

April 19, 2011

To the legal community:

In recent years, many law journals have adopted the practice of issuing “exploding offers”—giving scholars only a couple of days, hours, or even minutes to accept an offer of publication. The reasoning behind these offers was simple: we each hoped to secure the best articles for our own journal before others could identify them and make competing offers. But experience has made clear that the costs of this practice—to the quality of our deliberations, to the faculty with whom we work, and, ultimately, to the scholarship we publish—dramatically outweigh the benefits. We therefore commit, effective immediately, to give every author at least seven days to decide whether to accept any offer of publication.

This decision stems from the recognition that what once seemed an effective strategy for any one of us has in fact had a highly corrosive effect on all of us. Journals have responded to the prospect of exploding offers elsewhere by speeding up their own processes: rapidly winnowing down submissions, quickly holding articles committee votes, and, in the case of many journals, only occasionally consulting scholars in the field regarding an article’s novelty or contribution. This expedited review has inevitably favored established authors, popular topics, and broad claims at the expense of originality and merit. It has led many law journals to establish a two-track process for article review: a fast track for widely recognized authors, whose submissions are more likely to elicit exploding offers; a slower track for younger authors and authors who teach at lower-ranked institutions. Many deserving pieces in the latter category never get to the front of the line.

Moreover, expedited review has unduly compelled authors to undertake complicated workarounds and endure strong-arming and stress. Nor have exploding offers accomplished their purpose of improving our standing: for as often as we’ve taken good articles from others, we’ve had good articles taken from us. The dominant experience has merely been an ever-expanding push toward quick review and quick decision.

Opening a seven-day offer window will substantially eliminate these defects. Student editors, lacking the incentive to expedite selection decisions, will be able to engage more deeply with the articles we review. We will have the time to consult scholars regularly regarding an article’s significance and novelty. As a result, all of us will be able to publish more of the stellar pieces that, under the current system, slip through the cracks.

No doubt giving up a practice to which we’ve grown accustomed entails some risk. But we are confident that the risks of continuing the present race to the bottom are substantially greater. We invite all other student-edited law journals to join this letter, and we welcome an ongoing discussion with both journals and authors about how best to work together effectively.

Sincerely,

Boston University Law Review
Harvard Law Review
Minnesota Law Review
Stanford Law Review
University of Chicago Law Review
William and Mary Law Review
Yale Law Journal
Harvard Civil Rights-Civil Liberties Law
Review

Harvard Environmental Law Review
Harvard Human Rights Journal
Harvard International Law Journal
Harvard Journal on Law and Gender
Harvard Journal on Legislation
Harvard Latino Law Review
Harvard Law and Policy Review
Yale Journal of Law and Feminism