



SSRN AND THE (ARBITRARY) DETERMINATION OF “SCHOLARLY” MERIT

Bridget J. Crawford

ON MAY 20, 2019, BRIAN FRYE tweeted: “I am sad. @SSRN has decided that my article about *Gremlins* (1984), *In re Patentability of the Peltzer Inventions*, does not qualify for ‘public’ status because it is ‘opinion, advocacy, or satire.’ Why judge? Oh well. You can still download it here.”¹

I followed Brian’s direct link to the piece.² The abstract refers to the many inventions of the movie’s Randall Peltzer character,³ and explains,

Bridget J. Crawford is the James D. Hopkins Professor of Law at the Elisabeth Haub School of Law at Pace University. This essay previously appeared in substantially similar form, without footnotes but with syntactic contractions, at The Faculty Lounge blog. See Bridget Crawford, @SSRN and the (Arbitrary) Determination of “Scholarly” Merit, THEFACULTYLOUNGE.ORG (May 21, 2019), www.thefacultylounge.org/2019/05/ssrn-and-the-arbitrary-determination-of-scholarly-merit.html. Copyright 2019 Bridget J. Crawford.

¹ Brian L. Frye (@brianlfrye), TWITTER (May 20, 2019), www.twitter.com/brianlfrye (font style added). Brian Frye is the Spears-Gilbert Associate Professor of Law at the University of Kentucky College of Law. See, e.g., *Brian L. Frye*, UNIVERSITY OF KENTUCKY COLLEGE OF LAW, law.uky.edu/directory/brian-l-frye.

² See *id.* (linking to Brian L. Frye, *In re Patentability of the Peltzer Inventions*, May 15, 2019, law.uky.edu/directory/brian-l-frye; papers.ssrn.com/sol3/papers.cfm?abstract_id=3371989).

³ See GREMLINS (Warner Bros. 1984). See also *Gremlins*, IMDB.COM, www.imdb.com/title/tt0087363/ (providing summary storyline of film plot).

“This essay takes the form of an opinion letter evaluating the patentability of Peltzer’s inventions.” I do not teach IP,⁴ but I like Brian’s work and so I downloaded the essay. It struck me as funny and as an excellent teaching tool. But if you had gone to Brian’s author page on SSRN, you wouldn’t have been able to access the paper.⁵ You would not even have seen it.⁶

I myself have posted material that apparently doesn’t meet SSRN’s criteria for a “scholarly paper,” including an interview with the principal drafter of some important state trust legislation⁷ (and the interview itself has been cited in subsequent scholarship)⁸ and columns for *Tax Notes* reviewing

⁴ See, e.g., Bridget J. Crawford, Pace University School of Law, law.pace.edu/faculty/bridget-j-crawford (listing “courses taught” including taxation, wills, and feminist legal theory).

⁵ See Author Page for Brian L. Frye, SSRN.COM, papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=646621 (listing and linking to 52 “Scholarly Papers” and 3 “Other Papers” by Professor Frye).

⁶ Upon further investigation, I determined that this statement was false at the time I wrote it on May 21, 2019. The paper was then listed under “Other Papers.” See *id.* And, *mirabile dictu*, on May 29, 2019, without any action taken by Professor Frye (or me), the SSRN editors moved this paper to his “Scholarly Papers.” See Brian L. Frye (@brianlfrye), Twitter (May 29, 2019), www.twitter.com/brianlfrye (font style added) (Professor Frye’s reporting that SSRN had sent him notification that *In re Patentability of the Peltzer Inventions* would appear in the “Scholarly” section of his papers, and commenting, “Holy crap! @ProfBCrawford @grimmelm & @FacLoungeBlog get results.”). On my own SSRN Author Page, papers other than “Scholarly Papers” are not publicly available under “Other Papers” even though I have requested that they be included on my Author Page. See Author Page for Bridget J. Crawford, SSRN.COM, papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=344493.

⁷ Bridget J. Crawford, *On Perpetuities, Paradigms, and a Creative Life in the Law*, 152 TAX NOTES 289 (2016) (interviewing Jonathan G. Blattmachr, drafter of Alaska Trust Act). See also *id.* at SSRN.COM, papers.ssrn.com/abstract=2808261.

⁸ See Bridget J. Crawford, *Less Trusts Means More Trusts*, 75 WASH. & LEE L. REV. ONLINE 74 (2019). I say this counts, even though I cited my own work. See *id.* It does not go without notice that in this work, I cite my work that cites my work. *Id.* It counts. *Id.* Professor Sisk and Professor Leiter, are you counting? See, e.g., Gregory C. Sisk et al., *Scholarly Impact of Law School Faculties in 2018: Updating the Leiter Score Ranking for the Top Third*, 15 U. ST. THOMAS L.J. 95 (2018) (not listing me in the ranking) and Brian Leiter, *20 Most-Cited Critical Theories of Law (Feminist and Critical Race) Scholars in the U.S., for the Period 2013-2017 (1st Draft)* (same); BRIAN LEITER LAW SCHOOL REPORTS (Oct. 12, 2018), leiterlawschool.typepad.com/leiter/2018/10/20-most-cited-critical-theories-of-law-feminist-and-critical-race-scholars-in-the-us-for-the-period-.html (same); Brian Leiter, *10 Most-Cited Tax Faculty in the U.S. for the Period 2013-2017*, BRIAN LEITER LAW SCHOOL REPORTS (Aug. 27, 2018),

SSRN and the (Arbitrary) Determination of “Scholarly” Merit

estate and gift tax law review articles published in 2016⁹ (even though SSRN published my similar pieces reviewing scholarship for the years 2015 and 2014 (combined),¹⁰ 2013,¹¹ 2012,¹² 2011,¹³ 2010,¹⁴ and 2009¹⁵).

When I posted my *Information for Submitting to Online Law Review Companions*¹⁶ (a submission guide modeled after Nancy Levit and Allen Ros-

leiterlawschool.typepad.com/leiter/2018/08/10-most-cited-tax-faculty-in-the-us-for-the-period-2013-2017.html (same); Brian Leiter, *10 Most-Cited Property Law Faculty in the U.S. for the Period 2013-2017 (Corrected)*, BRIAN LEITER LAW SCHOOL REPORTS (Oct. 4, 2018), leiterlawschool.typepad.com/leiter/2018/10/10-most-cited-property-law-faculty-in-the-us-for-the-period-2013-2017.html (same); Brian Leiter, *Ten Most-Cited Law Faculty in the United States for the Period 2013-2017*, BRIAN LEITER LAW SCHOOL REPORTS (Aug. 14, 2018), leiterlawschool.typepad.com/leiter/2018/08/ten-most-cited-law-faculty-in-the-united-states-for-the-period-2013-2017.html (same).

⁹ Bridget J. Crawford, *A Year Behind on Estate and Gift Tax Law Review Articles? Read This Instead*, 155 TAX NOTES 1467 (2017) (reviewing estate and gift tax law review articles published in 2016). See also *id.* at SSRN.COM, papers.ssrn.com/abstract=3006179.

¹⁰ Bridget J. Crawford, *Two Years' Worth of Estate and Gift Tax Law Review Articles*, 151 TAX NOTES 215 (2016) (reviewing estate and gift tax law review articles published in 2014 and 2015). See also *id.* at SSRN.COM, papers.ssrn.com/abstract=2763674 (same).

¹¹ Bridget J. Crawford, *Law Review Articles You Should Have Read in 2013 (But Probably Didn't)*, 143 TAX NOTES 1305 (2014) (reviewing estate and gift tax law review articles published in 2013). See also *id.* at SSRN.COM, papers.ssrn.com/abstract=2455917 (same).

¹² Bridget J. Crawford, *Notable Estate and Gift Tax Articles of 2012*, 139 TAX NOTES 664 (2013) (reviewing estate and gift tax law review articles published in 2012). See also *id.* at SSRN.COM, papers.ssrn.com/abstract=2297627 (same).

¹³ Bridget J. Crawford, *Estate and Gift Tax Must-Reads From 2011*, 134 TAX NOTES 1453 (2012) (reviewing estate and gift tax law review articles published in 2011). See also *id.* at SSRN.COM, papers.ssrn.com/abstract=2014852 (same).

¹⁴ Bridget J. Crawford, *Estate and Gift Tax Law Review Articles You Should've Read (But Probably Didn't) in 2010*, 130 TAX NOTES 1195 (2011) (reviewing estate and gift tax law review articles published in 2010). See also *id.* at SSRN.COM, papers.ssrn.com/abstract=2014852 (same).

¹⁵ Bridget J. Crawford, *Law Review Articles You Should've Read (but Probably Didn't) in 2009*, TAX NOTES 397 (2010) (reviewing estate and gift tax law review articles published in 2009). See also *id.* at SSRN.COM, papers.ssrn.com/abstract=1536150 (same).

¹⁶ Bridget J. Crawford, *Information for Submitting to Online Law Review Companions*, SSRN.COM, papers.ssrn.com/abstract=33341802 (providing details for mechanics of submitting essays, commentaries, reviews, responses, and other writings to 50 online companions to the main law reviews and journals).

Bridget J. Crawford

tron's useful *Law Review Submission Guide*),¹⁷ SSRN reviewer "Ty D." responded:

We have accepted your paper to appear in the "Other Papers" section of your Author Page, which is where opinion, advocacy and satirical papers are displayed as per SSRN policy. It will not be searchable by the SSRN eLibrary search engine but will be searchable by public search engines, and you may share the URL.¹⁸

I asked SSRN for reconsideration, and got this from SSRN reviewer "Katie M.":

We have recently reviewed your submission to SSRN. Our classifiers have determined that this submission is very useful information, however would still be considered non-scholarly. Because of our acceptance of your previous paper 1019029, we have made the decision to allow the public viewing of this paper. In the future, similar submissions will be processed to appear in the "Other Papers" section of your Author Page, which is where submissions that are not full scholarly research papers (including submissions such as data tables, summary book reviews, opinion, advocacy and satirical papers) are displayed as per SSRN policy.¹⁹

I do not even bother thinking that my *Information for Submitting to Specialty Law Reviews and Journals in Gender, Women & Sexuality* will be a searchable public paper.²⁰

¹⁷ Allen Rostron & Nancy Levit, *Information for Submitting Articles to Law Reviews & Journals*, SSRN.COM, papers.ssrn.com/abstract=1019029 (providing details for mechanics of submitting articles to 203 law reviews and journals).

¹⁸ Comment of "Ty D." in Abstract Comments History: Author Comments to *Information for Submitting to Online Law Review Companions*, *supra* note 16.

¹⁹ Comment of "Katie M." in Abstract Comments History: Author Comments to *Information for Submitting to Online Law Review Companions*, *supra* note 16. Note that "previous paper 1019029" is not "my" paper, but rather the Rostron/Levit guide, *supra* note 17.

²⁰ Bridget J. Crawford, *Information for Submitting to Specialty Law Reviews and Journals in Gender, Women & Sexuality*, SSRN.COM, papers.ssrn.com/abstract=3391603 (providing details for mechanics of submitting manuscripts to 34 specialty law reviews and journals classified under the subject "Gender, Women and Sexuality" by the Washington & Lee Law Journal Rankings or with the word "gender" in their title); 22 GREEN BAG 2D 213 (2019).

SSRN and the (Arbitrary) Determination of “Scholarly” Merit

So what exactly are SSRN’s rules for what is “publicly available” and what is not? What I could find is this: On SSRN’s “Support Page,” one reads the question, “Is my paper eligible for inclusion and public display in SSRN’s eLibrary?” and a response.

A paper must be part of the worldwide scholarly discourse covered by one or more of SSRN’s subject area networks to be eligible for inclusion and public display in SSRN’s eLibrary. Every submitted paper is reviewed by SSRN staff to ensure that the paper is a part of the scholarly discourse in its subject area. SSRN does not provide peer review for papers in the eLibrary.

An author may submit a paper that is not scholarly – for example, an editorial or opinion paper. The author must have a scholarly work accepted to SSRN before a non-scholarly work will be accepted. These non-scholarly works will be given an “Approved-Private” status (rather than “Approved”). The author can choose (on their My Papers page) to have the private papers appear on their Author page in the “Other Papers” section. These private works will not be searchable from SSRN’s Search page and will not appear within any network on the Browse page. The private papers are, however, searchable by external search engines (e.g. Google) if the author included them on their author page. The author may also post the URL elsewhere for download or send the URL of their private paper to readers.²¹

SSRN’s Terms of Use include this prohibition: “Content may not be illegal, obscene, defamatory, threatening, infringing of intellectual property rights, invasive of privacy or otherwise injurious or objectionable.”²² Then there is the information I can see under the “Privately Available Papers” heading on my own Author Page:

This section contains papers that are not displayed on your Author Page unless the “Include on Author Page” checkbox is checked. They are not available in the public SSRN eLibrary or to the SSRN search engine due to an author request, submission restriction (e.g. restricted conference), or SSRN policy (e.g. paper is an opinion/

²¹ SSRN Support Page, www.ssrn.com/index.cfm/en/ssrn-faq/#paper_eligibility (asking and answering question about paper eligibility for inclusion in SSRN database).

²² Website Terms of Use, SSRN.COM, www.ssrn.com/index.cfm/en/terms-of-use/ (setting forth terms of use).

advocacy paper or is not a scholarly research paper covered by one of SSRN's networks). If you want a private paper to display in the "Other Papers" section on your SSRN Author Page and as a result be searchable by external search engines (such as Google), click the paper's "Include on Author Page" checkbox below (if available). Downloads of these papers are not included in computing the total downloads shown on your author page.²³

So it looks like SSRN divides submissions into "non-scholarly" and "scholarly" work. Fair enough.

What can we deduce about the definition of each category? As for *non-scholarly* work, we know from the FAQs that "non-scholarly" work includes "an editorial or opinion paper."²⁴ We know from Brian Frye's submission that a non-scholarly work is "opinion, advocacy, or satire."²⁵ We know from the comment on my law review submission guide that non-scholarly work includes "data tables, summary book reviews, opinion, advocacy and satirical papers."²⁶ But wait, if SSRN does not publish "advocacy," why is an amicus brief by Orin Kerr, for example, publicly available?²⁷ The easy answer would be because amicus briefs are scholarly,²⁸ but so are . . . oh,

²³ Privately Available Papers, Author Page for Bridget J. Crawford, SSRN.COM, hq.ssrn.com/submissions/MyPapers.cfm?partid=344493. I do not believe that the reader will be able to access this information, as it is listed under "Privately Available Papers" and therefore is likely, itself, to be privately available.

²⁴ See *supra* note 21.

²⁵ See *supra* note 1.

²⁶ See *supra* note 19.

²⁷ See Amicus Brief of Professor Orin S. Kerr in *Carpenter v. United States*, 16-402, ssrn.com/abstract=3047300.

²⁸ Others disagree. See *e.g.*, ANTONIN SCALIA & BRYAN A. GARNER, MAKING YOUR CASE 104-05 (2008) ("An increasingly popular category of amicus brief is the academic brief – 'Brief on Behalf of Legal Historians,' or 'Brief on Behalf of Professors of Securities Law.' These are usually drafted by a few professors and then circulated from law faculty to law faculty, seeking professorial sign-ups. Advocacy and scholarship do not go well together, which is why many academics never lend their names to professorial amicus briefs."). In fifteen years of full-time law teaching, I have signed on as amica to five briefs filed with the Supreme Court of the United States (and some others). See, *e.g.*, Brief of Amici Curiae of Trust Law and ERISA Law Professors in Support of Respondent in *First American Financial Corporation v. Edwards*, No. 10-708, 2011 WL 4998361 (listing me as one of the amici); Brief of Amici Curiae Law Professors & Economists in Support of Petitioner

SSRN and the (Arbitrary) Determination of “Scholarly” Merit

let us not get started.²⁹

And as for scholarly work, here’s what I can tell. Bibliographies are scholarly, or at least *Gender and Law Scholarship in the Law in Japan Field: A Bibliographic Compilation* is.³⁰ Also scholarly is seemingly anything published in the *Green Bag*,³¹ including a 4-page explanation of what the *Green*

in *South Dakota v. Wayfair*, 19-494, 2018 WL 1203458 (same); Brief of Amici Curiae Law and Religion Professors in Support of Respondents in *Hosanna-Tabor Evangelical Lutheran Church & School Equal Employment Opportunity Commission*, No. 10-553, 2011 WL 3532698 (same); Brief of Amici Curiae Trust Law and ERISA Law Professors in Support of Respondent in *Metropolitan Life Insurance Company and Long Term Disability Plan for Associates of Sears, Roebuck. & Company v. Glenn*, No. 06-923, 2008 WL 877876 (same); Brief of Amici Curiae Law Professors in Support of Respondents in *State of Washington v. United States of America*, No. 17-269, 2018 WL 1666003 (same). I do not add my name to just any brief, though. *See, e.g.*, Brief of Amicus Curiae in Support of Petitioner in *North Carolina Department of Revenue v. The Kimberly Rice Kaestner 1992 Family Trust*, No. 18-457, 2019 WL 1093047 (a brief I declined to join because I believe it is, well, inaccurate in both reasoning and conclusion). I therefore self-identify as selectively promiscuous when it comes to signing amicus briefs.

²⁹ I am not picking on Orin’s brief. It’s just the first one that came up in my search. Go Orin!

³⁰ Mark Levin & Kallista Hiraoka, *Gender and Law Scholarship in the Law in Japan Field: A Bibliographic Compilation*, papers.ssrn.com=3104875 (displaying under “Scholarly Papers” on SSRN Author Page for Mark Levin, SSRN.COM, papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=624452). Example provided by way of illustration, not by way of conveying disapproval of any kind. No hate.

³¹ *See, e.g.*, Ross E. Davies, *Arthur Conan Doyle’s Pig, and Yours: A Challenge*, 2016 *Green Bag Almanac & Reader* 537 (inviting contributors to draw a pig with their eyes closed and submit the contributions to the *Green Bag*). Example provided by way of illustration, not by way of conveying disapproval of any kind. No hate. *But see* James Grimmelmänn, *Renvoi and the Barber*, 22 *Green Bag* 2d 109 (2019) (discussing, in essay published in the *Green Bag*, the renvoi paradox in choice of law by reference to the musical Sweeney Todd). Professor Grimmelmänn’s essay is apparently not “scholarly” according to SSRN, as it appears on his SSRN page as an “Other Paper.” *See* Author Page for James Grimmelmänn, SSRN.com, papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=413551. In response to my original post at the Faculty Lounge, James Grimmelmänn commented that,

Apparently, SSRN doesn’t consider every paper published in the *Green Bag* to be a “full scholarly research paper[.]” I received a similar email about my essay *Renvoi and the Barber*. It may not be a long paper (16 pages), but I certainly sweated every word and it makes, in my opinion at least, an original contribution to legal theory. I opened a support ticket a week ago to inquire on what basis SSRN thinks that it is not scholarship, but I have received no reply.

Bag folks will be publishing in the future.³² Hate not the *Green Bag*. I love it;³³ but I seek clarity.

And there seems to be a selective “grandfathering” rule, so that my online law review companion submission guide could be “publicly available” because the one by Nancy Levit and Allen Rostron is,³⁴ but my review of estate and gift tax articles from 2016 could not be “publicly available,” even though my own reviews of a similar nature published in each of five prior years were.³⁵

How do these definitions of “non-scholarly” and “scholarly” work map on legal scholarship? (I guess there is “advocacy” and then there’s “normative” scholarship, and the two are not the same, but can be.) How many of the inconsistencies (as I see them) are related to (or a consequence of or arise from) Elsevier’s 2016 acquisition of SSRN?³⁶ If I were interpreting SSRN’s self-stated rules, I would be a little more relaxed and look favorably on “appeals” or requests to reclassify, upon a showing of the scholarly or pedagogical value of material.

SSRN self-describes its mission as follows:

Comment of James Grimmelman, May 21, 2019, THEFACULTYLOUNGE.ORG, www.thefacultylounge.org/2019/05/ssrn-and-the-arbitrary-determination-of-scholarly-merit.html.

³² See, e.g., Ross E. Davies, *Laws of Demand and Supply*, 2019 BAKER STREET ALMANAC 1 (2019) (describing in approximately 300 words the motivation for a new publication as moving “away from putting a little bit of Sherlock Holmes into many of our legal publications and toward putting a little bit of law into an annual Holmes publication.”). Perhaps it is more accurate to say that SSRN considers as scholarly anything written by Ross Davies, not “anything published in the *Green Bag*.” See *supra* note 31 and accompanying text. But see Author Page for Ross E. Davies, SSRN.com, papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=266098 (listing 118 “Scholarly Papers” and 9 “Other Papers”).

³³ See, e.g., Bridget J. Crawford, *SSRN and the (Arbitrary) Determination of “Scholarly” Merit*, 22 GREEN BAG 2d 201 (2019) (using this citation internally to cite the publication venue).

³⁴ See *supra* notes 16-20 and accompanying text.

³⁵ See *supra* notes 9-15 and accompanying text.

³⁶ See, e.g., George H. Pike, *Elsevier Buys SSRN.com: What It Means for Scholarly Publication* (July 1, 2016), ssrn.com/abstract=2963709 (predicting not entirely salutary changes on account of Elsevier’s acquisition of SSRN). See also James Grimmelman, *SSRN Considered Harmful* (Feb. 26, 2007), papers.ssrn.com/abstract=965633 (critiquing several SSRN policies).

SSRN and the (Arbitrary) Determination of “Scholarly” Merit

SSRN’s objective is to provide rapid worldwide distribution of research to authors and their readers and to facilitate communication among them at the lowest possible cost. In pursuit of this objective, we allow authors to upload papers without charge. And any paper an author uploads to SSRN is downloadable for free, worldwide.³⁷

Does the classification of publicly-available “scholarly” papers and privately-available “non-scholarly” papers as applied serve SSRN’s mission? To me, the answer is no. That is, my opinion is no.³⁸ Brian Frye’s patentability piece,³⁹ which strikes me as a great teaching and learning tool, has an easy home in the “Law Educator: Courses, Materials & Teaching eJournal,”⁴⁰ if not the substantive IP eJournals (not my field).⁴¹ Oh, but wait, are “Courses” scholarship? They must be. So must be “Materials,” because they are publicly available and only “scholarly” works are publicly available. But Brian’s piece is not “teaching material” in SSRN’s universe? That does not make any sense to me.

Like others, I have been (and remain) skeptical of Elsevier’s acquisition of SSRN.⁴² Since then, I have noticed that papers tend to take longer to get “approved.” (The longest wait I have had is six weeks, and even then, I had to contact customer service to point out that it had been six weeks since submission, and could SSRN pretty please post the piece.⁴³) I find useless the JEL Classification Codes (not an Elsevier invention), at least in the

³⁷ SSRN Support Page, www.ssrn.com/index.cfm/en/ssrn-faq/#ssrn_objective (answering question, “What is SSRN’s Objective?”).

³⁸ SSRN does not publish opinions. See *supra* note 1 and accompanying text (SSRN’s explaining policy against making publicly available papers that are “opinions”). One must wonder how it is that SSRN publishes any normative legal scholarship at all, then. See *id.*

³⁹ Brian L. Frye, In re Patentability of the Peltzer Inventions, May 15, 2019, law.uky.edu/directory/brian-l-frye, papers.ssrn.com/abstract=3371989.

⁴⁰ Law Educator: Courses, Materials & Teaching eJournal, SSRN.com, www.ssrn.com/link/LSN-Educator.html.

⁴¹ See, e.g., Intellectual Property: Patent Law eJournal, SSRN.com, www.ssrn.com/link/Intellectual-Property-Patent-Law.html.

⁴² See *supra* note 37 and accompanying text.

⁴³ See, e.g., Classification and Distribution Information for Bridget J. Crawford and Michelle S. Simon, *The Supreme Court, Due Process and State Income Taxation of Trusts*, SSRN.COM, papers.ssrn.com/abstract=3358502 (showing creation date of March 22, 2019 and “last updated” date of May 9, 2016).

case of the “Law & Economics” (or “K”) codes applied to most law review scholarship.⁴⁴ These sort codes are so blunt as to be useless for my research, at least. Maybe the codes work better in Economics (after all, the classification system was developed by the *Journal of Economic Literature*).⁴⁵

Like others, I am waiting to see if an alternative to SSRN develops.⁴⁶ Until then, the SSRN downloads remain the coin of the realm in many subdisciplines in law.⁴⁷ For now, I think the answer to Brian Frye’s, “Why judge” question⁴⁸ is: “SSRN does because it can.”



⁴⁴ See, e.g., Browse JEL Classification Codes, K: Law and Economics, SSRN.com, papers.ssrn.com/sol3/displayjel.cfm (listing 29 classification codes applicable to “Law and Economics,” including K00 [“General”], K1 [“Basic Areas of Law”], K10 [“Basic Areas of Law-Other”], K2 [“Regulation and Business Law”], K29 [“Regulation and Business Law-Other”], K3 [“Other Substantive Areas of Law”], K39 [“Other Substantive Areas of Law-Other”], K4 [“Legal Procedure, the Legal System, and Illegal Behavior”], and K49 [“Legal Procedure, the Legal System, and Illegal Behavior-Other”]. There is no category for “Other-Other.” See *id.*

⁴⁵ JEL Classification System/EconLit Subject Descriptors, American Economic Association, www.aeaweb.org/econlit/jelCodes.php (“The *JEL* classification system was developed for use in the *Journal of Economic Literature (JEL)*, and is a standard method of classifying scholarly literature in the field of economics. The system is used to classify articles, dissertations, books, book reviews, and working papers in EconLit, and in many other applications.”).

⁴⁶ James Grimmelmann’s comment to the original blog post, for example, reminds readers of the value of “self-archiving, law-school hosting of faculty publications, and open alternatives like LawArXiv.” See Comment of James Grimmelmann, *supra* note 31.

⁴⁷ See, e.g., Paul Caron, SSRN Tax Professor Rankings, TaxProfBlog.Typepad.com, Jan. 30, 2019, taxprof.typepad.com/taxprof_blog/2019/01/ssrn-tax-professor-rankings.html (listing “Top 25 U.S. Tax Professors in two of the SSRN categories: all-time downloads and recent downloads”). I am absent from both lists. See *id.*

⁴⁸ See Frye, (@brianfrye), TWITTER (May 20, 2019), *supra* note 1.