

# TRENDS IN CO-AUTHORSHIP IN THE AUSTRALIAN GROUP OF EIGHT LAW REVIEWS

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*This paper examines trends in co-authorship in the Group of Eight (Go8) law reviews over the period 1975 to 2010. Several conclusions emerge. First, co-authorship occurs less in legal scholarship than in other disciplines. Second, co-authorship in Australian legal scholarship is less than in legal scholarship in the United States. Third, in terms of gender differences, males collaborate more than females. Fourth, academics at the leading law schools provide a disproportionate number of co-authored articles in the Go8 law reviews. Fifth, there is a positive correlation between co-authorship and publishing in the top Australian law journals. Between a quarter and a third of those who co-authored three or more articles in the Go8 law reviews were also those who published the most in the top Australian law journals over the period 1990–2010.*

## I INTRODUCTION

How important has collaboration been in the development of legal thought? There are conceptual arguments suggesting that collaboration should potentially be important in legal scholarship.<sup>1</sup> Some of the most-cited casebooks and legal texts are co-authored.<sup>2</sup> Judges, whose work legal academics read constantly, regularly co-author in delivering their reasons for decision in the form of jointly written judgments. Moreover, the practice of law is collaborative. The partnership model is the dominant organisational structure for law firms. In common law jurisdictions with split legal professions, the solicitor briefs the barrister. In the superior courts, more than one barrister will typically represent each of the parties appearing in the case.

However, equally, there are reasons for thinking collaboration is not well suited to producing scholarly articles in the law.<sup>3</sup> Legal scholars advancing strongly worded normative arguments may be unwilling to compromise their position

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1 See Tracey E George and Chris Guthrie, 'Joining Forces: The Role of Collaboration in the Development of Legal Thought' (2002) 52 *Journal of Legal Education* 559, 559–60.

2 For example, Shapiro found that 11 of the 20 most-cited legal treatises and texts were co-authored: Fred R Shapiro, 'The Most-Cited Legal Books Published since 1978' (2000) 29 *Journal of Legal Studies* 397, 404. Throughout, we treat co-authorship as formal co-authorship, consistent with the existing literature. There are, of course, other forms of collaboration, such as providing comments on a paper.

3 George and Guthrie, above n 1, 560.

to accommodate the views of potential co-authors. In other disciplines, such as economics, scholarly articles often consist of different components, such as a formal mathematical model leading to a set of hypotheses, which are then tested using an appropriate empirical methodology. Such an article structure requires different skill sets — mathematical modeling, data collection and data analysis — which give rise to a division of labour and co-authorship. Empirical legal scholarship is a new phenomenon in the United States and is even less common in legal scholarship in Australia.<sup>4</sup> There might be practical impediments to collaboration in law schools which do not exist in legal practice. For example, the incentives to publish in law schools may be tilted against co-authorship with diminishing marginal returns for working with co-authors.

There is limited empirical evidence on the importance of co-authorship in the evolution of legal scholarship in the United States.<sup>5</sup> However, there are no studies at all, of this sort, for Australian legal scholarship. This paper examines patterns in co-authorship in Australian legal scholarship, focusing on the Group of Eight (Go8) law reviews. We focus on the Go8 law reviews because these are among the leading law journals in Australia,<sup>6</sup> represent a uniform group of law journals and, as a group, have been published since the mid-1970s,<sup>7</sup> allowing one to examine trends over time.

It is important to consider trends in co-authorship in legal scholarship for several reasons. The first is that the intellectual history of legal scholarship matters.<sup>8</sup> All scholarship is derivative in that it builds on extant scholarship. As Krier and Schwab put it: ‘Nothing comes from nowhere’.<sup>9</sup> Hence, it is important to trace the evolution of legal thought in order to understand from where, and from whom, ideas emerged. Co-authorship can be expected to influence the production of legal thought. Any observed increase in co-authorship may reflect structural change(s) in how legal scholarship is produced. Thus, examining trends in co-

4 See Theodore Eisenberg, ‘The Origins, Nature, and Promise of Empirical Legal Studies and a Response to Concerns’ [2011] *University of Illinois Law Review* 1713, 1714; Tracey E George, ‘An Empirical Study of Empirical Legal Scholarship: The Top Law Schools’ (2006) 81 *Indiana Law Journal* 141, 141–2.

5 See George and Guthrie, above n 1, 560; Tom Ginsburg and Thomas J Miles, ‘Empiricism and the Rising Incidence of Coauthorship in Law’ [2011] *University of Illinois Law Review* 1785; Paul H Edelman and Tracey E George, ‘Six Degrees of Cass Sunstein: Collaboration Networks in Legal Scholarship’ (2007) 11 *Green Bag* 19.

6 One might object to categorising any group of journals as leading journals, given that the Excellence in Research Australia (ERA) has disavowed law journal rankings. However, Smyth uses the Go8 law reviews as one set of ‘top Australian law journals’ in his study of who publishes in the top Australian law journals: see Russell Smyth, ‘Who Publishes in Australia’s Top Law Journals?’ (2012) 35 *University of New South Wales Law Journal* 201, 209. Our point is simply that they are a well-regarded group of general law journals. Moreover, while a number of the university law reviews are run by students, most have faculty advisors and, unlike the United States, submissions are formally refereed.

7 The oldest of the Go8 law reviews are from the University of Queensland and University of Western Australia, which both commenced publication in 1948. The most recent are the *Monash University Law Review* and *University of New South Wales Law Journal*, which commenced publication in 1974 and 1976 respectively.

8 See George and Guthrie, above n 1, 560.

9 James E Krier and Stewart J Schwab, ‘The Cathedral at Twenty-Five: Citations and Impressions’ (1997) 106 *Yale Law Journal* 2121, 2134.

authorship can represent important insights into understanding the evolution of legal scholarship.

Second, the relevance of legal scholarship is regularly debated. Some have argued that legal scholarship lacks practical relevance. Others have suggested that legal scholarship is useful.<sup>10</sup> However, those ‘on both sides of the debate’ have largely ignored the potential value of collaborative research.<sup>11</sup> Collaboration enables legal academics to partner with other legal academics, non-legal academics, students, practitioners and judges. It offers potential not only to infuse legal scholarship with new ideas and methodologies, hence making legal scholarship more relevant, but offers opportunities to bring academia and the profession closer together.

Third, there has been increased pressure on legal academics to publish over time.<sup>12</sup> This pressure has intensified with the advent of the Excellence in Research Australia (ERA) research assessment exercises.<sup>13</sup> It is important to know whether the increased pressure to publish has had any effect on co-authorship in legal scholarship. Several studies, primarily for academic economists, have found that co-authorship is positively correlated with research productivity.<sup>14</sup> It has also been shown that co-authorship increases the quality of empirical papers where quality is measured by the probability of acceptance in top journals and subsequent citations to the paper.<sup>15</sup> There is evidence that quality-adjusted publications are positively correlated with academic salaries.<sup>16</sup> The ERA has honed the relationship between research productivity and academic salaries.<sup>17</sup> Proclivity to co-author is indirectly related to academic salaries through the effect of co-authorship on research productivity.<sup>18</sup>

10 For a summary of the arguments on the relevance of legal scholarship to judges and the profession, see Richard A Posner, ‘Legal Scholarship Today’ (2002) 115 *Harvard Law Review* 1314, 1317–22.

11 George and Guthrie, above n 1, 579.

12 John Gava, ‘Law Reviews: Good for Judges, Bad for Law Schools?’ (2002) 26 *Melbourne University Law Review* 560, 569.

13 See generally Australian Research Council, *Excellence in Research for Australia (ERA)* (4 December 2013) <<http://www.arc.gov.au/era/>>.

14 See Garey C Durden and Timothy J Perri, ‘Coauthorship and Publication Efficiency’ (1995) 23 *Atlantic Economic Journal* 69, 75; Réjean Landry, Namatie Traore and Benoît Godin, ‘An Econometric Analysis of the Effect of Collaboration on Academic Research Productivity’ (1996) 32 *Higher Education* 283; Cheng-Chung Cho, Ming-Wen Hu and Meng-Chun Liu, ‘Improvements in Productivity Based on Co-authorship: A Case Study of Published Articles in China’ (2010) 85 *Scientometrics* 463, 468; Lorenzo Ductor, ‘Does Co-authorship Lead to Higher Academic Productivity?’ (Manuscript, Department of Applied Economics, University of Alicante, December 2011); Giulio Cainelli et al, ‘Co-authorship and Productivity among Italian Economists’ (2012) 19 *Applied Economics Letters* 1609, 1612. However, for contrary evidence, see Aidan Hollis, ‘Co-authorship and the Output of Academic Economists’ (2001) 8 *Labour Economics* 503.

15 See Andreas Walter, ‘The Effects of Coauthorship on the Quality of Financial Research Papers’ (2011) 81 *Z Betriebswirtschaft* 205; Alan E Bayer and John C Smart, ‘Career Publication Patterns and Collaborative “Styles” in American Academic Science’ (1991) 62 *Journal of Higher Education* 613, 613; David N Laband and Robert D Tollison, ‘Intellectual Collaboration’ (2000) 108 *Journal of Political Economy* 632, 633, 638.

16 See, eg, John J Siegfried and Kenneth J White, ‘Financial Rewards to Research and Teaching: A Case Study of Academic Economists’ (1973) 63 *American Economic Review* 309, 312–13.

17 See Joanna Mather, ‘ERA Influences Talent Search’, *The Australian Financial Review* (Canberra), 28 March 2011, 27.

18 Raymond D Sauer, ‘Estimates of the Returns to Quality and Coauthorship in Economic Academia’ (1988) 96 *Journal of Political Economy* 855, 864.

Fourth, previous research has shown significant gender differences in the proclivity to co-author and that men co-author more than women.<sup>19</sup> If co-authorship is linked to research productivity, academic promotion and academic salaries, it follows that examining whether there are gender differences in co-authorship in legal scholarship over time has the potential to offer insights into the glass ceiling that prevails in Australian academia.<sup>20</sup> More generally, examining gender differences in co-authorship patterns can assist to understand the driving forces underpinning gender differences in career choices and persistence in occupational gender segregation.<sup>21</sup>

Foreshadowing the main results, we find that collaboration has not played a very significant role in the development of legal thought in Australia, particularly when compared with the social sciences and even the development of legal thought in the US. In Part II we examine the pros and cons of co-authorship. In Part III we review the existing literature on co-authorship in legal scholarship and other disciplines. In Part IV, we review trends in co-authorship in the Go8 law reviews and compare these with trends in other disciplines. Part V concludes with some thoughts on the reasons co-authorship in Australian legal scholarship is relatively low.

## II WHY CO-AUTHOR? ADVANTAGES AND DISADVANTAGES OF CO-AUTHORSHIP

In addition to the positive effects of co-authorship on research productivity and academic salaries discussed above, there are other potential benefits of co-authorship to the individual. The major potential benefit is that co-authorship facilitates the division of labour. The benefits of utilising the division of labour 'might result ... from harnessing skill complementarities or from a synergy where multiple contributors develop ideas that none would have developed on his or her own'.<sup>22</sup> A second potential benefit, which is a more discrete argument than the first benefit, is that a greater number of views can increase the spread, and quality, of ideas and analysis.

A third potential benefit of co-authorship is that given the increasingly random component associated with peer review, it 'diversif[ies] against [the] risk' of rejection.<sup>23</sup> A fourth potential benefit is that co-authorship might act as a vehicle to facilitate mentoring. In disciplines such as accounting and economics, papers

19 See Anne Boschini and Anna Sjögren, 'Is Team Formation Gender Neutral? Evidence from Coauthorship Patterns' (2007) 25 *Journal of Labor Economics* 325, 326, 357.

20 See Sue-Ellen Kjeldal, Jennifer Rindfleisch and Allison Sheridan, 'Deal-Making and Rule-Breaking: Behind the Façade of Equity in Academia' (2005) 17 *Gender & Education* 431.

21 Boschini and Sjögren, above n 19, 326.

22 John Hudson, 'Trends in Multi-Authored Papers in Economics' (1996) 10 *Journal of Economic Perspectives* 153, 157.

23 David N Laband and Michael J Piette, 'Team Production in Economics: Division of Labor or Mentoring?' (1995) 2 *Labour Economics* 33, 33.

are often co-authored by a student and a PhD student as a product of the latter's dissertation.<sup>24</sup>

A fifth potential benefit of co-authorship is that it can act as a social relationship in the sense of Granovetter's weak ties argument.<sup>25</sup> To be specific, collaboration enhances the visibility of the paper in that the results are brought to the notice of a larger number of researchers through the contacts of the authors. The visibility of the paper is further enhanced when the co-authors are from different institutions or, better still, if the project involves international collaboration.<sup>26</sup> Sixth, it has been suggested that the friendship and rapport involved with writing joint papers brings intangible benefits in that it makes doing research more enjoyable.<sup>27</sup>

The other side of the coin is the disadvantages associated with co-authorship. The first disadvantage is that co-authorship will often involve making compromises. Individual co-authors will have to agree to the line of argument, text used and possibly even conclusions that they might not draw if writing alone.<sup>28</sup> The second disadvantage of co-authorship, particularly with many authors, is that the danger of having inconsistent arguments patched together from multiple sources becomes higher. Related to this point, the potential exists that the prose will not be as tight as with a single author. Third, the 'costs of organization and communication' on the contributors will be higher for a co-authored, than a single-authored, paper.<sup>29</sup> Fourth, psychological studies have shown that co-authorship induces a sense of loss of ownership in the final product.<sup>30</sup> Fifth, collaboration might impinge on the career advancement of younger academics working with more senior colleagues if the contribution of the former is 'underestimated'.<sup>31</sup> A final disadvantage of having three or more co-authors is that if authorship is alphabetised there will be a diminution of credit for the second and subsequent authors, with second and subsequent co-authors being reduced to the catch-all 'et al'.<sup>32</sup> Schinski, Kugler and Wick found that finance academics perceive that lead authors receive more than 1/N credit (and more than other co-authors) for multi-authored articles.<sup>33</sup>

24 Ibid 34.

25 See generally Mark S Granovetter, 'The Strength of Weak Ties' (1973) 78 *American Journal of Sociology* 1360.

26 Massimo Franceschet and Antonio Costantini, 'The Effect of Scholar Collaboration on Impact and Quality of Academic Papers' (2010) 4 *Journal of Informetrics* 540, 541.

27 Aaron Wildavsky, 'On Collaboration' (1986) 19 *PS: Political Science & Politics* 237.

28 Hudson, above n 22, 157.

29 Ibid.

30 Avner Casper and Ina Blau, 'Collaboration and Psychological Ownership: How Does the Tension between the Two Influence Perceived Learning?' (2011) 14 *Social Psychology of Education* 283, 294, 296.

31 Franceschet and Costantini, above n 26, 541.

32 See generally David Laband and Robert Tollison, 'Alphabetized Coauthorship' (2006) 38 *Applied Economics* 1649.

33 Michael Schinski, Anne Kugler and Wendy Wick, 'Perceptions of the Academic Finance Profession regarding Publishing and the Allocation of Credit in Coauthorship Situations' (1998) 8 *Financial Practice and Education* 60, 63.

Floyd, Schroeder and Finn found that conflict over the author ordering was a main reason for conflict between co-authors.<sup>34</sup>

### III EXISTING STUDIES

While there is a dearth of studies on co-authorship in legal scholarship, several studies exist for other disciplines, in particular economics.<sup>35</sup> Other disciplines for which such studies exist include accounting,<sup>36</sup> business studies,<sup>37</sup> criminology,<sup>38</sup> the biological and physical sciences,<sup>39</sup> the humanities,<sup>40</sup> information systems,<sup>41</sup>

- 34 Steven W Floyd, Dean M Schroeder and Dale M Finn, “‘Only if I’m First Author’: Conflict over Credit in Management Scholarship” (1994) 37 *Academy of Management Journal* 734, 734, 745.
- 35 See, eg, Cainelli et al, above n 14; Hollis, above n 14; Laband and Tollison, ‘Intellectual Collaboration’, above n 15; Boschini and Sjögren, above n 19; Hudson, above n 22; Laband and Piette, above n 23; John M McDowell and Michael Melvin, ‘The Determinants of Co-authorship: An Analysis of the Economics Literature’ (1983) 65 *Review of Economics and Statistics* 155; Andy H Barnett, Richard W Ault and David L Kaserman, ‘The Rising Incidence of Co-authorship in Economics: Further Evidence’ (1988) 70 *Review of Economics and Statistics* 539; Michael J Piette and Kevin L Ross, ‘An Analysis of the Determinants of Co-authorship in Economics’ (1992) 23 *Journal of Economic Education* 277; Matthias Sutter and Martin Kocher, ‘Patterns of Co-authorship among Economics Departments in the USA’ (2004) 36 *Applied Economics* 327; John M McDowell, Larry D Singell Jr and Mark Stater, ‘Two to Tango? Gender Differences in the Decisions to Publish and Coauthor’ (2006) 44 *Economic Inquiry* 153; Cliff Nowell and Therese Grijalva, ‘Trends in Co-authorship in Economics Since 1985’ (2011) 43 *Applied Economics* 4369; David Card and Stefano DellaVigna, ‘Nine Facts about Top Journals in Economics’ (2013) 51 *Journal of Economic Literature* 144.
- 36 See, eg, Frank Urbancic, ‘The Extent of Collaboration in the Production of Accounting Research’ (1992) 4 *Accounting Educators’ Journal* 47; Vivien Beattie and Alan Goodacre, ‘Publishing Patterns within the UK Accounting and Finance Academic Community’ (2004) 36 *British Accounting Review* 7; Richard K Fleischman and Karen Schuele, ‘Co-authorship in Accounting History: Advantages and Pitfalls’ (2009) 19 *Accounting, Business & Financial History* 287; Robert W Rutledge, Khondkar E Karim and Alan Reinstein, ‘What Factors Influence the Number of Coauthors in the Published Research of the Most Productive Authors in Accounting Literature? A Long-Term Study’ in Vicky Arnold et al (eds), *Advances in Accounting Behavioral Research* (Emerald, 2011) vol 14, 191.
- 37 See, eg, Edgar J Manton and Donald E English, ‘The Trend toward Multiple Authorship in Business Journals’ (2007) 82 *Journal of Education for Business* 164; Kam C Chan, Hung-Gay Fang and Wai K Leung, ‘International Business Research: Coauthorship Patterns and Quality’ (2008) 19 *Journal of Teaching in International Business* 293.
- 38 See, eg, Bonnie S Fisher et al, ‘Trends in Multiple-Authored Articles in Criminology and Criminal Justice: A Comparative Analysis’ (1998) 9 *Journal of Criminal Justice Education* 19; Richard Tewksbury and Elizabeth Ehrhardt Mustaine, ‘How Many Authors Does it Take to Write an Article? An Assessment of Criminology and Criminal Justice Research Article Author Composition’ (2011) 22 *Journal of Criminal Justice Education* 12; Gregorio González-Alcaide et al, ‘Productivity and Collaboration in Scientific Publications on Criminology’ (2013) 24 *Journal of Criminal Justice Education* 15.
- 39 See, eg, Laband and Tollison, ‘Intellectual Collaboration’, above n 15; Beverly L Clarke, ‘Multiple Authorship Trends in Scientific Papers’ (1964) 143 *Science* 822; Philip S Morrison, Gill Dobbie and Fiona J McDonald, ‘Research Collaboration among University Scientists’ (2003) 22 *Higher Education Research & Development* 275.
- 40 See, eg, Vincent Larivière, Yves Gingras and Éric Archambault, ‘Canadian Collaboration Networks: A Comparative Analysis of the Natural Sciences, Social Sciences and the Humanities’ (2006) 68 *Scientometrics* 519.
- 41 See, eg, Wonseok Oh, Jin Nam Choi and Kimin Kim, ‘Coauthorship Dynamics and Knowledge Capital: The Patterns of Cross-Disciplinary Collaboration in Information Systems Research’ (2005) 22 *Journal of Management Information Systems* 265.

management and organisational studies,<sup>42</sup> marketing,<sup>43</sup> political science,<sup>44</sup> sociology<sup>45</sup> and tourism.<sup>46</sup>

The general conclusion from these studies is that there has been an increase in the prevalence of co-authorship in the biological and physical sciences and social sciences, but not in the humanities, where 'research remains largely the domain of the individual scholar'.<sup>47</sup> Co-authorship emerged as a common form of authorship in the biological and physical sciences in the early part of the 20<sup>th</sup> century, but similar levels of collaboration did not emerge in the social sciences until after the Second World War.<sup>48</sup> In economics, in particular, there has been a sharp increase in co-authorship. For example, Hudson documents that in 1950, 6 per cent of papers published in the *Journal of Political Economy* and 8 per cent of papers published in the *American Economic Review* — the two leading economics journals in the world — were co-authored. However, by the mid-1990s the proportion of co-authored papers in these journals had increased to 39.6 per cent and 54.9 per cent respectively.<sup>49</sup> This leads Hudson to conclude that 'the economist of the early postwar years was typically a solitary worker, while the economists of today are much more inclined to hunt in packs of at least two'.<sup>50</sup> In the biological and physical sciences, typically the number of co-authors on a given paper is frequently 20–30 and in some cases it might be argued that the number of co-authors has reached ridiculous numbers.<sup>51</sup>

The results of these studies for the social sciences, however, are not necessarily applicable to law. George and Guthrie found that collaboration has not played

42 See, eg, Francisco José Acedo et al, 'Co-authorship in Management and Organizational Studies: An Empirical and Network Analysis' (2006) 43 *Journal of Management Studies* 957.

43 See, eg, D Michael Fields and Linda E Swayne, 'Publication in Major Marketing Journals: 1960–1986' (1988) 10 *Journal of Marketing Education* 36; David M Schroeder, Frederick W Langrehr and Stephen M Floyd, 'Marketing Journal Coauthorship: Is It a Hit or a Miss with Coauthors?' (1995) 17 *Journal of Marketing Education* 45; Christopher L Brown, Kam C Chan and Pikki Lai, 'Marketing Journal Coauthorships: An Empirical Analysis of Coauthor Behavior' (2006) 28 *Journal of Marketing Education* 17.

44 See William C Baum et al, 'American Political Science before the Mirror: What Our Journals Reveal about the Profession' (1976) 38 *Journal of Politics* 895; Bonnie S Fisher et al, 'How Many Authors Does it Take to Publish an Article? Trends and Patterns in Political Science' (1998) 31 *PS: Political Science & Politics* 847; Lee Sigelman, 'Are Two (or Three or Four ... or Nine) Heads Better than One? Collaboration, Multidisciplinarity, and Publishability' (2009) 42 *PS: Political Science & Politics* 507.

45 See generally Linda Grant and Kathryn B Ward, 'Gender and Publishing in Sociology' (1991) 5 *Gender & Society* 207.

46 See generally Pierre Benckendorff, 'Exploring the Limits of Tourism Research Collaboration: A Social Network Analysis of Co-authorship Patterns in Australian and New Zealand Tourism Research' (Paper presented at 20<sup>th</sup> Annual CAUTHE Conference, Hobart, 8–11 February 2010).

47 Morrison, Dobbie and McDonald, above n 39, 276.

48 See Robert K Merton and Harriet Zuckerman, 'Age, Aging, and Age Structure in Science' in Robert K Merton (ed), *The Sociology of Science: Theoretical and Empirical Investigations* (University of Chicago Press, 1973) 497, 547.

49 Hudson, above n 22, 153.

50 Ibid 154.

51 One article published in 2010 in the field of physics had 2 080 co-authors and required 165 lines for the initials and surnames of all the authors: see V Khachatryan et al, 'First Measurement of Bose-Einstein Correlations in Proton-Proton Collisions at  $\sqrt{s} = 0.9$  and 2.36 TeV at the LHC' (2010) 105 *Physical Review Letters* 032001-1.

a very significant role in the development of legal thought in the United States, 'particularly when compared with collaborative work in related social science disciplines'.<sup>52</sup> Over the period 1970–2000, George and Guthrie found that co-authorship in US law reviews averaged around 15 per cent, compared with 60 per cent in the top US journals in economics, political science, psychology and sociology.<sup>53</sup>

Ginsburg and Miles examine the relationship between co-authorship and the growth in the prevalence of empirical legal studies in US legal scholarship.<sup>54</sup> They show that the fraction of articles in the top 15 law reviews in the US that were empirical or co-authored (or both) increased over the period 2000–10.<sup>55</sup> Moreover, the increase in empirical-based articles accounted for a substantial share of the growth in co-authored articles, and the correlation between co-authorship and empiricism in the major US law reviews persisted after controlling for other influences.

To summarise, a number of studies exist of trends in co-authorship for disciplines other than law. There are few studies for law and those which exist focus on trends in co-authorship in US legal scholarship. Ginsburg and Miles suggest an increasing trend in co-authorship in US legal scholarship over the last decade or so, which they attribute to the emergence of empirical legal studies and a growing prevalence of interdisciplinary legal research in US law schools.<sup>56</sup> There are a series of factors that lie behind these trends, such as the increasing tendency for US law schools to hire entry-level faculty who have PhDs in the social sciences, such as economics or political science. Such individuals bring authorship norms from their home discipline, while the diversity of training and strong technical skills such people have facilitate interdisciplinary scholarship. These developments have not occurred in Australian law schools. Hence, the conclusions of Ginsburg and Miles will not necessarily be applicable in the Australian context. There are no studies examining trends in co-authorship in Australian legal scholarship, which is a gap we seek to fill.

#### IV TRENDS IN CO-AUTHORSHIP OVER TIME

In order to measure the rate of co-authorship in Australian legal scholarship over time we examined the Go8 law reviews over the period 1975–2010. Focusing on a uniform group of core journals that have been published consecutively over a relatively long period of time follows the practice in George and Guthrie<sup>57</sup> and

52 George and Guthrie, above n 1, 560.

53 Ibid 563, 565–6. George and Guthrie distinguish between elite and 'lower-tiered' law reviews and the proportion of co-authorship (15 per cent) is the same: at 562–3.

54 See Ginsburg and Miles, above n 5, 1795–6, 1802–5.

55 Ibid 1802.

56 Ibid 1806, 1823–4.

57 See generally George and Guthrie, above n 1.



Ginsburg and Miles<sup>58</sup> as well as studies for other disciplines.<sup>59</sup> Such an approach has the advantage that it reduces the variation in the quality of research output. For purposes of comparison we also collected data on trends in co-authorship in the leading Australian journal in economics, political science, psychology and sociology.

Overall, 472 of the 4928 articles published in the Go8 law reviews from 1975 to 2010 were co-authored, representing 9.6 per cent of total articles. Table 1 shows changes in the percentage of co-authored articles in the Go8 law reviews between 1975 and 2010 at five-year intervals. It suggests a steady increase in the proportion of co-authored articles since the mid-1990s. Between 1975 and 1994 the proportion of co-authored articles in the Go8 law reviews hovered in the 5 per cent to 7 per cent range. Between 1995 and 2004 this figure increased to around 10 per cent. Over the period 2005–10, this proportion increased again to 16.4 per cent. Hence, it has only been in the last five years of the study that co-authorship rates in the Go8 law reviews have caught up to the co-authorship rates in the US law journals, which existed over the period 1970–2000.<sup>60</sup> In some disciplines, such as business studies, there has been a marked increase in the proportion of articles with three or more co-authors.<sup>61</sup> This has not occurred in the journals considered here. The growth in co-authorship in the Go8 law reviews since the mid-1990s has been along the extensive, rather than intensive, margin. In each five-year interval, articles with two co-authors constitute at least 80 per cent of co-authored articles and for most five-year intervals the relevant proportion was 90 per cent to 95 per cent. This is similar to the pattern observed by Ginsburg and Miles in their study of law reviews in the United States.<sup>62</sup>

Ginsburg and Miles found that the proclivity to publish co-authored articles varied between law reviews in the United States.<sup>63</sup> Table 2 shows the percentage of co-authored articles in each of the Go8 law reviews. There are significant differences between law reviews with eight percentage points between the journal publishing the highest proportion of co-authored articles and that publishing the lowest. The *University of New South Wales Law Journal* published the highest percentage of co-authored articles (13.6 per cent), followed by the *Melbourne University Law Review* (11.7 per cent) and the *Sydney Law Review* (9.7 per cent). These three journals also published the most articles, suggesting a positive correlation between number and the proportion of co-authored articles published. The *University of Queensland Law Journal* published the lowest proportion of co-authored articles (5.6 per cent).

Several of the studies of co-authorship in economics suggest that patterns of co-authorship differ within sub-fields of economics.<sup>64</sup> Table 3 considers the proportion of co-authored articles in Go8 law reviews by specialisation. In

58 See generally Ginsburg and Miles, above n 5.

59 Hudson, above n 22, examines trends in co-authorship patterns in eight leading journals in economics, which were all core journals in 1950, the first year of his study.

60 See George and Guthrie, above n 1, 563.

61 See, eg, Manton and English, above n 37, 165–6.

62 Ginsburg and Miles, above n 5, 1802.

63 Ibid.

64 See, eg, Piette and Ross, above n 35, 277, 281–2.

private/commercial law and corporate/securities law, rates of co-authorship are 17.2 per cent and 14.4 per cent respectively, while at the opposite ends of the spectrum co-authorship in family law and criminal law are 5.9 per cent and 5.3 per cent respectively. A possible explanation for the relatively high incidence of co-authorship in private/commercial law and companies/securities law is that these areas may be more interdisciplinary. It might also be that in these areas modeling and hypothesis testing is more common. For example, there is increasingly overlap between scholarship on corporate governance and companies and securities law, on the one hand, and aspects of economics and finance, on the other, in which the effects of changes in laws on economics and finance variables are tested. This will often involve collaboration between a lawyer and a social scientist. While this research is often published in social science or specialist law journals, some is finding its way into the general law reviews.

Table 4 presents evidence on several characteristics of co-authored articles in the Go8 law reviews for 1975–2010. Where papers are co-authored the length of articles is greater.<sup>65</sup> The average length of co-authored articles was 26.7 pages and the average number of footnotes was 117.7. Laband and Tollison found that co-authorship was positively correlated with the quantitative content of the article.<sup>66</sup> We find that only a relatively small proportion of co-authored articles in the Go8 law reviews have indicators of quantitative content; 18.9 per cent contain tables, 6.8 per cent contain figures and 5.7 per cent contain an appendix. One might expect that quantitative articles would be more likely to acknowledge grant income (needed to collect data). However, just over 40 per cent of co-authored articles contained acknowledgments; of which, only 34.7 per cent acknowledged grant income.

Table 5 shows the gender composition of authors for co-authored articles in the Go8 law reviews. All male teams were responsible for 40 per cent of co-authored articles followed by mixed male/female teams, which accounted for 38.6 per cent of co-authored articles. All female teams were responsible for just 18.6 per cent of co-authored articles. Our results confirm the literature on gender and co-authorship in economics in two respects. First we find that males collaborate with other males much more than females collaborate with other females.<sup>67</sup> Second, we find that males co-author more than females.<sup>68</sup> This latter finding is consistent with studies from a range of disciplines.<sup>69</sup> However, the literature on co-authorship in economics has also found that economists tend to work with co-authors of the same gender.<sup>70</sup> We find much more evidence of mixed co-authorship teams. McDowell, Singell and Stater postulate that a reason for gender differences in co-authorship is the existence of old boy networks in male

65 See Laband and Tollison, 'Intellectual Collaboration', above n 15, 639; Acedo et al, above n 42, 962.

66 Laband and Tollison, 'Intellectual Collaboration', above n 15, 641.

67 See, eg, John McDowell and Janet Smith, 'The Effect of Gender-Sorting on Propensity to Coauthor: Implications for Academic Promotion' (1992) 30 *Economic Inquiry* 68.

68 Boschini and Sjögren, above n 19.

69 See the review in Emily Smykla and Kathrin Zippel, 'Literature Review: Gender and International Research Collaboration' (International Workshop on International Research Collaborations, October 2010) <<http://nuweb.neu.edu/zippel/nsf-workshop/>>.

70 McDowell and Smith, above n 67; Marianne Ferber and Michelle Teiman, 'Are Women Economists at a Disadvantage in Publishing Journal Articles?' (1980) 6 *Eastern Economic Journal* 189.

dominated professions, which females find difficult to access.<sup>71</sup> The relatively high proportion of co-authored articles involving mixed gender teams suggests that females may be starting to crack the old boy networks that exist in law<sup>72</sup> and are beginning to transition slowly towards gender equality in Australian legal scholarship, although female rates of co-authorship remain relatively low.

Table 6 shows the fifteen law schools with the highest number of co-authored articles in the Go8 law reviews over the period 2000–10. One might expect that academics at highly ranked law schools will feel more pressure to publish and because of the pressure to publish at such law schools that there will be a higher incidence of co-authorship.<sup>73</sup> The evidence, primarily from economics departments, is mixed. Some studies have found no significant relationship between the probability of co-authorship and department ranking,<sup>74</sup> while others find a negative relationship, whereby the incidence of co-authorship is lower in the top departments.<sup>75</sup> This result seems to reflect, at least in part, that the leading economics departments in the US provide disincentives to co-author.<sup>76</sup> In Table 6 there is evidence that the top law schools have a higher average number of co-authored articles on a per capita basis. Five of the six schools with the highest average co-authored articles per staff are the same as the five top law schools based on a weighted average of publications in leading Australian law journals, variously defined, in the recent study by Smyth (although not in the same order).<sup>77</sup> More tellingly, five of the six law schools with the highest number of co-authored articles on a per capita basis were the five law schools to receive a ‘5’, defined as ‘well above world average’ for law in ERA 2012.<sup>78</sup> This result suggests that there is a positive relationship between co-authorship and quality adjusted research productivity or that co-authored articles get into better journals.

Table 7 presents those individuals who had three or more co-authored articles in the Go8 law reviews over the period 1990–2010. It also shows whether the individual was among the 50 most prolific publishers in the Go8 law reviews and a weighted average of five alternative ways of ranking the top Australian

71 McDowell, Singell and Stater, above n 35.

72 On the existence of old boy networks in the legal profession in Australia, see Jocelyne A Scutt, ‘Restricted Vision — Women, Witches and Wickedness in the Courtroom’ (2001) 6 *Deakin Law Review* 40.

73 See Piette and Ross, above n 35, 277–8.

74 See generally McDowell and Melvin, above n 35; Piette and Ross, above n 35.

75 See generally Sutter and Kocher, above n 35, 330; McDowell, Singell and Stater, above n 35.

76 See generally McDowell and Melvin, above n 35, 156.

77 Smyth, ‘Who Publishes in Australia’s Top Law Journals?’, above n 6, 243.

78 Australian Research Council, *Section 4: ERA 2012 Institution Report* (11 January 2013) 326 <[http://www.arc.gov.au/pdf/era12/report\\_2012/ARC\\_ERA12\\_Section4.pdf](http://www.arc.gov.au/pdf/era12/report_2012/ARC_ERA12_Section4.pdf)>. The five law schools to receive ‘5’ were ANU, Melbourne, Monash, Sydney and UNSW. The other law school in the top six (Griffith) received a ‘4’ (above world average) in ERA 2012.

law journals.<sup>79</sup> We present results including, and excluding, publications in the individual's home law review, which refers to the law review published by the university by which the individual was employed. We follow this approach because it is generally recognised that 'law reviews are more likely to publish works by home-school authors'.<sup>80</sup>

There are several points worth noting about Table 7. First, of the 38 individuals with three or more co-authored articles over the period, 29 (or 76 per cent) were associated with a Go8 university. This result is consistent with previous findings that Go8 academics contribute a disproportionate number of articles to the Go8 law reviews and to the top Australian law journals more generally.<sup>81</sup> Second, George and Guthrie found that co-authorship in the US was increasing among the profession's most influential scholars.<sup>82</sup> To the extent we can equate being prolific in the top law journals with being influential,<sup>83</sup> there is some evidence of this in Table 7. To be specific, 25–30 per cent of the individuals listed in Table 7 are also in the 50 most prolific publishers in Australian law journals over the period 1990–2010. George Williams and Andrew Lynch published the most co-authored articles and were also clearly in the top 10 most prolific publishers over the same period. Other prolific scholars, such as Matthew Groves, Andrew Kenyon and Michael Whincop, also co-authored three or more co-authored articles in the Go8 law reviews over the period.

Third, all but one of the individuals listed in Table 7 has had at least one affiliation with an Australian university over the period. This is consistent with previous findings that it is primarily Australian academics who publish in the Australian law journals.<sup>84</sup> Fourth, 35 of the 38 individuals in Table 7 are affiliated with an Australian law school. The exceptions are Lehmann Nielsen, affiliated with a political science department, Smyth, affiliated with an economics department and Gunningham, who is the Director of the National Research Centre of OHS Regulation at ANU. Ginsburg and Miles found that the increase in co-authorship rates in the US since 2000 reflected, at least in part, legal academics co-authoring

79 Whether an individual is among the top 50 most prolific publishers in the Go8 law reviews or the weighted average of five alternative methods of ranking the top Australian law journals is based on Smyth, 'Who Publishes in Australia's Top Law Journals?', above n 6. The five alternative methods of ranking journals were: (a) the ERA 2010 FOR 18 (law) A\* journals published in Australia; (b) the ERA 2010 FOR 18 (law) A\* and A journals published in Australia; (c) the Go8 law reviews; (d) the top 10 Australian journals according to Ian Ramsay and Geoff Stapledon, 'A Citation Analysis of Australian Law Journals' (1997) 21 *Melbourne University Law Review* 676; and (e) the top 10 Australian journals according to Russell Smyth, 'Academic Writing and the Courts: A Quantitative Study of the Influence of Legal and Non-Legal Periodicals in the High Court' (1998) 17 *University of Tasmania Law Review* 164.

80 Bernard S Black and Paul L Caron, 'Ranking Law Schools: Using SSRN to Measure Scholarly Performance' (2006) 81 *Indiana Law Journal* 83, 90.

81 See Smyth, 'Who Publishes in Australia's Top Law Journals?', above n 6, 214.

82 George and Guthrie, above n 1, 574.

83 An alternative way of evaluating journals would be through examining citations: see George and Guthrie, above n 1, 574–5. For some of the pluses and minuses associated with using citations to measure influence in legal scholarship, see Richard A Posner, 'An Economic Analysis of the Use of Citations in the Law' (2000) 2 *American Law and Economics Review* 381.

84 Smyth, 'Who Publishes in Australia's Top Law Journals?', above n 6, 212.

with academics from the social sciences.<sup>85</sup> Table 7 suggests that this is generally not the case in Australia.

George and Guthrie compared the rates of co-authorship in US law reviews to the rate of co-authorship in other disciplines as a way of evaluating the rate of collaboration in legal scholarship.<sup>86</sup> Specifically, they compared the rate of co-authorship in US law reviews with the leading US journal (or one of the leading US journals) in economics, political science, psychology and sociology.<sup>87</sup> Their main finding was that rates of collaboration in legal scholarship were much lower than in the social sciences.

In Table 8 we compare rates of co-authorship in the Go8 law reviews with the leading Australian journal in the disciplines of economics, political science, psychology and sociology; namely, the *Economic Record*, the *Australian Journal of Political Science*, the *Australian Journal of Psychology* and the *Journal of Sociology* respectively.<sup>88</sup> Several aspects of the results in Table 8 are worth noting. First, rates of collaboration in the social science journals are much higher than in the law reviews, confirming the findings of George and Guthrie for the US. Second, the increase in the rate of collaboration in the social science journals has either been on a par, or greater than, the law reviews. Third, because the social science journals were coming off a larger base in 1975–79, differences in the rate of co-authorship between the law reviews and the social science journals has become larger between 1975 and 2010. Fourth, there are marked differences in rates of co-authorship between the social science journals. Rates of co-authorship in the *Australian Journal of Psychology*, in which nine out of ten articles had two or more co-authors in 2005–10, were roughly three times higher than the *Journal of Sociology* over the period 1975–2010.

Ginsburg and Miles attribute the growth in co-authorship in US law reviews to the rise in the empirical legal studies movement and higher proportion of interdisciplinary research published in those outlets.<sup>89</sup> Over the same period, there was a sharp increase in co-authorship in the Go8 law reviews from 9.72 per cent to 16.4 per cent. Thus, it seems reasonable to ask whether the increase in co-authorship in the Go8 law reviews in the first decade of the 21<sup>st</sup> century can be attributed to an increase in empirical and interdisciplinary papers. Table 9 shows the percentage of co-authored articles in the Go8 law reviews that were empirical and/or interdisciplinary over the period 1975–2010.<sup>90</sup> The proportion of articles that were empirical (13.3 per cent) or interdisciplinary (12.7 per cent) over the entire period was small. There was an increase in the proportion of co-

85 Ginsburg and Miles, above n 5, 1808–9.

86 George and Guthrie, above n 1, 564.

87 Ibid. The leading US journals in other disciplines on which George and Guthrie base their conclusions are the *American Economic Review* (economics), the *American Political Science Review* (political science), *Journal of Personality and Social Psychology* (psychology) and the *American Sociological Review* (sociology).

88 These journals are the flagship journals of the Economic Society of Australia, Australian Political Studies Association, Australian Psychological Association and the Australian Sociological Association.

89 Ginsburg and Miles, above n 5, 1823–4.

90 Articles were classified as ‘empirical’ if they used a quantitative methodology or presented empirical material in tables and/or figures. Articles were classified as interdisciplinary if they used methods, and or drew on insights, from disciplines other than law in analysing the legal issue.

authored papers that were empirical in 2005–10 (17.6 per cent), but even then empirical papers accounted for less than one-fifth of co-authored articles and spikes in other five-year intervals — such as 19.1 per cent in 1980–84 — were not associated with an increase in co-authorship. Overall, the results in Table 9 indicate that a rise in empiricism or interdisciplinary research is not driving co-authorship in the Go8 law reviews.

## V CONCLUSION

The main conclusion is that collaboration has not been important in the evolution of Australian legal scholarship, certainly when compared with the social sciences. Collaboration in Australian legal scholarship has also been lower than in US legal scholarship. Collaboration has increased since the mid-1990s, but even then by 2005–10 it was only on a par with collaboration in US legal scholarship since 1970.

We stated in the introduction that some of the most well known books are co-authored. While we do not have data on trends in co-authorship in books, it seems that legal academics might exhibit greater propensity to co-author books than articles. The feedback we received from speaking to legal academics who have co-authored articles and books is that it is much easier to co-author a book because one can divide up the chapters. This is not possible in the same neat way for articles.

One obvious reason for lower rates of collaboration in legal scholarship than in the social sciences or hard sciences is that legal scholarship is less formalised than scholarship in these areas. Formalisation requires increasing specialisation and the division of labour, resulting in the need for co-authorship. A second reason is that collaboration in the hard sciences is typically based on a leading scientist and a band of associates and PhD students pushing forward experimentation on a theme. This does not happen in legal scholarship or, if it does occur, only rarely.

There is also a range of possible reasons for lower rates of collaboration in Australian legal scholarship than in the US. Legal scholarship in Australia situates itself in the humanities (and perhaps only secondarily and partially within the social sciences, if at all), while legal scholarship in the US is integrated into the social sciences. Interdisciplinary legal scholarship is much more entrenched in the US as is the empirical legal studies movement. Most Australian legal scholars have historically undertaken doctrinal research. As a specific qualitative method, many would argue that it would be diluted by undertaking group work or empirical research, unless the group has a specific purpose, such as undertaking comparative research.<sup>91</sup>

Interdisciplinary research in the US is reinforced by *entry-level* appointments to law schools of scholars with a PhD in the social sciences — most often economics or political science. In many cases, these individuals do not even have a law

91 On doctrinal research and the reasons for not undertaking empirical research, see Terry Hutchinson, *Researching and Writing in Law* (Lawbook, 3<sup>rd</sup> ed, 2010) 99–102.

degree. Instead, their role is to promote interdisciplinary research. Traditionally, appointments to law schools of scholars with a PhD in the social sciences have been relatively rare. This is starting to change in the sense that there are now more scholars within law schools with higher degrees in other disciplines, but such individuals were not appointed with the objective of promoting interdisciplinary scholarship. Similarly, joint appointments are virtually unknown in Australia (although there have been cases of joint appointments in the past — eg Maureen Brunt was a joint appointment between the economics department and the law school at Monash in the 1970s and 1980s).<sup>92</sup>

In the US, interdisciplinary research has been facilitated via joint seminars between law and social science departments. The law and economics seminar at Chicago, which is one of the earliest and best known of these joint seminars, dates back several decades.<sup>93</sup> In Australia there is no tradition of joint seminars between law faculties and schools in the social science. Several of the top law schools in the US are associated with particular interdisciplinary law movements.<sup>94</sup> In Australia there has been commitment to interdisciplinary research at specific universities; most notably Macquarie University and La Trobe University with pockets at Griffith, UTS and elsewhere, but there are generally no equivalents in Australia.

Finally, interdisciplinary legal research in the US is reinforced by strong interdisciplinary societies, such as the Law & Society Association and the American Law & Economics Association. The journals of these associations, namely, the *Law and Society Review* and *American Law & Economics Review*, have become leading law journals in the US. Similarly, in the US, the Society for the Empirical Legal Studies, which publishes the *Journal of Empirical Legal Studies*, has been a catalyst for the emergence of empirical legal studies. By contrast, interdisciplinary law societies in Australia, such as the *Australian Law and Economics Association*, have a chequered history with low membership levels and prolonged periods of inertia.

We have suggested that there are benefits in focusing on the Go8 law reviews; most notably, that they represent a relatively homogenous group of generalist Australian law journals that have been published continuously over a long period of time. We cannot, however, discount the possibility that there is more evidence of co-authorship in the rising sea of specialist law journals that have emerged in recent times. Indeed, the results in Table 3 for co-authorship by specialisation suggest this is a real possibility, particularly in journals that specialise in areas such as private/commercial law and companies/securities law, which are, by their nature, more interdisciplinary. Examining co-authorship in specialist journals is a useful topic for future research.

92 Alan Fels, 'Distinguished Fellow of the Economic Society of Australia, 2006: Maureen Brunt' (2007) 83 *Economic Record* 204.

93 R H Coase, 'Law and Economics at Chicago' (1993) 36 *Journal of Law and Economics* 239.

94 The law and economics movement at the University of Chicago is an example. Two of the leading law and economics journals — the *Journal of Law and Economics* and the *Journal of Legal Studies* — were founded at the University of Chicago and are published by University of Chicago Press.

Table 1: Changes in the Percentage of Co-authored Articles in the Group of Eight Law Reviews 1975–2010

|                          | 1975–79    | 1980–84    | 1985–89    | 1990–94    | 1995–99     | 2000–04     | 2005–10     |
|--------------------------|------------|------------|------------|------------|-------------|-------------|-------------|
| <i>One author</i>        | 454 (94.0) | 436 (95.4) | 513 (95.0) | 635 (93.1) | 734 (90.28) | 787 (89.43) | 897 (83.60) |
| <i>Two authors</i>       | 28 (5.80)  | 19 (4.16)  | 26 (4.81)  | 41 (6.00)  | 65 (8.00)   | 86 (9.77)   | 146 (13.61) |
| <i>Three authors</i>     | 1 (0.20)   | 2 (0.44)   | 1 (0.19)   | 6 (0.90)   | 13 (1.60)   | 7 (0.80)    | 23 (2.14)   |
| <i>Four or more</i>      | —          | —          | —          | —          | 1 (0.12)    | —           | 7 (0.65)    |
| <i>Total co-authored</i> | 29 (6.0)   | 21 (4.6)   | 27 (5.0)   | 47 (6.90)  | 79 (9.72)   | 93 (10.57)  | 176 (16.40) |
| <i>Total articles</i>    | 483        | 457        | 540        | 682        | 813         | 880         | 1073        |

Table 2: Co-authored Articles by Group of Eight Law Reviews 1975–2010

| Law Review  | Percentage of Co-authored Articles |
|---|------------------------------------|
| <i>Sydney Law Review</i>                          | 68/701                             |
| <i>Monash University Law Review</i>               | 33/500                             |
| <i>University of Western Australia Law Review</i> | 35/448                             |
| <i>Melbourne University Law Review</i>            | 99/847                             |
| <i>University of Queensland Law Journal</i>       | 23/411                             |
| <i>Adelaide Law Review</i>                        | 31/395                             |
| <i>University of New South Wales Law Journal</i>  | 140/1033                           |
| <i>Federal Law Review</i>                         | 43/593                             |



**Table 3: Co-authored Articles in Group of Eight Law Reviews 1975–2010 by Specialisation**

| <b>Specialisation</b>               | <b>Percentage of Co-authored Articles</b> |        |
|-------------------------------------|---|--------|
| Corporate/Securities Law            | 68  | 14.4 % |
| Criminal Law                        | 25  | 5.3 %  |
| International/Comparative Law       | 50  | 10.6 % |
| Private/Commercial Law              | 81  | 17.2 % |
| Constitutional Law                  | 48  | 10.2 % |
| Public Law                          | 56  | 11.9 % |
| Families, Children and Young People | 28  | 5.9 %  |
| Legal Practice, Research and Ethics | 56  | 11.9 % |
| Other                               | 60  | 12.7 % |

Table 4: Characteristics of Co-authored Articles in Group of Eight Law Reviews 1975–2010

| Characteristic  | Quantity of Characteristic or Percentage of Co-Authored Articles |
|---|--|
| Average number of footnotes   | 55 570/472 117.7   |
| Proportion containing figures   | 32/472 6.8 %   |
| Proportion containing tables  | 89/472 18.9 %  |
| Proportion containing an appendix   | 27/472 5.7 %   |
| Proportion that are first in volume   | 48/472 10.6 %  |
| Proportion that are part of a symposium   | 28/472 5.9 %   |
| Average number of pages   | 12 611/472 26.7 %  |
| Proportion with acknowledgments<br><i>Of which, articles which acknowledge:</i> | 193/472 40.89 %  |
| — Research assistants   | 85/193 44.0 %  |
| — Reviewers   | 132/193 68.4 %   |
| — Grant income  | 67/193 34.7 %  |
| — Seminar audience  | 17/193 8.8 %   |

**Table 5: Gender Composition of Authors for Co-authored Articles in Group of Eight Law Reviews 1975–2010**

| Gender Composition      | Percentage of Co-authored Articles |
|-------------------------|------------------------------------|
| All female authors      | 88<br>18.6 %                       |
| All male authors        | 189<br>40.0 %                      |
| Mix male/female authors | 182<br>38.6 %                      |
| Unidentifiable          | 13<br>2.8 %                        |

**Table 6: Fifteen Law Schools with the Highest Number of Co-authored Articles in Group of Eight Law Reviews 2000–10**

| Institution | Co-authored Articles | Faculty Size | Average Articles per Staff |
|-------------|----------------------|--------------|----------------------------|
| Melbourne   | 49                   | 97           | 0.51                       |
| UNSW        | 36                   | 74           | 0.49                       |
| Monash      | 27                   | 70           | 0.39                       |
| Griffith    | 13                   | 43           | 0.30                       |
| ANU         | 18                   | 70           | 0.26                       |
| Sydney      | 21                   | 80           | 0.26                       |
| Macquarie   | 8                    | 32           | 0.25                       |
| UWS         | 10                   | 42           | 0.23                       |
| UQ          | 7                    | 41           | 0.17                       |
| QUT         | 8                    | 46           | 0.17                       |
| Adelaide    | 7                    | 47           | 0.15                       |
| Deakin      | 5                    | 49           | 0.10                       |
| Tasmania    | 2                    | 23           | 0.09                       |
| La Trobe    | 2                    | 43           | 0.04                       |
| UTS         | 3                    | 69           | 0.04                       |

Table 7: Individuals Who Have Three or More Co-authored Articles in Group of Eight Law Reviews 1990–2010

| Name             | Affiliation(s)      | Including Home Law Review |             |                  | Excluding Home Law Review |             |                  |
|------------------|---------------------|---------------------------|-------------|------------------|---------------------------|-------------|------------------|
|                  |                     | Articles                  | Go8 Top 50? | Weighted Top 50? | Articles                  | Go8 Top 50? | Weighted Top 50? |
| George Williams  | UNSW; ANU           | 25                        | 3           | 2                | 14                        | 7           | 6                |
| Andrew Lynch     | UNSW; UTS           | 9                         | 4           | 3                | 1                         | 6           | 7                |
| Christine Parker | Melbourne           | 6                         | 26          | 43               | 4                         | 27          | —                |
| Mary Keyes       | Griffith            | 6                         | —           | —                | 6                         | —           | —                |
| Andrew Christie  | Melbourne           | 5                         | —           | —                | 4                         | —           | —                |
| Ian Ramsay       | Melbourne; UNSW     | 5                         | —           | —                | 4                         | —           | —                |
| Michael Whincop  | Griffith            | 5                         | 13          | 8                | 5                         | 10          | 8                |
| Andrew Kenyon    | Melbourne           | 4                         | 14          | 13               | 3                         | 24          | 38               |
| Aviva Freilich   | UWA                 | 4                         | —           | —                | 0                         | —           | —                |
| James McConvill  | Deakin              | 4                         | —           | —                | 4                         | —           | —                |
| Jenny Morgan     | UNSW; Melbourne     | 4                         | —           | —                | 4                         | —           | —                |
| Kristen Walker   | Melbourne           | 4                         | —           | —                | 1                         | —           | —                |
| Mirko Bagaric    | Deakin              | 4                         | —           | —                | 4                         | —           | —                |
| Paula Baron      | UWA                 | 4                         | 41          | —                | 2                         | —           | —                |
| Russell Smyth    | Monash              | 4                         | 7           | 4                | 3                         | 23          | 16               |
| Adrian Bradbrook | Adelaide; Melbourne | 3                         | —           | —                | 3                         | —           | —                |
| Amelia Simpson   | ANU                 | 3                         | 16          | 42               | 2                         | 14          | 37               |
| Andrew Stewart   | Flinders; Adelaide  | 3                         | —           | —                | 3                         | —           | —                |
| Anna Chapman     | Melbourne; Sydney   | 3                         | 27          | 20               | 2                         | 30          | 21               |

| Name             | Affiliation(s)   | Including Home Law Review |             |                  | Excluding Home Law Review |             |                  |
|------------------|--|---------------------------|-------------|------------------|---------------------------|-------------|------------------|
|                  |  | Articles                  | Go8 Top 50? | Weighted Top 50? | Articles                  | Go8 Top 50? | Weighted Top 50? |
| Ben White        | QUT  | 3                         | —           | —                | 3                         | —           | —                |
| Brian Fitzgerald | Southern Cross;<br>QUT                                   | 3                         | —           | —                | 3                         | —           | —                |
| Bryan Mercurio   | UNSW; Griffith   | 3                         | —           | 48               | 3                         | —           | —                |
| Derek Morgan     | Cardiff; QUT   | 3                         | —           | —                | 3                         | —           | —                |
| Donald Rothwell  | ANU; Sydney  | 3                         | —           | —                | 2                         | —           | —                |
| Eileen Webb      | UWA; Notre Dame  | 3                         | —           | —                | 1                         | —           | —                |
| Elise Bant       | UWA; UNSW  | 3                         | —           | —                | 0                         | —           | —                |
| Gary Gregg       | Sydney (student)   | 3                         | —           | —                | 1                         | —           | —                |
| Jason Harris     | UTS  | 3                         | —           | —                | 3                         | —           | —                |
| Jenni Millbank   | Sydney   | 3                         | 35          | 23               | 1                         | 32          | 22               |
| Lee Godden       | Melbourne  | 3                         | —           | —                | 2                         | —           | —                |
| Linda Haller     | Melbourne; Southern<br>Queensland; UQ                    | 3                         | —           | —                | 2                         | —           | —                |
| Margaret Stone   | UNSW; Freehills;<br>Judge, Federal Court<br>of Australia | 3                         | —           | —                | 0                         | —           | —                |
| Matthew Groves   | Monash   | 3                         | 8           | 11               | 3                         | 7           | 3                |
| Neil Gunningham  | ANU; Sydney  | 3                         | —           | —                | 3                         | —           | —                |
| Peter Creighton  | UWA  | 3                         | —           | —                | 0                         | —           | —                |

| Name                      | Affiliation(s)                     | Including Home Law Review |             |                  | Excluding Home Law Review |             |                  |
|---------------------------|------------------------------------|---------------------------|-------------|------------------|---------------------------|-------------|------------------|
|                           |                                    | Articles                  | Go8 Top 50? | Weighted Top 50? | Articles                  | Go8 Top 50? | Weighted Top 50? |
| Reid Mortensen            | Queensland;<br>Southern Queensland | 3                         | 23          | 17               | 2                         | —           | —                |
| Sean Cooney               | Melbourne                          | 3                         | —           | —                | 2                         | —           | —                |
| Vibeke Lehmann<br>Nielsen | Aarhus                             | 3                         | —           | —                | 3                         | —           | —                |

Notes: Affiliation(s) are the affiliation(s) at the time the article was published. The 'home law review' refers to the Go8 law review affiliated with the Go8 University in which the individual was employed at the time the article was published. Go8 top 50 refers to whether the individual was ranked in the top 50 most prolific publishers by Smyth based on publications in the Go8 law reviews over the period 1990–2010 and, if so, gives the ranking. Weighted top 50 refers to whether the individual was ranked in the top 50 most prolific publishers by Smyth based on a weighted average of publications in five alternative ways of ranking the top Australian journals across the period 1990–2010 and, if so, gives the ranking. The five alternative methods of ranking journals were: (a) the ERA 2010 FOR 18 (law) A\* journals published in Australia; (b) the ERA 2010 FOR 18 (law) A\* and A journals published in Australia; (c) the Go8 law reviews; (d) the top 10 Australian journals according to Ramsay and Stapledon, above n 79; and (e) the top 10 Australian journals according to Smyth, 'Academic Writing and the Courts', above n 79. For further details, see Smyth, 'Who Publishes in Australia's Top Law Journals?', above n 6.

**Table 8: Co-authored Articles in the Group of Eight Law Reviews and the Leading Australian Journal in other Disciplines 1975–2010**

|  | 1975–79                                 | 1980–84 | 1985–89 | 1990–94 | 1995–99 | 2000–04 | 2005–10 | Overall |
|--|---|---------|---------|---------|---------|---------|---------|---------|
|  | (As a Percentage of Articles Published) |         |         |         |         |         |         |         |
| Group of Eight Law Reviews                     | 6.0                                     | 4.6     | 5.0     | 6.9     | 9.7     | 10.6    | 16.4    | 9.6     |
| <i>Economic Record</i>                         | 21.2                                    | 35.3    | 43.2    | 47.4    | 51.4    | 56.0    | 66.7    | 47.9    |
| <i>Australian Journal of Political Science</i> | 19.7                                    | 21.9    | 26.5    | 25.0    | 30.6    | 31.5    | 52.6    | 28.3    |
| <i>Australian Journal of Psychology</i>        | 57.6                                    | 43.4    | 53.2    | 53.6    | 67.9    | 78.9    | 90.0    | 62.7    |
| <i>Journal of Sociology</i>                    | 14.4                                    | 9.6     | 15.2    | 19.6    | 18.8    | 23.0    | 35.6    | 20.7    |

**Table 9: Percentage of Co-authored Articles in Group of Eight Law Reviews 1975–2010 that Are Empirical or Interdisciplinary**

|                   | 1975–79   | 1980–84 | 1985–89 | 1990–94 | 1995–99 | 2000–04 | 2005–10 | Overall |
|-------------------|---|---------|---------|---------|---------|---------|---------|---------|
|                   | (As a Percentage of Co-authored Articles Published) |         |         |         |         |         |         |         |
| Empirical         | 0   | 19.05   | 7.41    | 8.51    | 12.66   | 7.53    | 17.61   | 13.3    |
| Interdisciplinary | 10.34   | 4.76    | 14.81   | 14.89   | 8.86    | 12.90   | 14.20   | 12.7    |