

JUNE 25, 2019



TWO YEAR ANNIVERSARY REPORT

TABLE OF CONTENTS

Introduction.....	1
Impact	2
Subject Analysis of Posted Articles	9
Legal Scholarship Advisory Board	11
Timeline of Major Events	12
Goals for Development	13
Appendix 1: Subject Counts (April 25, 2018 and June 10, 2019)	14

INTRODUCTION

LawArXiv (<http://lawarxiv.info/>) remains the only free, open access, nonprofit, pre and post print repository for legal scholarship. It is hosted on the Open Science Framework (OSF) platform maintained by the non-profit, Center for Open Science (COS). LawArXiv was jointly developed and is co-owned by four entities collectively referred to as the LawArXiv Steering Committee:

- Cornell University Law Library;
- LIPA (Legal Information Preservation Alliance);
- MALLCO (Mid-America Law Library Consortium); and
- NELLCO Law Library Consortium, Inc.



Corie Dugas
NELLCO



Kim Nayer
Cornell



Michelle Trumbo
LIPA



Susan Urban
MALLCO

Launched on May 8, 2017, the repository had 1,028 articles on the date of its two-year anniversary. As of May 14, 2019, articles in the repository had been downloaded a combined total of 149,824 times. LawArXiv remains committed to providing an alternative to commercially owned repositories and insuring that the benefits of legal scholarship are not held exclusively by “rent-seeking and profit-maximizing corporations.”¹

¹ Alejandro Posada and George Chen, September 20, 2017, <http://knowledgegap.org/index.php/sub-projects/rent-seeking-and-financialization-of-the-academic-publishing-industry/preliminary-findings/>

IMPACT

LawArXiv is being used and has made an impact. The greatest manifestation of this impact is the thousands of times that users have downloaded LawArXiv articles. These cumulative download counts are doubling every year and the pace appears to be accelerating. *See Table 1.* This means that the average article on LawArXiv has been downloaded 146 times. A law library director from the Midwest who had put his scholarship on LawArXiv shortly after its inception, was recently surprised to learn that he had more downloads on LawArXiv than he did for the same content on SSRN. He promptly urged his law faculty members to also post to LawArXiv to broaden the use of their scholarship and to obtain additional download counts. Furthermore, LawArXiv content has been cited in the *New York Times*.²

Table 1: LawArXiv Cumulative Download Counts

Date	Cumulative Download Counts	Number of Papers	Average Downloads Per Paper
May 8, 2017 (inception)	0	unkown	0
July 9, 2018	67,961	752	90
May 14, 2019	149,824	1,028	146

Monthly Users

According to Google Analytics, LawArXiv enjoyed over 11,000 visits the past year.³ *See Figure 1.*⁴ The most visits occurred in the most recent month for which there is data—1,499 in May 2019. The least number of visits, 440, occurred in July 2018. It will be interesting to see if in future years the summer months (in the Northern Hemisphere) continue to reflect a decrease in visitors.

² Adam Liptak, Accused of ‘Terrorism’ for Putting Legal Materials Online, N.Y. Times, May 13, 2019 available at: <https://www.nytimes.com/2019/05/13/us/politics/georgia-official-code-copyright.html> [This is an embedded link in the following sentence: “This is part of a disturbing trend, according to [a new law review article](#), “Who Owns the Law? Why We Must Restore Public Ownership of Legal Publishing,” by [Leslie Street](#), a law professor and librarian at Mercer University in Macon, Ga., and [David Hansen](#), a librarian at Duke.” citing <https://osf.io/preprints/lawarxiv/xnbcpl/>.]

³ A ‘visit’ is synonymous with a session and ends after either 30 minutes of inactivity or if the user leaves the website for more than 30 minutes. “[I]f a user leaves [the] site and returns within 30 minutes, this is counted as part of the original visit.” <https://www.boxuk.com/insight/blog-posts/understanding-google-analytics-definitions-of-key-terms>

⁴ Data from May 2018 and June 2018 were not supplied by COS because the Google Analytics subscription had lapsed and this went unnoticed for some time.

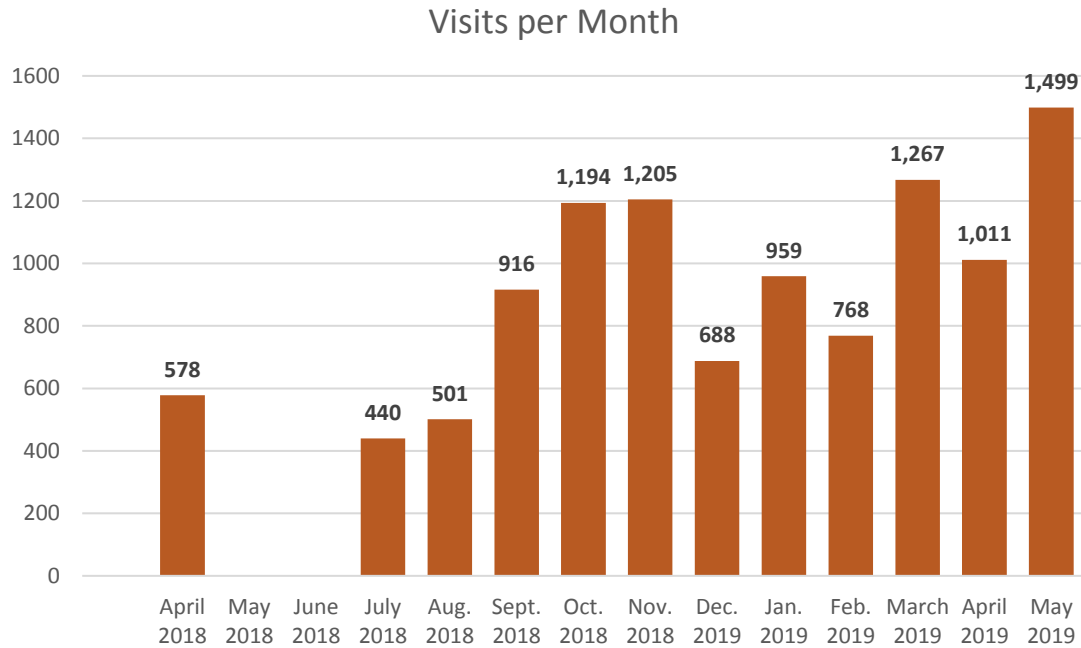


Figure 1: LawArXiv Visits per Month

International Reach of LawArXiv

LawArXiv is used by people all over the world. This is reflected in the website analytics. Each month, Google Analytics identifies the five most frequently occurring user countries with aggregate count information. **Table 2** combines this information for all months there is data (same data as in Figure 1). As the top five user countries were seldom the exact same from month to month, many more than five countries are named. While most of the eleven identified countries are English-speaking, at least five are not. The uptake of LawArXiv by non-English speaking countries is also seen in the next section with the inclusion of two Indonesian language papers and one German language paper in the 33 top most viewed/downloaded papers. It is also important to remember that the analytics only identifies the top five user countries each month. There are likely numerous other countries that are also using LawArXiv, but not counted in the top five for any particular month.

Table 2: LawArXiv User Countries

User Country	Totals	Months in Top 5 (out of 12)
United States	14,240	12
United Kingdom	499	11
Indonesia	420	10
Germany	384	4
Canada	318	10
Austria	171	2
India	129	3
Australia	114	5
Hong Kong	66	1
Spain	32	1
Brazil	12	1

Most Viewed Papers

Based on monthly statistics as to the use and reach of LawArXiv supplied by COS (Google Analytics), it is possible to determine the six most viewed papers each month. **Table 3** contains the papers with the most ‘views’ and some additional information about those papers—including language and download counts. They are listed in descending order based on download counts. Last year, COS supplied LawArXiv with the most downloaded paper (Tran, J. L. (2016, July 29). Two Years after Alice v. CLS Bank). As of July 9, 2018, that particular paper had been downloaded 1,543 times. (See paper (2) on Table 3.) This year, COS could not easily supply LawArXiv with the most downloaded papers. Instead, to produce Table 3, page views were used to identify the most frequently viewed papers over the twelve months for which there is data. It is presumed that the most viewed articles are also some of the most frequently downloaded. Two papers in the top thirty-three are authored by LawArXiv Legal Scholarship Advisory Board Members: (4) Kyle Courtney, and (20) James Grimmelmann. Many of the top thirty-three papers are about the online world, algorithms, and privacy. This is consistent with the large adoption of LawArXiv by scholars working in these areas noted in last year’s report.

Table 3: Top most Viewed/Downloaded Papers on LawArXiv

Rank	Language	Article	Created on Date	Aggregated Page Views	Downloads as 6/12/2019	Months in the Top Viewed (out of 12)
1	English	Lambert, P. (2017, July 8). Computer Generated Works and Copyright: Selfies, Traps, Robots, AI and Machine Learning. https://doi.org/10.31228/osf.io/np2jd	7/8/2017	93	2,078	2
2	English	Tran, J. L. (2016, July 29). Two Years After Alice v. CLS Bank. https://doi.org/10.31228/osf.io/fq5hy	7/28/2016	0	1,787	0
3	Indonesian	Umanailo, M., Assagaf, S. A., Bahasoan, H., Nawawi, M., Umanailo, R., Hentihu, I., ... Hamid, I. (2018, April 10). NASKAH AKADEMIK BADAN USAHA MILIK DESA. ⁵ https://doi.org/10.31228/osf.io/ua92n	4/9/2018	204	1,665	4
4	English	Hansen, D. R., & Courtney, K. K. (2018, September 24). A White Paper on Controlled Digital Lending of Library Books. https://doi.org/10.31228/osf.io/7fdyr	9/24/2018	1,219	731	9
5	English	Ohm, P. (2018, November 1). The Many Revolutions of Carpenter. https://doi.org/10.31228/osf.io/bsedj	11/1/2018	501	636	4
6	English	Harbach, M. J. (2017, May 3). Sexualization, Sex Discrimination, and Public School Dress Codes. https://doi.org/10.31228/osf.io/qxca6	5/3/2017	26	597	1
7	English	Kavak, M. (2016, December 8). Universal Economic Plan Based Law Constitutions of Kingdom and Nations. https://doi.org/10.31228/osf.io/vrf9r	12/8/2016	304	505	2
8	English	Edwards, L., & Veale, M. (2017, November 18). Slave to the Algorithm? Why a 'right to an explanation' is probably not the remedy you are looking for. https://doi.org/10.31228/osf.io/97upg	11/18/2017	119	489	2

⁵ Google Translates as: “Academic Text of Village Owned Enterprises.”

9	English	Published: David Colarusso & Erika J. Rickard, Speaking the Same Language: Data Standards and Disruptive Technologies in the Administration of Justice, 50 Suffolk U. L. Rev. 387 (2017) https://osf.io/preprints/lawarxiv/awbdx/	8/15/2017	200	439	6
10	English	Bellovin, S. M., Dutta, P. K., & Reitingner, N. (2018, September 26). Privacy and Synthetic Datasets. https://doi.org/10.31228/osf.io/bfqh3	9/26/2018	30	424	1
11	English	Kaminski, M. (2018, June 19). The Right to Explanation, Explained. https://doi.org/10.31228/osf.io/rgeus	6/19/2018	124	412	3
12	English	Street, L., & Hansen, D. R. (2019, April 29). Who Owns the Law? Why We Must Restore Public Ownership of Legal Publishing, 26 J. Intell. Prop. L. 205 (2019). https://doi.org/10.31228/osf.io/xnbcpc	4/29/2019	838	351	2
13	English	Mavroudis, V., & Veale, M. (2018, January 22). Eavesdropping Whilst You're Shopping: Balancing Personalisation and Privacy in Connected Retail Spaces. https://doi.org/10.1049/cp.2018.0018	1/22/2018	45	345	1
14	English	Bellovin, S. M. (2018, November 7). Comments on Privacy. https://doi.org/10.31228/osf.io/5s2vt	11/7/2018	160	271	1
15	Indonesian	Prasetya, Y. A. (2018, November 21). Tafsir Kontroversial Sila Pertama Pancasila Ditinjau dari Pidato Soekarno pada Sidang BPUPKI 1945 dan Relevansinya bagi Kerukunan Umat Beragama di Indonesia. ⁶ https://doi.org/10.31228/osf.io/w2yuf	11/21/2018	40	266	1
16	English	Kristo, A. (2019, January 2). THE RIGHT TO BE FORGOTTEN: An analysis from an American perspective and what it means for the U.S. to adopt it. https://doi.org/10.31228/osf.io/ry7sv	1/2/2019	81	170	1

⁶ Google Translates as: "The First Controversial Sila Interpretation of Pancasila Judging from Soekarno's Speech at the 1945 BPUPKI Session and its Relevance for Religious Harmony in Indonesia."

17	English	Volman, L. (2018, July 17). The TRIPS Article 31 Tug of War Developing Country Compulsory Licensing of Pharmaceutical Patents and Developed Country Retaliation. https://doi.org/10.31228/osf.io/6cxaj	7/17/2018	19	164	1
18	English	Chin, J. (2018, July 17). Be careful what you promise: Proprietary estoppel in <i>Cowper-Smith v Morgan</i> . https://doi.org/10.31228/osf.io/sjzdq	7/17/2018	23	161	1
19	English	Binns, R., & Bietti, E. (2018, October 24). Acquisitions in the third party tracking industry: competition and data protection aspects. https://doi.org/10.31228/osf.io/fe8u7	10/24/2018	39	152	1
20	English	Grimmelmann, J. (2018, January 12). Privacy as Product Safety. https://doi.org/10.31228/osf.io/pkcvd	1/12/2018	28	136	1
21	English	Carter, D. J., Brown, J. J., & Saunders, C. (2018, March 27). Understanding Public Expectations of Healthcare Quality and Safety Regulation in Australia. https://doi.org/10.31228/osf.io/c48by	3/27/2017	21	133	1
22	English	Verma, K. (2018, September 12). Analyzing HC-NJDG Data to Understand the Pendency in High Courts in India. https://doi.org/10.31228/osf.io/xryj7	9/12/2018	775	129	8
23	German	Bülte, J. (2019, March 26). Stellungnahme zur Strafbarkeit von Veterinären bei der Mitwirkung an Hochrisikotransporten. ⁷ Retrieved from https://osf.io/preprints/lawarxiv/haekq	3/26/2019	329	121	2
24	English	Steele, M. L. (2018, April 2). The Great Failure of the IPXI Experiment: Why Commoditization of Intellectual Property Failed. https://doi.org/10.31228/osf.io/gqy2c	4/2/2018	30	94	1
25	English	Katyal, S. (2018, January 16). The Public Good in Poetic Justice. https://doi.org/10.31228/osf.io/er9s5	1/16/2018	30	92	1

⁷ Google Translates as: “Opinion on the criminal liability of veterinarians for participating in high-risk transport.”

26	English	Veale, M., Binns, R., & Edwards, L. (2018, July 12). Algorithms that Remember: Model Inversion Attacks and Data Protection Law. https://doi.org/10.1098/rsta.2018.0083	7/12/2018	19	82	1
27	English	Gowder, P. (2019, February 21). Is Legal Cognition Computational? (When Will DeepVehicle Replace Judge Hercules?). https://doi.org/10.31228/osf.io/gk2ms	2/21/2019	40	75	1
28	English	Kitano, Y. (2019, January 5). "The Legal Basis for the Exercise of Jurisdiction by the International Criminal Court and the Preparatory Work of the Rome Statute (I)", Journal of International Relations and Comparative Culture, Vol. 16, No. 2 (March 2018), pp. 67-74. https://doi.org/10.31228/osf.io/gx3ae	1/5/2019	266	56	5
29	English	Kitano, Y. (2019, January 5). "The Legal Basis for the Exercise of Jurisdiction by the International Criminal Court and the Preparatory Work of the Rome Statute (II)", Journal of International Relations and Comparative Culture, Vol. 17, No. 1 (September 2018), pp. 37-48. https://doi.org/10.31228/osf.io/hm3uz	1/5/2019	184	53	3
30	English	Hockett, R. C. (2019, February 8). Ten Years On: What Have We Learned? What Have We Done? What Must We Do?. https://doi.org/10.31228/osf.io/bea5u	2/8/2019	72	50	1
31	English	Chin, J., Ribeiro, G., & Rairden, A. (2019, May 26). Open Forensic Science. https://doi.org/10.31228/osf.io/syu4m	5/25/2019	64	48	1
32	English	Cheung, A. Y. (2019, March 4). Abusive Emulation and Justificatory Borrowing. https://doi.org/10.31228/osf.io/e9py5	3/4/2019	126	43	1
33	English	Kitano, Y. (2019, April 13). "The Legal Basis for the Exercise of Jurisdiction by the International Criminal Court and the Preparatory Work of the Rome Statute (III)," Journal of International Relations and Comparative Culture, Vol. 17, No. 2 (March 2019), pp. 55-64. https://doi.org/10.31228/osf.io/8w347	4/13/2019	40	11	1

SUBJECT ANALYSIS OF POSTED ARTICLES

LawArXiv has a controlled vocabulary of 117 subjects. See **Appendix 1** for a full listing of subjects and article counts as of April 25, 2018 and June 10, 2019. In the past year, LawArXiv went from having 16 subjects with no articles to 11. Reported below are the most and least frequently occurring subjects in terms of article counts (with counts from both observation dates). In the past year, Constitutional Law eclipsed Intellectual Property Law as the most commonly occurring subject in LawArXiv.

Constitutional Law	78	183	Accounting Law	0	1
Intellectual Property Law	123	143	Admiralty	0	0
Law and Society	78	87	Agriculture Law	0	0
Administrative Law	13	78	Air and Space Law	0	0
International Law	62	77	Animal Law	0	1
Internet Law	46	63	Bankruptcy Law	0	2
Computer Law	46	62	Disaster Law	0	0
Law and Economics	38	59	Elder Law	1	0
Criminal Law	32	56	Evidence	0	12
Courts	38	53	Legal Biography	0	0
Science and Technology Law	39	51	Natural Resources Law	0	1
Comparative and Foreign Law	20	48	Oil, Gas, and Mineral Law	0	0
Jurisprudence	27	46	Secured Transactions	0	0
Legal Education	34	45	Taxation-Federal	0	1
Banking and Finance Law	26	43	Taxation-Fed. Estate and Gift	0	0
Labor and Employment Law	23	42	Transportation Law	0	0
Contracts	28	39	Workers' Compensation Law	0	0
Human Rights Law	21	39			
Law and Politics	27	39			
Religion Law	14	38			

The biggest percentage changes in terms of increases of articles with particular subjects are set out in **Table 4**. Evidence, Tax Law, and Administrative Law had particularly large gains. The increase in the use of the subject, Tax Law, might have been a correction, in part, that also resulted in a decrease of sixteen articles with the subject, Taxation-Transnational, to one. Elder Law was the only other subject to experience a decline in the number of articles—going from one to none. These decreases are almost certainly due to editing the subjects assigned to various articles in LawArXiv.

Table 4: Top 20 Subjects with the Greatest Percentage Gains in Use

Subject	Count as of April 25, 2018	Count as of June 10, 2019	Percentage Change
Evidence	0	12	incalculable
Bankruptcy Law	0	2	incalculable
Accounting Law	0	1	incalculable
Animal Law	0	1	incalculable
Natural Resources Law	0	1	incalculable
Taxation-Federal	0	1	incalculable
European Law	1	8	800%
Tax Law	3	23	767%
Administrative Law	13	78	600%
Medical Jurisprudence	3	16	533%
Consumer Protection Law	1	5	500%
Insurance Law	1	4	400%
Civil Procedure	4	13	325%
Housing Law	1	3	300%
Education Law	4	11	275%
Religion Law	14	38	271%
Election Law	3	8	267%
First Amendment	4	10	250%
Comparative and Foreign Law	20	48	240%
Constitutional Law	78	183	235%

LEGAL SCHOLARSHIP ADVISORY BOARD

The Legal Scholarship Advisory Board serves to recommend priorities and to help popularize the repository. Additionally, it serves to make sure that LawArXiv is responsive to the needs of the legal scholarship community. 2018-19 members include:

- Kyle Courtney, Harvard University
- Corie Dugas, NELLCO Law Library Consortium, Inc.
- James Grimmelmann, Cornell Tech and Cornell Law School
- Susan Nevelow Mart, University of Colorado Law School
- Kim Nayyer, Cornell Law School and Library
- Roger Skalbeck, University of Richmond School of Law
- Michelle Trumbo, Legal Information Preservation Alliance (LIPA)
- Susan Urban, Mid-America Law Library Consortium

TIMELINE OF MAJOR EVENTS

2017

- 2017, May 7-10 – LawArXiv promoted at the Annual Meeting of the Canadian Association of Law Libraries (CALL).
- 2017, May 8 – LawArXiv Website repository opened to the public.
- 2017, May 15 – Press: Cornell Law Library's LawArXiv Removes Paywall from Scholarship, Goes Open Source, *Legaltech News*, May 15, 2017.
<https://www.law.com/legaltechnews/almID/1202786185193/>
- 2017, May 26 – Press: Law Library database makes more legal scholarship available, *US Official News*, May 26, 2017.
- 2017, July 15-18 – LawArXiv promoted at the Annual Meeting of the American Association of Law Libraries (AALL).
- 2017, Oct. 22-25 – LawArXiv promoted at the Annual Meeting of the International Association of Law Libraries (IALL).

2018

- 2018, Feb. 1 – Peter Hook (Cornell) replaced Margaret Ambrose as LawArXiv Administrator.
- 2018, April 10 – LawArXiv Marketing and Outreach Committee established.
- 2018, April 24 – LawArXiv wins the 2018 Innovations in Technology Award from the American Association of Law Libraries (AALL).

2019

- 2019, March 25 – 1,000th paper uploaded to LawArXiv.
- 2019, May 31 – 150,000 cumulative downloads of LawArXiv papers.

GOALS FOR DEVELOPMENT

The development goals for LawArXiv remain the same as contained in last year's annual report. The LawArXiv Steering Committee has tentatively begun to investigate alternative platforms and partners to achieve long-sought improvements to better serve the needs of the LawArXiv user community. These improvements are:

- End-user effectuated batch uploading.
- A data field for the institutional affiliation of article authors;
- Institutional branding—the ability to use logos and trademarks to associate content with a particular institution;
- Institutional pages—the ability to co-locate all articles associated with one institution;
- Author pages—the ability to co-locate all articles associated with one individual with aggregated download counts.



Report prepared by: Peter A. Hook, Cornell University Law Library

APPENDIX 1: SUBJECT COUNTS (April 25, 2018 and June 10, 2019)

Accounting Law	0	1
Administrative Law	13	78
Admiralty	0	0
Agency	2	2
Agriculture Law	0	0
Air and Space Law	0	0
Animal Law	0	1
Antitrust and Trade Regulation	4	8
Banking and Finance Law	26	43
Bankruptcy Law	0	2
Business Organizations Law	12	21
Civil Law	8	10
Civil Procedure	4	13
Civil Rights and Discrimination	18	28
Commercial Law	17	25
Common Law	3	4
Communications Law	3	7
Comparative and Foreign Law	20	48
Computer Law	46	62
Conflict of Laws	4	9
Constitutional Law	78	183
Construction Law	7	7
Consumer Protection Law	1	5
Contracts	28	39
Courts	38	53
Criminal Law	32	56
Criminal Procedure	19	29
Cultural Heritage Law	3	3
Disability Law	2	3
Disaster Law	0	0
Dispute Resolution and Arbitration	6	12
Education Law	4	11
Elder Law	1	0
Election Law	3	8
Energy and Utilities Law	3	4
Entertainment, Arts, and Sports Law	10	11
Environmental Law	7	12
Estates and Trusts	3	4

European Law	1	8
Evidence	0	12
Family Law	15	26
First Amendment	4	10
Food and Drug Law	5	6
Fourteenth Amendment	3	4
Fourth Amendment	11	14
Gaming Law	2	2
Government Contracts	1	1
Health Law and Policy	14	31
Housing Law	1	3
Human Rights Law	21	39
Immigration Law	7	13
Indian and Aboriginal Law	6	6
Insurance Law	1	4
Intellectual Property Law	123	143
International Humanitarian Law	10	15
International Law	62	77
International Trade Law	21	28
Internet Law	46	63
Judges	9	16
Jurisdiction	13	18
Jurisprudence	27	46
Juvenile Law	2	2
Labor and Employment Law	23	42
Land Use Law	3	3
Law and Economics	38	59
Law and Gender	6	12
Law and Philosophy	22	31
Law and Politics	27	39
Law and Psychology	13	18
Law and Race	5	8
Law and Society	78	87
Law Enforcement and Corrections	5	5
Law of the Sea	2	2
Legal Biography	0	0
Legal Education	34	45
Legal Ethics and Professional Responsibility	10	11

Legal History	12	22
Legal Profession	5	10
Legal Remedies	3	5
Legal Writing and Research	15	26
Legislation	12	25
Litigation	23	30
Marketing Law	2	2
Medical Jurisprudence	3	16
Military, War, and Peace	3	4
National Security Law	7	16
Natural Law	1	2
Natural Resources Law	0	1
Nonprofit Organizations Law	2	2
Oil, Gas, and Mineral Law	0	0
Organizations Law	1	1
Other Law	26	36
President/Executive Department	2	3
Privacy Law	17	31
Property Law and Real Estate	18	21
Public Law and Legal Theory	16	22
Religion Law	14	38

Retirement Security Law	1	1
Rule of Law	10	18
Science and Technology Law	39	51
Second Amendment	1	1
Secured Transactions	0	0
Securities Law	6	11
Sexuality and the Law	16	26
Social Welfare Law	3	5
State and Local Government Law	3	5
Supreme Court of the United States	10	12
Taxation-Federal	0	1
Taxation-Federal Estate and Gift	0	0
Taxation-State and Local	2	2
Taxation-Transnational	16	1
Tax Law	3	23
Torts	7	16
Transnational Law	16	19
Transportation Law	0	0
Water Law	1	1
Workers' Compensation Law	0	0