 (2019); Justine A. Dunlap, *Harmful Reporting*, 51 N.M. L. REV. 1 (2021); Neal Newman, *Let's Get Serious – The Clear Case for Compensating the Student Athlete – By the Numbers*, 51 N.M. L. REV. 37 (2021); Loren Jacobson, *The First Amendment and the Female Listener*, 51 N.M. L. REV. 70 (2021); Rifat Azam, *Online Taxation Post Wayfair*, 51 N.M. L. REV. 116 (2021); Amber Baylor, *Design Justice in Municipal Criminal Regulation*, 51 N.M. L. REV. 163 (2021); Fareed Nassor Hayat, *Preserving Due Process: Require the* Frye *and* Daubert *Expert Standards in State Gang Cases*, 51 N.M. L. REV. 196 (2021); John Q. Barrett, *Attribution Time: Cal Tinney's 1937 Quip, "A Switch in Time'll Save Nine"*, 73 OKLA. L. REV. 229 (2021); Jesse D.H. Snyder, *Stare Decisis Is for Pirates*, 73 OKLA. L. REV. 245 (2021); Michael Vitiello, *The End of the War on Drugs, the Peace Dividend and the Renewed Fourth Amendment?*, 73 OKLA. L. REV. 285 (2021); Val D. Ricks, *Fraud Is Now Legal in Texas (for Some People)*, 8 TEX. A&M L. REV. 1 (2020); Kerri A. Thompson, *Countenancing Employment Discrimination: Facial Recognition in Background Checks*, 8 TEX. A&M L. REV. 63 (2020); Marc L. Roark, *Scaling Commercial Law in Indian Country*, 8 TEX. A&M L. REV. 89 (2020); Jennifer W. Reynolds, *Talking About Abortion (Listening Optional)*, 8 TEX. A&M L. REV. 141 (2020); Tyler Yeargain, *Same-Party Legislative Appointments and the Problem of Party-Switching*, 8 TEX. A&M L. REV. 163 (2020); Adam N. Steinman, *Appellate Courts and Civil Juries*, 2021 WIS. L. REV. 1; Carlos Berdejó, *Financing Minority Entrepreneurship*, 2021 WIS. L. REV. 41; Yunsieg P. Kim & Jowei Chen, *Gerrymandered by Definition: The Distortion of "Traditional" Districting Criteria and a Proposal for Their Empirical Redefinition*, 2021 WIS. L. REV. 101; Darcy Covert, *Transforming the Progressive Prosecutor Movement*, 2021 WIS. L. REV. 187; Jay Wexler, *Fun with Reverse Ejusdem Generis*, 105 MINN. L. REV. 1 (2020); Richard E.

Levy & Robert L. Glicksman, *Restoring ALJ Independence*, 105 MINN. L. REV. 39 (2020); Tom Lininger, *No Privilege to Pollute: Expanding the Crime-Fraud Exception to the Attorney-Client Privilege*, 105 MINN. L. REV. 113 (2020); Greer Donley, *Parental Autonomy over Prenatal End-of-Life Decisions*, 105 MINN. L. REV. 175 (2020); Steven Arrigg Koh, *Core Criminal Procedure*, 105 MINN. L. REV. 251 (2020); Shaanan Cohney & David A. Hoffman, *Transactional Scripts in Contract Stacks*, 105 MINN. L. REV. 319 (2020).