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THE FUTURE OF LAW REVIEW PLATFORMS

*Andrea Charlow**

In the 1970's, I was fortunate to be able to perform research on one of the first dedicated Lexis terminals at the New York State Bar Association.¹ Technology has come a long way from that large box with the black screen.² Libraries are beginning to rely more heavily on online databases and many future lawyers rarely use books for research.³ Courts have moved to online filing, and all lawyers regularly use computers for much of their work.⁴ Law reviews have already started online versions, many for short articles on specialized topics.⁵ The journals are available online through Westlaw, Lexis, SSRN and other services, so why not just make them electronically available that way directly from the law schools?⁶

What can be gained by shifting all law reviews online? In a time of financial stress for many law schools, online journals save printing and mailing costs.⁷ Included in the cost of production of paper journals is the hidden cost of processing the journals for mailing.⁸ Production of paper journals also increases the amount of time it takes to get the materials to subscribers. By cutting out printing and mailing processes, a journal that is otherwise likely to be publishing

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¹ FUNDING UNIVERSE, <http://www.fundinguniverse.com/company-histories/lexis-nexis-group-history> (last visited Mar. 16, 2016).

² *Id.* at 2-3.

³ See EXPRESSO, <http://law.bepress.com/expresso/> (last visited Mar. 16, 2016) (discussing the ways in which “legal scholarship is being discovered through free online sources like law review websites, bepress, or SSRN over web subscription services like Hein, Lexis, and Westlaw.”).

⁴ See A.B.A., <http://www.americanbar.org> (last visited Mar. 16, 2016) (illustrating the shift from print to electronic publication access).

⁵ *Id.* at 1.

⁶ Richard A. Danner, Kiril Kolev & Marguerite Most, *Print or Perish? Authors' Attitudes toward Electronic-Only Publication of Law Journals* (July 2011).

⁷ *Id.* at 3.

⁸ *Id.* at 5.

its fall edition in April might be able to get it out earlier. In addition, longer articles will not increase the cost of the journal.⁹ Those of us concerned about the environment might appreciate saving some trees. Storage of unsold and unclaimed copies would not be a problem. If the school has a robust IT department, useful tools could be added to make the articles easily searched, highlighted, and properly attributed.¹⁰ The journal can be accessed from anywhere, anytime, potentially making it more likely to be used. The articles are prepared and formatted on a computer and could easily be uploaded given a suitable server setup. This would allow faster processing by authors and editors who work off site. A reader who prefers to have the article in print can do so easily by printing at his or her office or home. In addition, articles can be updated directly online, whereas paper issues can't be changed once they are produced.

So what are the potential problems with producing only online journals? Many current lawyers find it easier to read paper than to read from a screen.¹¹ This may change with younger generations, but it remains a potential problem today. Different formatting is required for tablets and smartphones than for laptops and desktops, which then requires IT personnel. One of the benefits of paper is that people are more likely to browse through the journal than if they have to go online to see what is available.¹² This problem could be alleviated by sending an e-mail with the table of contents or short abstracts. Authors would not be able to proudly display their productivity

⁹ Compare Richard A. Danner, *The Durham Statement on Open Access*, HARVARD UNIV., <https://cyber.law.harvard.edu> (last updated Feb. 1, 2012) (explaining how shifting from print format to electronic publication will help law journals' mitigate a central financial challenge), and Richard A. Danner, *The Durham Statement on Open Access One Year Later: Preservation and Access to Legal Scholarship* (June 15, 2010) (discussing the ways in which "electronic access has become the preferred means for accessing legal scholarship . . .").

¹⁰ John Palfrey, *Cornerstones of Law Libraries for an Era of Digital-Plus*, 102 LAW LIBR. J. 171, 176-77 (2010).

¹¹ See, e.g., *Paper or Tablet? Reading Recall and Comprehension*, Ann Niccoli, EDUCAUSE REVIEW (Sept. 28, 2015), <http://er.educause.edu/articles/2015/9/paper-or-tablet-reading-recall-and-comprehension> (citing research suggesting reader preferences for paper); *Screen vs. Paper: What is the Difference for Reading and Learning?* Caroline Myrberg and Ninna Wiberg, INSIGHTS, <http://insights.uksg.org/articles/10.1629/uksg.236/> (last visited Mar. 16, 2016) (explaining reader preference for paper and the effect of tactile markers).

¹² Margaret A. Leary, Commentary, *A Response to The Durham Statement Two Years Later*, 103 LAW LIBR. J. 281, 282 (2011).

through reprints on their shelves. The environmentally conscious reader may not find much difference between killing trees for paper, and carbon emissions from power plants necessary to provide electricity to keep the computers running. Cost cutting may not be significant if a large amount of tech support is necessary to provide a quality online experience. It costs money to maintain a digital commons.¹³ Law schools also need to consider whether subscribers might cancel their subscription because they can get the same content from commercial providers they already use, with more robust features.

The benefits and problems with online journals might be in equipoise, but inevitably, everything will one day be computerized. The real question for legal education is when to jump on the bandwagon - now, or later when someone else has worked out all the kinks in the process.

¹³ DIGITAL COMMONS, <http://digitalcommons.bepress.com> (last visited Mar. 16, 2016).