

THE LAW REVIEW MATCH

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ABSTRACT

Thousands of manuscripts inundate student-run law reviews every February and August, setting off a frantic scramble for offers, expedite requests, and rushed decisions. This congestion forces editors to select articles by letterhead rather than merit, with lower-ranked journals screening manuscripts for higher-ranked ones, and authors pressured to play the expedite game or fall behind. Prior reform proposals, from peer review, to exploding offers, to greater faculty involvement, either demand wholesale transformation of the law review process, or treat the symptoms of this dysfunction while leaving the underlying incentive structure in place.

This Article calls for a more-targeted fix: replacing the current muddle with a formal matching process. Using a variant of the deferred-acceptance algorithms that restructured medical residencies and public-school admissions, we propose a centralized clearinghouse for law review submissions in which authors and journals submit ranked preferences and an algorithm produces stable, binding matches. Under this framework, truthfully ranking journals is a dominant strategy for authors, and strategic submissions and expedite requests would disappear. We extend the mechanism with type-specific quotas that allow journals to partly control the balance of their issues while preserving the algorithm's desirable properties. We conclude by proposing a specific cycle timeline that would give student editors an uninterrupted period of review, allow for blind submission with optional peer review, and adopt the reforms in a manner informed by how other markets achieved consensus. The matching process would preserve the distinctive attributes of student-edited law reviews while providing editors, for the first time, the conditions to exercise concerted editorial judgment.

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INTRODUCTION

Every spring and fall, thousands of manuscripts fill the inboxes of student-run law reviews across the country during submission periods. The process quickly deteriorates into a frantic cycle of offers, requests for expedited decisions, and rejections. Authors who receive an offer immediately seek to parlay it into something “better,” quickly reaching out to notionally more prestigious journals to climb the publishing ladder. Student editors, inundated with submissions, are pressured to act quickly—sometimes within hours—on articles that they have clearly only had the time to skim. This unique system of publishing has its merits; while formal peer review in other disciplines has extended the time from submission to publication to multiple years, law professors are able to write and publish an article, with a full audit of citations, in a matter of months. However, the stress on the system has arguably tipped the balance of costs to exceed the benefits. The system of publishing American legal scholarship has become less a mechanism for identifying high-quality work than a repeated game of brinkmanship.

The contours of this system impose unacceptable burdens on students and faculty alike. Student editors are deluged with submissions, often numbering in the thousands per cycle—an amount that no faculty editor of a peer-reviewed journal would ever be asked to confront on such compressed timelines. Under these conditions, the meaningful review that would benefit both students and faculty becomes impossible, and editors are forced to rely on author credentials, institutional affiliation, or existing offers from peer journals. Journals perceived to be lower-ranked shoulder a disproportionate share of this burden, screening manuscripts that higher-ranked journals accept through expedited consideration. For their part, authors have to play the expedite game or be left behind, behavior that is rational in the moment and corrosive in the aggregate. The result is a system that distributes labor inequitably, overrides editorial judgment, perpetuates status hierarchies in the academy, and squanders enormous quantities of donated student labor on work that is not editing. In economic terms, the law review submissions market suffers from a textbook case of congestion and market failure.

Moreover, this dysfunctional structure is not the result of any deliberate design. Law reviews emerged in the late nineteenth century as hybrids of commercial legal journalism and student-edited publications, and this path dependency led to a divergence from the peer review practices that became standard in other disciplines. Whereas other fields employ blind review, single submissions, and slow but deliberate vetting, law reviews evolved toward mass submissions, non-anonymous review, and exceedingly compressed timelines. Although these peculiarities have hardened into convention, nothing about this practice is inevitable. Other professional fields facing similar problems of congestion and unraveling, in particular medical residencies and public school admissions, have successfully restructured their markets using centralized clearinghouses and matching mechanisms. Importantly, law reviews could retain their core unique attributes, including student editing, multiple submissions, quick decisions with a single round of review, while restraining the brinkmanship that generates unacceptable burdens.¹

Critiques of law reviews are nearly as old as the system itself. In the decades since its creation, judges, scholars, and practitioners have lamented the proliferation of journals, the uneven quality of articles, and the questionable benefit of using students as editors. The rise of interdisciplinary scholarship in law schools has furthered these critiques: law students, lacking expertise in economics, statistics, or social science, are ill-equipped to evaluate much of the empirical work they publish. Reform proposals have arisen episodically, with commentators urging law reviews to adopt formal peer review, to return to the use of “exploding” offers with sharply limited acceptance windows, or to place greater responsibility in the hands of faculty advisors.

Each of these proposals has merit. Peer review would enhance the rigor of legal scholarship, but it is slow, costly, and difficult to coordinate. Disciplines that rely extensively on peer review are also frustrated with their publication process, especially when many reviewers are now defaulting to generative artificial

¹ Note that we are not arguing that we *should* retain the law review system for legal academic publishing, merely that one could while fixing certain clear market failures.

intelligence in conducting their reviews.² These costs may be particularly burdensome for the legal academy, where scholars frequently write in advance of cases with the hope of influencing the development of the law. The undeniable benefits of peer review have nonetheless driven some law reviews to adopt modified peer review processes. Exploding offers curtail the use of expedited decisions, but may skew incentives and invite backlash, as has occurred when previously adopted. Faculty involvement improves selection but cannot alone resolve the underlying incentive structure. What unites these reforms is that none simultaneously resolves the problem of both mass submission and expedite gamesmanship in an incentive-compatible manner.

This Article proposes a different approach that would replace the current disorganized scramble with a formal match. Following the centralized clearinghouses that rescued medical residencies and public-school admissions from precisely this type of unraveling, we propose that authors and journals submit ranked preferences to a central platform, which then uses a deferred-acceptance algorithm to produce stable, binding matches. This protocol has a unique property that prior reforms do not—under author-proposing deferred acceptance, truthfully ranking journals becomes a dominant strategy for authors. The incentive to expedite becomes pointless, because no sequence of strategic but socially wasteful maneuvering will improve on honest rankings. For editors, the payoff is equally clear. Our proposal would provide for a fixed period of review—at least three uninterrupted weeks under our proposed timeline—without the threat of expedite requests, rolling offers, or pressure to decide in hours what deserves weeks of thoughtful consideration. Rather than policing the symptoms of a broken bargaining game, the match removes the incentives that produce it.

With our proposal, we make four primary contributions. First, we provide the first complete mechanism design for law review submissions, including the choice of proposing side and the strategy-proofness result that choice secures. Second, we allow for the mechanism to have type-specific quotas while preserving

² Seongjin Hong, *My Paper Was Probably Reviewed by AI—and that’s a Serious Problem*, TIMES HIGHER EDUCATION (Jul. 4, 2025), <https://www.timeshighereducation.com/opinion/my-paper-was-probably-reviewed-ai-and-thats-serious-problem>.

the algorithm's desirable properties. This solves a unique problem for law reviews, namely that students desire to have a balanced issue that spans multiple substantive fields of legal scholarship. Third, we generate an example of a concrete timeline for the submission cycle that specifies the periods of registration, blind submission, review, and match day. Finally, we analyze the effects and predicates of the adoption of such a system, including explaining who benefits, who might want to resist, and the enforcement and trial strategies that helped other comparable markets to overcome similar obstacles. Prior commentary has gestured toward matching as a cure for the submission process, including Professor Brian Galle's proposal for limited submission with mandatory acceptance.³ However, while sharing our diagnosis of the problem, Galle's proposal stops short of a centralized match, leaving the expedite incentive diminished rather than dissolved.

The remainder of this Article proceeds in five Parts. Part I first provides a historical overview of the law review system, tracing its nineteenth-century origins and explaining its divergence from peer review in other academic disciplines. Part I then examines common critiques of the existing system, emphasizing the structural flaws of mass submissions, non-anonymous review, and the offer-and-expedite cycle. Part II reviews prior reform proposals, including peer review, exploding offers, and increased faculty involvement, and explains the advantages and disadvantages of each approach. Part III introduces the theory of two-sided matching markets and examines their successful application in medical residencies and public-school admissions. Part IV adapts this framework to the law review context, detailing how a centralized clearinghouse could operate, how preference rankings could be collected, how type-specific quotas can preserve balanced issues, and how adoption could be incentivized. Part V considers potential limitations and open questions, including the challenges of incomplete adoption and increased student workloads. We conclude by situating our proposal

³ Brian Galle, A Proposal for Law Journal Publication Reform, MEDIUM (Dec. 13, 2019), <https://medium.com/whatever-source-derived/a-proposal-for-law-journal-publication-reform-bf834958959f>.

within broader debates about the future of legal scholarship and the institutional design of knowledge markets.

I. THE LAW REVIEW

Law reviews are unlike almost any other form of publication in academia.⁴ Rather than have submissions reviewed by peer faculty (colloquially known as “peer review”), law students act as editors.⁵ Rather than single or double-blind submissions, author identity and credentials are frequently disclosed.⁶ Rather than exclusive single submission, mass submission to dozens of journals is standard.⁷ This unique mode of publication is largely a historical artifact of the development of law reviews.⁸

This Part begins with a historical overview of law reviews, tracing their roots back to the legal periodicals of the early nineteenth century. We take a brief foray into the development of peer review to help illustrate why law reviews chose a different route. We then review the current landscape of law reviews, and the challenges that a more effective publication scheme would have to address.

A. Historical Backdrop of Law Reviews

The origin of the law review (and many of its unique features) has been traced to the legal periodicals which emerged in the early nineteenth century.⁹ To understand the incentives for legal periodicals, it is helpful to provide a picture of the contemporary publications in legal scholarship.

Perhaps the canonical form of legal scholarship is the treatise, a dense form of doctrinal exposition dating back to medieval English scholarship.¹⁰ Early

⁴ Barry Friedman, *Fixing Law Reviews*, 67 DUKE L.J. 1297, 1305 (2018).

⁵ *Id.* at 1305-06.

⁶ *Id.*

⁷ *Id.*

⁸ See Michael I. Swygert & Jon W. Bruce, *The Historical Origins, Founding, and Early Development of Student-Edited Law Reviews*, 36 UC LAW SF L.J. 739 (1985).

⁹ *Id.*; see also Michael L. Closen & Robert J. Dzielak, *The History and Influence of the Law Review Institution*, 30 AKRON L. REV. 1 (1997).

¹⁰ Swygert & Bruce, *supra* note 8, at 742-44 (for instance, Littleton’s Tenures, to Coke’s Institutes in the 1600s, to Hale’s Analysis in 1713, to Blackstone’s Commentaries in the 1760s).

American legal scholars followed this tradition, e.g., James Kent's Commentaries in the 1820s and Joseph Story's Commentaries in the mid-1800s.¹¹ These treatises often had tremendous influence over the common law, but were lengthy and doctrinal works, rather than consistent and up-to-date publications—a role filled by law reports as case summaries.¹²

Legal periodicals first surfaced in the early 1800s, functioning as commercial legal journalism.¹³ This was in response to the demand for casual and informative legal news, written effectively for the practitioner and filling the gap between inaccurate newspapers, protracted treatises, and reports lacking commentary or analysis.¹⁴ Moreover, unlike in England, American law was already becoming increasingly decentralized, with lawyers spread across the nation in rapidly varying jurisdictions that saw daily changes to the common law.¹⁵ Early periodicals developed to meet this demand for timely legal commentary, including the American Law Journal and Miscellaneous Repertory (1808-1817) which catalyzed an analytical trend¹⁶ and the United States Law Intelligencer and Review (1829-1832) which prototyped the lead article.¹⁷

By the mid-1800s, legal periodicals found firmer commercial footing. In Philadelphia, Asa Fish and Henry Wharton launched the American Law Register, successfully bringing an academic-professional bent to a commercial journal.¹⁸ By 1895, the board included William Draper Lewis, the dean of the University of Pennsylvania Law School, who arranged for the journal to be edited by his school's students and eventually renamed as The University of Pennsylvania Law Review.¹⁹ The other prominent journal of the time was the American Law Review, a quarterly periodical out of Boston first published in 1866,²⁰ which was distinguished by its

¹¹ *Id.* at 745-46.

¹² *Id.* at 743, 748.

¹³ *Id.* at 751.

¹⁴ *Id.* at 750-51.

¹⁵ *Id.*

¹⁶ *Id.* at 752.

¹⁷ Closen & Dzielak, *supra* note 9, at 9.

¹⁸ Swygert & Bruce, *supra* note 8, at 755-56.

¹⁹ *Id.* at 756-57.

²⁰ *Id.* at 757.

theoretical focus.²¹ While this academic orientation was an outlier among contemporary journals, it provided a baseline for the student-led journals to come.²²

In contrast to the theoretical inclinations of the American Law Review, most commercial publications retained a professional focus.²³ This was perhaps best exemplified by the Albany Law Journal (1870-1908) which attained national success with weekly publications taking sharp stances on the full array of contemporary legal issues and directly inspiring the first student-run law review at the Albany Law School (1875-1876).²⁴ Ten years later, Columbia law students launched the weekly Columbia Jurist,²⁵ which ran for two years and followed its predecessor in mixing school matters, external journalism, and articles from Columbia professors.²⁶

In 1887, inspired by the Columbia Jurist, Harvard law students launched the Harvard Law Review, largely following the same format as its predecessors.²⁷ Faculty support proved critical to its success, especially from James Barr Ames, who backed the idea throughout his tenure, and contributed many lead articles from the review's outset.²⁸ Indeed, the review provided an outlet for increased faculty publication, benefiting both faculty, by providing a venue to publish, and students, by legitimizing the review (later court citations would help further cement the influence of law reviews).²⁹

The success of the Harvard Law Review spawned similar projects at other elite law schools: Yale in 1891, Pennsylvania in 1896, Columbia in 1901, Michigan in 1902, and Northwestern in 1906.³⁰ Yale largely followed Harvard's model, Columbia did as well at the insistence of its dean, Michigan originally opted for a

²¹ *Id.*

²² *Id.* at 758-59.

²³ *Id.* at 759.

²⁴ *Id.* at 760-61.

²⁵ *Id.* at 766.

²⁶ *Id.* at 767-68.

²⁷ *Id.* at 770.

²⁸ *Id.* at 771.

²⁹ *Id.*

³⁰ *Id.* at 779.

faculty-run scheme, and Northwestern adopted an Illinois-centric review.³¹ Part of the incentive may have been to keep up with Harvard, part to provide students with editing opportunities.³² But reviews also began in ad hoc fashion—Yale students launched their journal, while Pennsylvania’s dean handed editing responsibility of the American Law Register to his students, and Michigan faculty launched their review independently with minimal student involvement.³³

The adoption by six elite schools established the law review as a standard feature of a modern legal education.³⁴ In 1930 there were 43 law reviews, by 1942 there were 55, by 1955 there were 78, and by 1997 there were over 400.³⁵ The modern law review follows the same rough shape of its ancestors, but has grown substantially longer and emphasizes not just faculty articles but student essays.³⁶ There has also been a proliferation of the specialty journal, designed to enable more students to obtain journal experience and provide an outlet for specialized faculty publications.³⁷ There are now over 200 such journals.³⁸

B. A Brief Detour into the History of Peer Review

While the refereeing practice of editing long predates law reviews (and was in use when early English treatises were being published), “peer review” as a term was really only coined in the 1970s.³⁹ However, the practice reaches back to the seventeenth century and the Royal Society of London, which, originally a gentleman’s association of amateur scientists, turned to volunteer refereeing to distribute editorial labor.⁴⁰ The British Medical Journal similarly adopted refereeing as early as the 1870s.⁴¹ The increasing professionalization of the Society

³¹ *Id.* at 784-86.

³² *Id.* at 780.

³³ *Id.* at 756, 784.

³⁴ *Id.* at 786-87.

³⁵ Closen & Dzielak, *supra* note 9, at 12.

³⁶ *Id.*

³⁷ *Id.* at 13.

³⁸ *Id.*

³⁹ Noah Moxham & Aileen Fyfe, *The Royal Society and the Prehistory of Peer Review*, 61 THE HISTORICAL JOURNAL 863, 864 (2018).

⁴⁰ *Id.* at 863, 864, 871-75, 883.

⁴¹ JC Burnham, *Evolution of Editorial Peer Review*, 263 JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION 1325 (1990).

led to editorial reform in the 1960s; at this point the Society was behind the times with mere single-blind submissions.⁴² Still, refereeing only became general practice at Nature in 1973 and peer review only became the standard in 1989.⁴³

Humanities and social science publications have a shorter history: the English Historical Review emerged in 1886 (a year before the Harvard Law Review) and the American Historical Review in 1895.⁴⁴ Adoption of peer review is much later still—the Cambridge Historical Journal’s use of double-blind review dates only to the 1990s.⁴⁵

This history paints a picture of a slow development of refereeing, which was only formalized as peer review in the past 50 years. Once established as the norm in science, other disciplines followed suit—at this point, peer review is the standard for academic rigor in most fields. Law reviews, given their distinctive historical antecedent as commercial journalism, simply filled a different niche. Of course, law professors make substantial use of refereeing during the writing and editing process. The distinction is that law review editors, unlike all other academic editors, do not.

C. Current Landscape

There is a long tradition of criticizing the law review system. Some common critiques include that there are too many reviews, that everything gets published, that the scholarship is of dubious value, that student editors are unqualified for their position, and that faculty editors and/or peer review is superior.⁴⁶ When it launched in 1906, the Illinois Law Review wrote that “the field for law reviews... is already overcrowded.”⁴⁷ Proposals for faculty management date back to 1929 (at this point the path of faculty leadership seen at Michigan and Northwestern was the clear minority, and students were taking an increasing role even at those

⁴² Moxham & Fyfe, *supra* note 39, at 886.

⁴³ *Id.* at 887.

⁴⁴ *Id.* at 888.

⁴⁵ *Id.*

⁴⁶ Friedman, *supra* note 4, at 1299-1300.

⁴⁷ *Editorial Notes*, 1 ILL. L. REV. 39 (1906).

journals).⁴⁸ While such early critiques often targeted the academic content of reviews,⁴⁹ the norm since the 1940s has been to criticize the efficacy of student editors.⁵⁰ Part of the argument rests on the claim that student editors have become ineffective as legal scholarship has become increasingly interdisciplinary—the audience of law reviews is not the generalist, but an academic with expertise in another field (e.g., economics, statistics, public policy, feminism).⁵¹ Law students, as the argument goes, are not equipped to offer substantive criticism, so instead authors are inundated with obsessive footnoting and low quality stylistic edits.⁵²

Another major issue is the selection of articles. The sheer number of submissions is particularly to blame here, partially due to an increase in junior faculty seeking tenure who are driven to publish (a response to the academic needs of increasing numbers of law students).⁵³ But the real culprit, it is generally held, is the practice of accepting applications en masse rather than via single submission, which “horridifies practitioners of scholarly disciplines, whose journals are refereed.”⁵⁴ Electronic submissions via Scholastica and ExpressO have exacerbated the problem, with journals now receiving thousands of submissions in compressed periods twice a year.⁵⁵ The timing of these cycles is such that relatively inexperienced student editors are in charge of selection.⁵⁶ Inundated with a deluge of articles, student editors rely overwhelmingly on author credentials as a proxy for article selection.⁵⁷ Access to credentials creates a strong in-school selection bias

⁴⁸ Clarence M. Updegraff, *Management of Law School Reviews*, 3 U. CIN. L. REV. 115, 119 (1929).

⁴⁹ See, e.g., Fred Rodell, *Goodbye to Law Reviews*, 23 VA. L. REV. 38 (1936).

⁵⁰ Friedman, *supra* note 4, at 1300.

⁵¹ Richard A. Posner, *Law Reviews*, 46 WASHBURN L.J. 156, 157-58 (2006).

⁵² *Id.* at 156.

⁵³ Erik M. Jensen, *The Law Review Manuscript Glut: The Need for Guidelines*, 39 J. LEGAL EDUC. 383 (1989).

⁵⁴ Jensen, *supra* note 53, at 384.

⁵⁵ See Leah M. Christensen & Julie A. Oseid, *Navigating the Law Review Article Selection Process: An Empirical Study of Those With All the Power—Student Editors*, 59 S.C. L. REV. 175, 203-04 (2007); Galle, *supra* note 3, at 5.

⁵⁶ Friedman, *supra* note 4, at 1313.

⁵⁷ *Id.* at 1315, Appendix fig 4; see also Christensen & Oseid, *supra* note 55, at 191; Jason P. Nance & Dylan J. Steinberg, *The Law Review Article Selection Process: Results from a National Study*, 71 ALB. L. REV. 565, 583 (2008), Richard A. Wise et al., *Do Law Reviews Need Reform? A Survey of Law Professors, Student Editors, Attorneys, and Judges*, 59 LOY. L. REV. 1, 43 (2013).

(i.e., a law review at a given school publishes more work from its professors than appears justified), which empirically lowers the average article quality.⁵⁸

It is tempting to read this history as an indictment of student editors, and much of the literature does. However, we think that this inference is misplaced. The proxies that editors reach for are a natural outgrowth of being asked to evaluate thousands of manuscripts in a few weeks, on deadlines set by competitors' expedite decisions. Any reviewing body, including those staffed by faculty, would do something similar. As a result of the misplaced diagnosis, prior remedies target the editors and propose to retrain or replace them. Our proposal instead targets the conditions that generate the perverse incentives in the first instance. No selection process, regardless of the expertise of its personnel, could perform meaningful review at this volume and on these timelines. As a result, no reform proposal that leaves these conditions intact will change how editors perform their selection role.

In response, faculty are induced to play the “offer-and-expedite” game.⁵⁹
Illustration by parody:

When you receive the initial offer, you should tell the editor who calls you how wonderful and important you consider his/her/its journal. The editor will respond by telling you how wonderful and important he/she/it considers your article. Once this ridiculously false cross-flattery is concluded and you've hung up the phone, you should begin desperately searching for a journal higher on your list so you're not stuck with the poor-quality journal that called you first. Pull out your list of 250 reviews, strike all those which already rejected you, strike all those worse than the one which made the offer, and begin calling the articles editors at every other review on your list. The key here is to bluff: make them think that the offer you have in hand is from a top-ten law review which is desperate to have you, and theirs is the

⁵⁸ Albert H. Yoon, *Editorial Bias in Legal Academia*, 5 J. LEGAL ANALYSIS 309, 336 (2013).

⁵⁹ Friedman, *supra* note 4, at 1302.

only other review you would possibly consider. This bluffing is easy because you will invariably be speaking to an answering machine.⁶⁰

Nowadays expedite requests can come in waves—after receiving an offer, apply to the ten or fifteen journals ranked higher, get a new offer, repeat.⁶¹ The negative implications of the offer-and-expedite process are fairly obvious: editors are pressured to make decisions rapidly and sacrifice the quality of decisions along the way, there is no chance for faculty or expert input, and authors are forced to play the game or fall behind.⁶² Authors are strongly incentivized to engage in the activity, because in the law review applications market submitting everywhere is optimal absent limited resources.⁶³

Nonetheless, legal scholars have consistently offered defenses of the law review system. One fairly uncontroversial point is that student editors do a good job of fact checking and conforming to the Bluebook.⁶⁴ One might argue that the system works in the sense that articles are matched, and the top journals get the “best” articles, where best is defined by their lower ranked peer journals.⁶⁵ But this unfairly allows the very highest ranked journals to reap the benefits from the labor of their lower ranked peers, who must struggle to find articles among authors who use them as a stepping stone in the offer-and-expedite game.⁶⁶

Law reviews “are not broke [only] because they are subsidized,”⁶⁷ by their schools, which typically supply a majority of the operating budget. But above all they are subsidized by the student editors, who supply hundreds of hours of unpaid editorial labor per volume.⁶⁸ Unfortunately, the current system is a poor steward of this largesse. The hours donated by students ostensibly for reading, selecting,

⁶⁰ C. Steven Bradford, *As I Lay Writing: How to Write Law Review Articles for Fun and Profit*, 44 J. LEGAL EDUC. 13, 30 (1994) (footnotes omitted). Today, it very well may be an email inbox instead.

⁶¹ Friedman, *supra* note 4, at 1314.

⁶² *Id.*

⁶³ Timothy T. Lau, *A Law and Economics Critique of the Law Review System*, 55 DUQUESNE L. REV. 369, 379 (2017).

⁶⁴ See Steven Lubet, *Law Review vs. Peer Review: A Qualified Defense of Student Editors*, 2017 U. ILL. L. REV. 1.

⁶⁵ Friedman, *supra* note 4, at 1329.

⁶⁶ *Id.* at 1337.

⁶⁷ *Id.*

⁶⁸ *Id.* at 1322.

and improving scholarship are instead used to triage the system by skimming articles and chasing rapidly approaching acceptance deadlines. At minimum, a system that runs exclusively on volunteered labor owes those volunteers a fair process to do their work.

To recap, law reviews suffer from a number of well-known problems. While the rest of the academy embraces single or double-blind peer review, single submission with binding offers, length limits, and a slow schedule in pursuit of quality, law reviews are non-anonymous student reviews, featuring mass submissions, lengthy articles, and a relatively fast publishing timeline.⁶⁹

II. PRIOR LAW REVIEW REFORM PROPOSALS

This Part takes a deeper look at previous law review reform proposals, including peer review, exploding offers, and various forms of increased faculty involvement. These approaches have different advantages: full-fledged peer review enjoys a high level of rigor, and, when paired with exclusive submissions, eliminates the offer-and-expedite game.⁷⁰ Exploding offers also dispense with the offer-and-expedite problem, but are extreme and have faced pushback from top law reviews in the past.⁷¹ More measured solutions, such as including peer review without exclusive submission, or including varying degrees of increased faculty involvement, offer slight improvements without solving the offer-and-expedite problem.⁷²

We argue that any successful redesign of the law review market should satisfy three criteria. First, it should end, and not merely inconvenience, the incentive to issue expedite requests. If offers in hand can be parlayed upward, authors will play the game and editors will be rushed. Second, it should attempt to distribute editorial labor equitably and provide editors time for genuine review. Finally, a reform proposal that requires authors or journals to act against their own

⁶⁹ Friedman, *supra* note 4, at 1305-06.

⁷⁰ *Id.* at 1356.

⁷¹ Michael D. Cicchini, *Law Review Publishing: Thoughts on Mass Submissions, Expedited Review, and Potential Reform*, 16 U.N.H. L. REV. 147 (2017).

⁷² James Lindgren, *An Author's Manifesto*, 61 U. CHI. L. REV. 527, 535 (1994).

interests won't survive long, so the third requirement is that a successful proposal must make it incentive-compatible for each participant to follow the rules once adopted. Each proposal below satisfies at most one of these criteria. The mechanism we develop in Part IV satisfies all three and is unique in aiming to improve the working conditions of student editors.

A. Peer Review

Given the dominance of peer review in the rest of the academy, it is unsurprising that peer review has been frequently proposed by critics of the law review system.⁷³ Some form of peer review generally seems to enjoy wide support.⁷⁴ One study of 2000 faculty, students, and attorneys found widespread endorsement and agreement that student editors' "level of legal knowledge hurts the ability of law reviews to select the best articles."⁷⁵ However, another study of attorneys, judges, and professors found a strong endorsement for student editing and selection.⁷⁶ Participants echoed classical defenses of student journals, namely, that students bring a "fresh approach" as they are "less vested in conventional paradigms" and "already do a decent job."⁷⁷ As a key caveat, most participants said they would prefer some level of faculty supervision or participation.⁷⁸ Many law reviews currently use and profess a strong preference for a modified, extremely short peer review consistent with law review timelines as part of the article selection process.⁷⁹

⁷³ Friedman, *supra* note 4, at 1356.

⁷⁴ *Id.*

⁷⁵ Wise et al., *supra* note 57, at 48-49.

⁷⁶ Max Stier, Kelly M. Klaus, Dan L. Bagatell & Jeffrey J. Rachlinski, *Law Review Usage and Suggestions for Improvement: A Survey of Attorneys, Professors, and Judges*, 44 STAN. L. REV. 1467, 1502 (1992).

⁷⁷ *Id.* at 1503.

⁷⁸ *Id.*

⁷⁹ See, e.g., Article Submissions, STANFORD LAW REVIEW, <https://www.stanfordlawreview.org/submissions/article-submissions/>; Submissions to the Law Review, U. CHICAGO LAW REVIEW, <https://lawreview.uchicago.edu/submissions>; Submissions Instructions, COLUMBIA LAW REVIEW, <https://www.columbialawreview.org/submissions-instructions/>; Peer Review Board, NORTHWESTERN LAW REVIEW, <https://northwesternlawreview.org/submissions/peer-review-board/>.

While some measure of peer review has support, deciding what form peer review will take remains a challenge.⁸⁰ Faculty are certainly peers, but so too are judges and attorneys, which mounts a substantial central coordination challenge.⁸¹ One approach to coordination is to adopt a form of open peer review, in which articles are opened up to entirely voluntary comments.⁸² This approach has had mixed results outside of legal scholarship; a 2006 attempt by Nature yielded few comments and is generally regarded as a failure, while a 2010 attempt by the Shakespeare Quarterly yielded hundreds of comments on four articles and was viewed as a success.⁸³ *Econometrica*, one of the flagship journals in economics, recently began accepting short (one page or less) online comments to peer-reviewed, published papers.⁸⁴

Other variants of peer review exist.⁸⁵ In Latin American legal scholarship, the standard is double-blind peer review (both author and reviewer are anonymous), a “sharp contrast” with North American law journals.⁸⁶ A variant of open peer review, in which identities are disclosed at some point during the review, has previously been adopted by the British Medical Journal and has been proposed in the legal setting to speed up reviews, align incentives, and render biases more visible.⁸⁷ To be clear, single or double-blind peer review suffers from a number of known flaws: it is slow, reviewers have low incentives, author anonymity is far from perfect, and reviewer biases are exacerbated by reviewer anonymity.⁸⁸ These challenges are serious, and have engendered calls for reform across the sciences and social sciences.⁸⁹ Law professors, who often write articles in advance of pending legislation or disputes, may find this limitation particularly prohibitive.

⁸⁰ Friedman, *supra* note 4, at 1358.

⁸¹ *Id.*

⁸² *Id.* at 1327.

⁸³ *Id.* at 1327-28.

⁸⁴ See Editorial Procedures and Policies, *ECONOMETRICA*, <https://www.econometricsociety.org/publications/econometrica/information-authors/editorial-procedures-and-policies>.

⁸⁵ Yeimy Garrido-Gallego, *Open Peer Review for Evaluating Academic Legal Publications: The “Antidote” to an “Ill” Blind Peer Review*, 23 *TILBURG L. REV.* 77 (2018).

⁸⁶ *Id.* at 77-78.

⁸⁷ *Id.* at 85-86.

⁸⁸ *Id.* at 81-82.

⁸⁹ Kelly-Ann Allen, Jonathan Reardon, Joseph Crawford & Lucas Walsh, *The Peer Review System Is Broken. We Asked Academics How to Fix It*, *THE CONVERSATION* (July 24, 2022),

There in fact have been a number of experiments with peer review in law reviews.⁹⁰ Perhaps the most well-known is the South Carolina Law Review's pilot program and subsequent Peer Review Scholarship Marketplace (Prism).⁹¹ Initially an experimental issue in 2008, the editors allowed multiple submissions, set clear timelines, and ran double-blind peer review primarily as an additional evaluation tool for student editors, who retained final decisions over article selection.⁹² Volunteer peer reviewers were drawn from faculty and judges.⁹³ Prism builds on this experiment, and journals can opt in.⁹⁴ An author then submits to as many Prism journals as she wishes, the South Carolina Law Review arranges for double-blind peer review of the submitted article, and provides the results to Prism member journals, who then make offers which the author declines or accepts.⁹⁵

Existing proposals offer myriad approaches to incorporating peer review into law journals. Traditional double-blind peer review puts faculty reviewers in control of article selection, whereas Prism makes it a tool for student editors.⁹⁶ Different variants of open peer review allow for reduced central coordination⁹⁷ or reduced anonymity to avoid classical flaws of peer review.⁹⁸ The above proposals sketch some of the choice points one has in adding formal peer review to law journals. Measured against our criteria, peer review is a partial success on the first prong—paired with exclusive submission it ends the expedite game. However, while peer review could increase the rigor of legal scholarship, it would require law professors to increase their own labor burden and to accept multi-year publishing timelines. Given current conditions this seems unlikely.

<https://theconversation.com/the-peer-review-system-is-broken-we-asked-academics-how-to-fix-it-187034>.

⁹⁰ John P. Zimmer & Jason P. Luther, Peer Review as an Aid to Article Selection in Student-Edited Legal Journals, 60 S.C. L. REV. 960 (2009).

⁹¹ *Id.* at 973.

⁹² *Id.* at 965-68.

⁹³ *Id.*

⁹⁴ *Id.* at 973.

⁹⁵ *Id.*

⁹⁶ *Id.* at 965.

⁹⁷ Friedman, *supra* note 4, at 1327.

⁹⁸ Garrido-Gallego, *supra* note 85, at 85-86.

B. Exploding Offers

An alternative approach aimed at eliminating the offer-and-expedite game is the “exploding offer.”⁹⁹ Rather than allowing authors to consider offers for a week, with *ad hoc* extensions (to shop for expedited decisions), an author would be given a fixed time to consider the offer (e.g., eight hours), dramatically decreasing the ability to force an expedited offer.¹⁰⁰

Law reviews have used exploding offers before.¹⁰¹ Adopted by journals in an attempt to secure the best articles, and with timelines ranging from days to mere minutes, the practice effectively ended in 2011 following an agreement among several elite law journals to not issue exploding offers. This was done ostensibly over concerns that the practice resulted in rushed decisions that reduced the quality and variety of articles.¹⁰² Although it was primarily lower-ranked journals that issued exploding offers, because authors aspired to place at elite journals, a public commitment by those journals against the practice removed the competitive incentive for lower-ranked journals to continue using it as a poaching tool. Most of those journals actually provided fairly generous consideration periods. In practice, lower-ranked journals tended to use exploding offers to increase their odds at securing worthy articles (which higher ranked journals had less need to consider).¹⁰³

An example demonstrates the potential for exploding offers to ameliorate the submission game. Suppose there is an objective ranking of journals, and the journal ranked 100 by authors announces pre-submission season that it will only be making exploding offers.¹⁰⁴ This removes the incentive for an author to submit to that journal, unless they are genuinely interested and willing to publish there

⁹⁹ Cicchini, *supra* note 71, at 147.

¹⁰⁰ *Id.* at 163.

¹⁰¹ See Paul Caron, *Elite Law Reviews End “Exploding Offers”*, TAXPROFBLOG (Apr. 19, 2011), https://taxprof.typepad.com/taxprof_blog/2011/04/elite-law-reviews.html; Orin Kerr, *Group of Law Reviews Adopts Position Against Exploding Offers: Will Other Journals Follow?* THE VOLOKH CONSPIRACY (Apr. 19, 2011), <https://volokh.com/2011/04/19/important-group-of-journals-agree-to-end-exploding-offers-will-other-journals-follow/>.

¹⁰² Caron, *supra* note 101.

¹⁰³ Kerr, *supra* note 101.

¹⁰⁴ Cicchini, *supra* note 71, at 164.

(an effective exploding offer makes a good-faith expedite request impossible).¹⁰⁵ As a result, the journal only receives submissions worthy of their attention, i.e. from authors who would actually publish in the journal if they were accepted.¹⁰⁶ If all journals adopt exploding offers, the current paradigm is effectively flipped: elite journals receive the initial majority of applicants and turn down most authors, who then move on to the next best, and so on.¹⁰⁷ Rather than lower ranked journals screening for top journals, and articles moving upstream via expedited submission, top ranked journals do more of the work and articles move downstream as they are rejected.¹⁰⁸

Given mass adoption, exploding offers theoretically block the offer-and-expedite game. While they shift proportionally more labor to top journals, the result is likely less disproportionate than the current scheme. However, mass adoption represents a real challenge for this reform—top journals are major beneficiaries of the current scheme and actively fought exploding offers when they were previously adopted by lower ranked journals seeking to improve their offer-acceptance rate.¹⁰⁹ Thus, exploding offers score well on the first criterion and badly on the others: they compress editors’ timelines rather than protecting them, and history suggests that disadvantaged journals can prevent uptake.

C. Increased Faculty Involvement

Another popular reform proposal is for greater faculty involvement, ranging from advisory roles to comprehensive management. In 1994, James Lindgren called for faculty to reassert control over law reviews, both by providing formal instruction to student editors and by taking an active role in selection.¹¹⁰ Lindgren alternatively suggested adopting the symposium format, where faculty controlled the article selection process, but students otherwise ran the journal.¹¹¹ This

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.* at 164.

¹⁰⁸ *Id.*

¹⁰⁹ Caron, *supra* note 101; Kerr, *supra* note 101.

¹¹⁰ Lindgren, *supra* note 72, at 535.

¹¹¹ *Id.* at 535.

approach was very successful for the Chicago-Kent Law Review, which adopted it in the late 1980s and jumped from relative obscurity to one of the top twenty law journals when measured by citations.¹¹²

For a lighter variant of faculty involvement, Lindgren suggested editorial seminars (used by Michigan pre-1994) in which a faculty advisor and a subject-matter expert read articles with student editors during the selection process.¹¹³ This can also be seen as a formalization (with less peer review) of the South Carolina Law Review's 2008 experiment.¹¹⁴ Other proposals call for faculty to take a managerial role; for instance, Christian Day has called for student editors to be overseen by professional faculty editors and advisors (again echoing Michigan's approach pre-1994).¹¹⁵ Faculty involvement fails all three of our criteria because it only changes who reviews without changing the conditions of review. A faculty selector facing thousands of submissions on expedite timelines inherits the same problems as student editors.

This Part does not represent an exhaustive account of past reform proposals. Timothy Lau has also suggested a variety of pecuniary reforms that might reduce the incentives for mass submissions, including shifting to fees on publication rather than submission, dispensing with fees entirely, structuring fees to punish high numbers of submissions, and strengthening the relationship between journal acceptance and rank so that the probability of acceptance at a lower journal is always at least as high as the probability of acceptance at a higher ranked journal.¹¹⁶ This last method could be implemented if rejection at one journal automatically rejects at higher journals, and would eliminate the offer-and-expedite game entirely, albeit in a fairly extreme manner.¹¹⁷

Brian Galle, writing for the AALS Section on Scholarship, Advisory Committee on Law Journal Reform, suggests limited submission with mandatory

¹¹² *Id.* at 536.

¹¹³ James Lindgren, *Reforming the American Law Review*, 47 STAN. L. REV. 1123, 1225-26 (1995).

¹¹⁴ Zimmer & Luther, *supra* note 90, at 960.

¹¹⁵ Christian C. Day, *The Case for Professionally Edited Law Reviews*, 33 OHIO NORTHERN U. L. REV. 563, 586 (2007).

¹¹⁶ Lau, *supra* note 63, at 393-394.

¹¹⁷ *Id.* at 395.

acceptance (LSMA).¹¹⁸ The basic idea is to limit the number of submissions authors may send at one time (e.g., to 10 or 20 journals) and make the first received offer binding.¹¹⁹ Authors then send out new waves of applications once they have been rejected by the previous wave; much like exploding offers, LSMA forces authors to apply in small, manageable batches to their preferred journals. LSMA scores best under our criteria (it plausibly passes criteria 1 and 2 in part) and is closest in spirit to our proposal. However, the binding first offer is enforceable only by honor, and authors retain the incentive to defect. Moreover, if followed it would likely lengthen the total time-to-placement across waves, and would keep review windows compressed.

III. TWO-SIDED MATCHING MARKETS

In this Part, we introduce Gale-Shapley stable matching as a potential alternative. Our proposal for stable matching is still student reviewed, but can incorporate single or double-blind review and requires binding offers. This approach also eliminates the offer-and-expedite game discussed above, and has been successfully used in other areas of society that face similar incentive problems.

In 2012, Lloyd Shapley and Alvin E. Roth received the Nobel Prize in economics for their theoretical and applied work on stable matching in two-sided markets (David Gale, who pioneered Gale-Shapley matching with Shapley, passed away in 2008).¹²⁰ In a matching market, parties must be chosen by their prospective matches, rather than having price control allocation completely.¹²¹ Two-sided matching markets require that a party both chooses, and is chosen by, her match.¹²² Labor markets and college applications are common examples—employers and colleges choose which candidates to offer or admit, and candidates

¹¹⁸ Galle, *supra* note 3, at 7. Galle also discusses a variant of the deferred acceptance algorithm which we consider at length in Parts III and IV.

¹¹⁹ *Id.*

¹²⁰ The Royal Swedish Academy of Sciences, The Prize in Economic Sciences 2012, <https://www.nobelprize.org/prizes/economic-sciences/2012/popular-information/>.

¹²¹ Alvin E. Roth, *Marketplaces, Markets, and Market Design*, 108 AM. ECON. REV. 1609 (2018).

¹²² *Id.* at n.10.

choose where to ultimately study or work, with price (wages and tuition) merely being one factor in that decision.¹²³

In their original paper, Gale and Shapley focused on two straightforward two-sided matching markets: college admissions and marriages.¹²⁴ The marriage case is an especially simple version: consider a community with n men and n women, each of whom has a strict preference ranking over their potential partners, and a community matchmaker who is tasked with creating a stable set of marriages.¹²⁵ A match is unstable if there is a man and a woman who prefer each other to their current matches, formally, there is some unmatched pair m_i and w_j such that m_i prefers w_j to his current match w_l and w_j prefers m_i to her current match m_k , for i, j, l, k below n .¹²⁶

Gale and Shapley proved that under these conditions, there is always a stable match.¹²⁷ The proof relies on a simple algorithm, sometimes called deferred-acceptance:

Step 1. Each man proposes to his highest ranked woman. Each woman tentatively accepts the proposal from her highest ranked man, and rejects the rest.

Step k . Each man rejected in step $k - 1$ proposes to his highest ranked woman who has not yet rejected him. Each woman tentatively accepts the proposal from her highest ranked man, and rejects the rest.

Eventually, each woman w has a proposal and is tentatively paired with some man m . All tentative matches are now locked in and the resulting set is stable in the sense defined above.¹²⁸ The college admissions case is a simple extension in which colleges accept more than one applicant, replacing single acceptance with acceptance of the highest ranked q applicants, where q is the school's quota.¹²⁹

¹²³ Roth, *supra* note 121, at 1612.

¹²⁴ David Gale & Lloyd Shapley, *College Admissions and the Stability of Marriage*, 69 THE AMERICAN MATHEMATICAL MONTHLY 9 (1962).

¹²⁵ *Id.* at 11.

¹²⁶ *Id.* at 10.

¹²⁷ *Id.* at 12.

¹²⁸ *Id.* at 13.

¹²⁹ *Id.* at 14.

Deferred-acceptance results in a set of matches that is at least as good for every applicant as any other stable set of matches.¹³⁰ Al Roth later proved that deferred-acceptance is strategy-proof on the applicant side, i.e., that applicants have no incentive to misrepresent their true preferences when submitting rankings.¹³¹ But in a general matching problem, i.e., with n candidates and m institutions, each of whom accepts a quota q_i , there is in fact no match which is both stable and strategy-proof on both sides.¹³²

We next look at two of the most famous implementations of centralized two-sided matching markets: medical residencies and public school admissions.

A. Examples (Medical Residency, Public Schools, etc.)

Matching for medical residencies has a long history. To practice medicine independently, graduates of medical schools must complete a residency at a hospital. In the early twentieth century, a surplus of available positions resulted in the hiring market unraveling as offers were made increasingly early and participants who were too slow were left out of the process.¹³³ Various attempts were made in the 1940s to avoid further unraveling by way of no-offer periods, which failed due to strategic maneuvering on both sides.¹³⁴ No-offer periods increased the use of exploding offers and overall market congestion, as the market thickened rapidly during a short period of time and the existing allocation method proved too slow to clear.¹³⁵ In the mid-1950s, a collection of groups suggested a centralized clearinghouse that roughly predicted Gale-Shapley matching: the interview process would go on as before, but both sides would submit rankings over the other and a deferred-acceptance algorithm would produce a stable

¹³⁰ *Id.*

¹³¹ Alvin E. Roth, *The Economics of Matching: Stability and Incentives*, 7 MATHEMATICS OF OPERATIONS RESEARCH 617, 620, 624 (1982).

¹³² *Id.* at 627.

¹³³ Roth, *supra* note 121, at 1622; see also Alvin E. Roth, *The Evolution of the Labor Market for Medical Interns and Residents: A Case Study in Game Theory*, 92 J. POL. ECON. 991, 992 (1984); Alvin E. Roth & Xiaolin Xing, *Jumping the Gun: Imperfections and Institutions Related to the Timing of Market Transactions*, 84 AMERICAN ECONOMIC REVIEW 992, 994, 996 (1994).

¹³⁴ Roth, *supra* note 121, at 1622.

¹³⁵ *Id.*

match.¹³⁶ Roth and Peranson updated the algorithm in the 1980s as married pairs of medical students became more common (the original algorithm could not guarantee a stable match with couples); this updated algorithm is still used by the National Resident Matching Program today.¹³⁷ Here is a simple illustration of medical matching in action:¹³⁸

Let Alice, Bob, Cora, Dave, Erin, and Frank be graduating medical students. Let City, General, and Mercy be hospitals with two openings each. Our preference profiles are given as follows:

Hospital Rankings

	City	General	Mercy
1	Erin	Bob	Alice
2	Frank	Cora	Dave
3	Alice	Dave	Erin
4	Cora	Alice	Bob
5	Dave	Frank	Cora
6	Bob	Erin	Frank

Student Rankings

	Alice	Bob	Cora	Dave	Erin	Frank
1	City	City	City	City	City	General

¹³⁶ *Id.* at 1623-34.

¹³⁷ *Id.* at 1625.

¹³⁸ For an illustration of how the modified algorithm works, see How It Works: The Matching Algorithm, National Resident Matching Program, <https://www.nrmp.org/intro-to-the-match/how-matching-algorithm-works/>.

2	General	Mercy	General	General	General	City
3	Mercy	General	Mercy	Mercy	Mercy	Mercy

The algorithm defined above runs as follows:

Step 1: Alice, Bob, Cora, Dave, and Erin propose to City. Frank proposes to General. City tentatively accepts Alice and Erin, and rejects Bob, Cora, and Dave. General tentatively accepts Frank. At the end of step 1, the tentative matches are City (Alice, Erin), General (Frank, empty), and Mercy (empty, empty). Rejected applicants are Bob, Cora, and Dave.

Step 2: Bob proposes to Mercy. Cora and Dave propose to General. Mercy tentatively accepts Bob. General tentatively accepts Cora and Dave, rejecting Frank. At the end of step 2, the tentative matches are City (Alice, Erin), General (Cora, Dave), and Mercy (Bob, empty). The only rejected applicant is Frank.

Step 3: Frank proposes to City. City tentatively accepts Frank, rejecting Alice. At the end of step 3, the tentative matches are City (Erin, Frank), General (Cora, Dave), and Mercy (Bob, empty). The only rejected applicant is Alice.

Step 4: Alice proposes to General. General rejects Alice. At the end of step 4, the tentative matches are City (Erin, Frank), General (Cora, Dave), and Mercy (Bob, empty). The only rejected applicant is Alice.

Step 5: Alice proposes to Mercy. Mercy tentatively accepts Alice. At the end of step 5, the tentative matches are City (Erin, Frank), General (Cora, Dave), and Mercy (Alice, Bob). There are no rejected applicants.

Now that there are no rejected applicants, the tentative matches are now locked in. The final result is: City (Erin, Frank), General (Cora, Dave), and Mercy (Alice, Bob). One can check that this is stable by running through each applicant:

- Alice would prefer to be at City or General, but City prefers Erin and Frank, and General prefers Cora and Dave.
- Bob would prefer to be at City, but City prefers Erin and Frank.

- Cora would prefer to be at City, but City prefers Erin and Frank.
- Dave would prefer to be at City, but City prefers Erin and Frank.
- Erin is at her top choice.
- Frank would prefer to be at General, but General prefers Cora and Dave.

And again by running through each hospital:

- City has its top choices.
- General would prefer to have Bob than Dave, but Bob prefers Mercy.
- Mercy would prefer to have Dave or Erin than Bob, but Dave and Erin both prefer City or General.

This is sufficient to show that there is no pair (applicant, hospital) which prefers each other to their current matches, and the resulting match is stable.

Several factors likely account for the enduring success of the medical residency match. The nature of the market is helpful here: large numbers of early-career applicants go on the market in one wave, and both applicants (medical school graduates) and hospitals are well-known to each other. Since the match is stable, everyone gets the best available outcome within the given match.¹³⁹ Because applicants cannot improve their prospects by misrepresenting their preferences, opportunities to game the system are reduced.¹⁴⁰ Many of the problems of the old system are also successfully eliminated: computerized matching is extremely fast, so matching acts as a centralized clearinghouse in the market.¹⁴¹

This is not to say that the resulting system is flawless: while reduced, opportunities still exist to game the system; for instance, competitive specialties like neurosurgery and orthopedics now suggest that students complete weeks-long on-site auditions before the formal matching process.¹⁴² The motivation behind these auditions is to confirm that students will rank them near the top, and students have responded by completing multiple such on-site visits. This “gamification” is not unexpected in a general matching market, but it operates as

¹³⁹ Roth, *supra* note 131, at 620.

¹⁴⁰ *Id.* at 624.

¹⁴¹ Roth & Xing, *supra* note 133, at 997-99.

¹⁴² *Id.* at 1023-24.

a pre-match signaling mechanism and not through manipulation of preference lists within the algorithm. Indeed, an applicant-proposing deferred acceptance algorithm is strategy-proof for applicants on all choices, so submitting a truthful ranking is a dominant strategy regardless of what others do.¹⁴³

A second major example of two-sided matching markets is public school choice selection in New York and Boston. Originally, New York City public schools adopted a decentralized approach in which students applied to five schools, which slowly accepted their favorite candidates, then parents re-applied, and so on.¹⁴⁴ The market was heavily congested, and schools frequently ran out of time to consider all applicants, forcing administrators to assign large swaths of students to schools they did not prefer.¹⁴⁵ Al Roth recognized that the market for public schools was similar to the medical resident labor market, and proposed a centralized clearinghouse using a modified deferred-acceptance algorithm.¹⁴⁶ Under the new approach, families rank up to 12 schools and submit these lists to a central coordinator, who also receives rankings from the schools and runs the algorithm.¹⁴⁷ Although take-up was initially slow, success led to rapid adoption across New York City.¹⁴⁸ While over half of students were administratively assigned under the old decentralized system, with deferred-acceptance students are now largely assigned to schools over which they have expressed a preference.¹⁴⁹ Public school systems in Boston, Denver, Washington, D.C., Newark, New Orleans, Camden, Indianapolis, and Chicago have since adopted Roth's matching algorithm.¹⁵⁰ Variations on the algorithm also allowed schools to capture certain priorities, e.g., Boston administrators believed children should go to school near their neighborhoods, and a technical fix in which neighbors bump outsiders at the end of the algorithm resolves this problem.¹⁵¹

¹⁴³ Roth, *supra* note 133, at 1003.

¹⁴⁴ Edward L. Glaeser, *A Review Essay on Alvin Roth's Who Gets What—and Why*, 55 JOURNAL OF ECONOMIC LITERATURE 1603, 1612 (2018).

¹⁴⁵ Roth, *supra* note 121, at 1627.

¹⁴⁶ *Id.*

¹⁴⁷ Glaeser, *supra* note 144, at 1612.

¹⁴⁸ *Id.*

¹⁴⁹ Roth, *supra* note 121, at 1628.

¹⁵⁰ *Id.* at 1629.

¹⁵¹ Glaeser, *supra* note 144, at 1613.

Many other markets arguably share features conducive to centralized matching, including judicial clerkships,¹⁵² American law firms,¹⁵³ postseason college football bowl games,¹⁵⁴ academic job markets,¹⁵⁵ college sports recruiting and early admissions, Swiss apprenticeships, collegiate Greek life, and kidney transplants.¹⁵⁶

B. Benefits and Critiques

Al Roth has identified several shared features among markets that have adopted centralized clearinghouses. These markets are generally structurally similar: positions become vacant at the same time and applicants come primarily from a well-defined set of candidates (e.g., medical and grade school students in their final year).¹⁵⁷ This homogeneity among both candidates and hospitals or schools makes organization feasible.¹⁵⁸ Moreover, preference formation is cheap, as interview costs are relatively low, whereas for more senior candidates preferences might not be formed until a candidate has also looked into jobs for spouses and schools for children.¹⁵⁹ Finally, it is difficult to obtain practical buy-in from a sufficiently large proportion of the market unless the market is functioning poorly.¹⁶⁰

Roth and Xing articulated a four-stage framework for analyzing the development of matching markets.¹⁶¹ In Stage 1, the market is initially created, for instance when hospitals began offering internships at the start of the twentieth century, or when Congress created federal court clerkships.¹⁶² As the market grows, it begins to unravel: offers are made increasingly early and participants find themselves with narrower choices until offers start being made so early that there

¹⁵² Roth & Xing, *supra* note 133, at 1001.

¹⁵³ *Id.* at 1004.

¹⁵⁴ *Id.* at 1007.

¹⁵⁵ *Id.* at 1027.

¹⁵⁶ Roth, *supra* note 121, at 1621, 1638.

¹⁵⁷ *Id.* at 1631.

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ Roth & Xing, *supra* note 133, at 996.

¹⁶² *Id.* at 996.

are few distinguishing features among candidates.¹⁶³ Stage 2 is characterized by decentralized efforts to halt unraveling, typically by instituting no-offer periods before a certain point.¹⁶⁴ If successful, the market reverts to Stage 1; if unsuccessful, the market grows more chaotic and congested until it advances to Stage 3.¹⁶⁵ The markets for American law firms and federal court clerks are arguably examples of modern Stage 2 markets.¹⁶⁶ Stage 3 involves the adoption of a centralized clearinghouse, e.g., Gale-Shapley matching, sports-style drafting, or overlapping contracts among conferences.¹⁶⁷ For certain markets, like some medical residency specialties or fraternity and sorority recruitment, Stage 3 may be the final evolution of the market.¹⁶⁸ Others progress to Stage 4, where unraveling occurs despite a centralized clearinghouse, as seen above with competitive medical specialties, like neurosurgery, effectively pre-screening candidates via on-site auditions before submitting rankings.¹⁶⁹

There have also been calls for reform within the matching system. Increasing the number of applicants may not pose a computational burden for a centralized clearinghouse, but it does impose additional costs on interviewers, many of whom are forced to rely on proxy statistics when evaluating substantially more candidates than they can interview.¹⁷⁰ Students suffer as well, with some claiming that the “educational value of the fourth year of medical school... is eroding.”¹⁷¹ A number of proposals have been made, including to limit applications per applicant, to add program-specific applications, or to single out preferred programs (enabling hospitals to focus on those who inform them that they are preferred).¹⁷² These concerns, and their proposed reforms, align with a Stage 4 market—in spite of a centralized clearinghouse, overall costs to formulate

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ Christopher Avery, Christine Jolls, Richard A. Posner, and Alvin E. Roth, *The Market for Federal Judicial Law Clerks*, 68 U. CHI. L. REV. 1, 9 (2001).

¹⁶⁷ Roth & Xing, *supra* note 133, at 997.

¹⁶⁸ *Id.* at 1029-32.

¹⁶⁹ *Id.* at 1023.

¹⁷⁰ Anne G. Pereira, Christopher M. Williams, and Steven V. Angus, *Disruptive Innovation and the Residency Match: The Time is Now*, 11 JOURNAL OF GRADUATE MEDICAL EDUCATION 36 (2019).

¹⁷¹ *Id.*

¹⁷² *Id.* at 36-37.

preferences are high, so the market begins to unravel as hospitals seek a proxy for genuine interest.

Matching markets in public schools have also been criticized for the high cost of formulating preferences.¹⁷³ Some cities also use algorithms that are not strategy-proof, where misrepresenting one's preferences can be advantageous.¹⁷⁴ Boston, New York, and Denver use algorithms which incentivize truthful preferences, while Charlotte, Barcelona, and Beijing induce strategic play.¹⁷⁵ Empirically, many families err in their understanding of matching mechanisms and underestimate the results of lower rankings, significantly reducing the welfare gained by adopting the mechanism (as opposed to using a strategy-proof algorithm).¹⁷⁶

While centralized clearinghouses can handle high numbers of applicants in both cases, an increase in applicants can raise the costs for both sides to formulate and express preferences. Both medical residencies and public schools suggest that market design requires careful attention to the potentially increasing cost of preference formulation.

IV. APPLYING MATCHING MARKETS TO LAW REVIEW SUBMISSIONS

In this Part we discuss how to apply the two-sided matching markets discussed in Part III to the market for law reviews described in Part I and Part II. In Section IV.A., we provide a brief overview of the current state of affairs. In Section IV.B., we discuss the details of the proposed matching algorithm. In Section IV.C., we show how type-specific quotas allow journals to preserve balanced issues. In Section IV.D., we provide a sample timeline for submissions

¹⁷³ Rose Jacobs, *When Students Are Matched to Schools, Who Wins?*, CHICAGO BOOTH REVIEW (Aug. 26, 2019), <https://www.chicagobooth.edu/review/when-students-are-matched-schools-who-wins>.

¹⁷⁴ *Id.*

¹⁷⁵ Adam Kapor, Christopher A. Neilson, and Seth D. Zimmerman, *Heterogeneous Beliefs and School Choice Mechanisms*, National Bureau of Economic Research Working Paper 25096 (Sept. 2018), https://www.nber.org/system/files/working_papers/w25096/w25096.pdf.

¹⁷⁶ *Id.* at 204.

via matching markets. Section IV.E. looks at means of incentivizing buy-in and enforcement.

A. Recap: The Current State of Law Review Submissions

We begin by briefly describing the current state of law review submissions. The submission model has two major cycles for submission: spring and fall, beginning in February and August.¹⁷⁷ Most journals open for manuscript submissions during these periods.¹⁷⁸ Journals frequently receive thousands of submissions during each period, leaving student editors inundated with submissions.¹⁷⁹ In 2023, the average offer was received 18 days after submission, and the average rejection after 29 days.¹⁸⁰ Once offers begin rolling in, authors are able to play the offer-and-expedite game, parlaying an offer from one journal into expedited consideration from higher ranked journals as discussed in Part I.C.¹⁸¹

There exist considerable differences among journal submission policies and procedures. In general, specialist journals open earlier or simply stay open year round.¹⁸² Variation exists over when the journal opens, exclusivity, peer review, and anonymity. For instance, the Harvard Law Review continuously accepts articles (holding them for the next cycle), encourages exclusive submissions, features limited peer review, and is single-blind.¹⁸³ The Stanford Law Review opens for the fall cycle in mid-July, encourages exclusive submissions, features limited peer review, and is (almost) double-blind.¹⁸⁴ The UCLA Law Review opens for the fall cycle in August, accepts only via Scholastica, and features on-request empirical review (a limited peer review for manuscripts involving significant novel

¹⁷⁷ Scholastica Law Review Submission Insights: 2025 Edition, Scholastica, <https://scholasticahq.com/law-review-submissions-insights/>.

¹⁷⁸ *Id.*

¹⁷⁹ See Christensen & Oseid, *supra* note 55, at 204.

¹⁸⁰ Scholastica Law Review Submission Insights: 2025 Edition, Scholastica, <https://scholasticahq.com/law-review-submissions-insights/>.

¹⁸¹ Friedman, *supra* note 4, at 1302.

¹⁸² Law Review Submission Center, Scholastica, <https://scholasticahq.com/law-review-submission-season-hq/#open-reviews> (last visited July 29, 2025).

¹⁸³ Submissions, HARVARD LAW REVIEW, <https://harvardlawreview.org/homepage/submissions/>.

¹⁸⁴ Article Submissions, STANFORD LAW REVIEW, <https://www.stanfordlawreview.org/submissions/article-submissions/>.

empirical work).¹⁸⁵ The Michigan Law Review opens for the fall cycle in August and is single-blind.¹⁸⁶

It is helpful to view the current state of law review submissions in the context of Roth's analysis of two-sided markets. The biannual submission cycles, minimum one-week offer period, and requests for exclusive submissions suggest a Stage 2 market, in which unraveling is well underway and decentralized efforts are actively being made to prevent further unraveling.¹⁸⁷ While the 2011 agreement halted the unraveling of decision deadlines by eliminating exploding offers, it inadvertently institutionalized a window long enough to sustain the expedite cascade. This mirrors the medical residency market prior to its adoption of a centralized clearinghouse.¹⁸⁸

Nonetheless, decentralized efforts are insufficient—journals are free to open submissions whenever they choose and can use exclusivity requests to enhance their odds of obtaining their preferred articles.¹⁸⁹ Moreover, the market remains heavily congested, with student editors reporting thousands of submissions and subsequently relying on proxy heuristics to review those submissions.¹⁹⁰ The offer-and-expedite game can be viewed as a decentralized response to this congestion, as it enables authors and student editors to shortcut the default review process. But the offer-and-expedite approach not only fails to clear the market quickly, it also distributes labor unevenly and reduces journals' opportunities to seriously review articles.¹⁹¹

The current market also shares many factors common to medical residency and school choice that make centralized clearinghouses effective. The relevant factors here are synchronized openings, well-defined sides to the market, cheap preference formulation, and poorly functioning current markets.¹⁹² Openings for

¹⁸⁵ Submissions, UCLA LAW REVIEW, <https://www.uclalawreview.org/submissions/>.

¹⁸⁶ Submissions, MICHIGAN LAW REVIEW, <https://michiganlawreview.org/submissions/>.

¹⁸⁷ Roth & Xing, *supra* note 133, at 996.

¹⁸⁸ Roth, *supra* note 121, at 1622.

¹⁸⁹ See, e.g., Submissions, HARVARD LAW REVIEW, <https://harvardlawreview.org/homepage/submissions/>.

¹⁹⁰ See, e.g., Christensen & Oseid, *supra* note 55, at 175; Nance & Steinberg, *supra* note 57, at 565; Wise et al., *supra* note 57, at 1.

¹⁹¹ Friedman, *supra* note 4, at 1314.

¹⁹² Roth, *supra* note 121, at 1631.

manuscripts become vacant generally at the same time, i.e., in the two major submission cycles.¹⁹³ Applicants, here authors submitting manuscripts, are homogeneous in the relevant sense, i.e., manuscripts take the same general form. Manuscripts and journals are sufficiently well-defined to make organizing a centralized clearinghouse feasible. Indeed, the foundations for a central platform already exist; most journals accept through centralized platforms like Scholastica and ExpressO.¹⁹⁴

Preference formulation is relatively cheap for authors, as they likely already have preferences for placement.¹⁹⁵ For journals, preference formation is (hopefully) structurally cheap as well, assuming that editors can agree on good scholarship and the criteria for evaluation are well-established. The high cost that journals currently face is not necessarily an intrinsic feature of the market but is certainly a symptom of its congestion. Inundated with thousands of simultaneous submissions and pressured to respond to expedite requests on compressed timelines, journals resort to proxy heuristics rather than genuine evaluation.¹⁹⁶ A centralized clearinghouse directly addresses some of this concern by eliminating the expedite cascade and structuring the review period, which reduces the artificial cost inflation that congestion produces. Again, the medical residency context is salient—hospitals face significant costs in interviewing large numbers of students, and these costs in part have led to on-site auditions to generate a measure of student interest.¹⁹⁷ Of course, preference formation will be at worst as expensive as it is now under a centralized clearinghouse, and journals possess the capacity to review thousands of manuscripts at present, even if this involves some degree of proxy-use in evaluation.¹⁹⁸ One benefit of a centralized clearinghouse is that it

¹⁹³ Scholastica Law Review Submission Insights: 2025 Edition, Scholastica, <https://scholasticahq.com/law-review-submissions-insights/>.

¹⁹⁴ Christensen & Oseid, *supra* note 55, at 203-204.

¹⁹⁵ See, e.g., Ignacio Cofone & Pierre-Jean G. Malé, *How to Choose a Law Review: An Empirical Study*, 71 JOURNAL OF LEGAL EDUCATION 311 (2022); Brian Galle, *The Law Review Submission Process: A Guide for (and by) the Perplexed*, MEDIUM, <https://medium.com/whatever-source-derived/the-law-review-submission-process-a-guide-for-and-by-the-perplexed-9970a54f89aa>.

¹⁹⁶ Friedman, *supra* note 4, at 1313.

¹⁹⁷ Roth & Xing, *supra* note 133, at 1023-24.

¹⁹⁸ Megan L. Blonigen and Caroline G. Hennigan, *A Mass Leak Showed the Harvard Law Review Assessed Articles for DEI Values. Some Authors Say That's Not a Problem*, THE HARVARD CRIMSON, <https://www.thecrimson.com/article/2025/6/29/harvard-law-review-leak-authors/> (“The

shifts the burden of reviewing towards a more even distribution of labor across journals.

Finally, centralized clearinghouses require significant buy-in, which generally means that the existing market must be performing poorly. Surveys suggest dissatisfaction with the submission market, implying that the market is performing poorly enough to enable a shift towards a Stage 3 centralized clearinghouse.¹⁹⁹ In the residency context, waiting lists with last minute movements and a variety of failed reforms from 1945 to 1950 created an environment in which the serious problems of the match were widely recognized.²⁰⁰ In the school choice context in New York, the old uncoordinated approach included several rounds which dramatically increased time for offers, wait list decisions, and acceptances to clear the market while also providing strategic incentives for applicants.²⁰¹ In the 2002-2003 cycle, this congestion reached the point that the first two rounds, which actually accounted for student preferences, only placed about half the students, leaving the other half for administrative assignments that did not reflect their preferences.²⁰² This provides a useful benchmark for levels of congestion which prompt reform. We look more at incentivizing buy-in for reform in Section IV.E., but first, we consider the actual mechanisms of our proposed match.

B. Mechanism/How It Could Work

Our proposed mechanism closely tracks Gale-Shapley matching discussed in Part III.A. Here we are tasked with matching n manuscripts to m journals, where

documents include memos — reviews by individual editors — of more than 400 submitted articles. The reviews are part of the ‘rotopool’ stage of evaluations, which occurs after an initial screening of the approximately 3,000 submissions the Law Review receives each year.”)

¹⁹⁹ See, e.g., Christensen & Oseid, *supra* note 55, at 175; Nance & Steinberg, *supra* note 57, at 565; Wise et al., *supra* note 57, at 1.

²⁰⁰ Roth, *supra* note 133, at 995.

²⁰¹ Atila Abdulkadiroğlu, Nikhil Agarwal, & Parag Pathak, *The Welfare Effects of Coordinated Assignment: Evidence from the New York City High School Match*, 107 THE AM. ECON. REV. 3635, 3640 (2017).

²⁰² *Id.* at 3647.

each journal has a quota q_i of available spots for publication. We define author-proposing deferred acceptance as follows:

Step 1: Each author proposes to her highest ranked journal. Each journal tentatively accepts its q_i highest ranked authors, and rejects the rest.

Step k : Each author rejected in step $k - 1$ proposes to her highest ranked journal which has not rejected her. Each journal tentatively accepts its q_i highest ranked authors, and rejects the rest.

This algorithm outputs a stable match, in the sense that there is no pair (author, journal) in which each member prefers the other to its current match.

This kind of algorithm is called “author-proposing” since it is the authors who “apply” to journals in each step. In one-to-one matching, the upside of this approach is strategy-proofness, and this property extends to the many-to-one setting on the proposing side. Author-proposing deferred acceptance is strategy-proof for all authors across all choices, which means that truthful revelation of preferences is a dominant strategy for authors regardless of how other authors or journals decide.²⁰³ However, a loss of strategy-proofness exists on the journal side, and if we want to preserve stability of matches, we can only guarantee incentive compatibility on one side of the market.²⁰⁴ In our view it is better to follow the medical residency and school choice context by making authors the proposing side, because the algorithm can remove their knowledge and ability to rank strategically.

We now consider some of the alternative choices, examining in particular at the rankings that participants will submit. We suggest that rankings should be incomplete, i.e., an author need not rank all journals, and vice versa. Indeed, incomplete rankings are standard in the medical residency case (where a student might prefer to be unranked than to end up at a certain hospital).²⁰⁵ In New York public schools, students may only rank 12 of the possible schools, a deliberate choice to reduce the burden on applicants.²⁰⁶ Allowing incomplete rankings

²⁰³ Roth, *supra* note 133, at 1003.

²⁰⁴ Roth, *supra* note 133, at 1003.

²⁰⁵ How It Works: The Matching Algorithm, National Resident Matching Program, <https://www.nrmp.org/intro-to-the-match/how-matching-algorithm-works/>.

²⁰⁶ Glaeser, *supra* note 144, at 1612.

enables authors and journals to specify parties with whom a match would be worse than being left unmatched. Authors have been known to prefer withholding a publication if they cannot obtain an offer from their desired set of journals, so allowing incomplete rankings is likely necessary for buy-in.²⁰⁷

The NRMP algorithm is strategy-proof for single applicants, and any strategic behavior on the applicant side, if it exists, occurs through pre-match signaling rather than misrepresentation of preferences.²⁰⁸ Nonetheless, the medical residency match has remained stable for decades, likely as a result of limited information surrounding competitor preferences, and an encouragement of honesty.²⁰⁹ The law review market shares, to a relevant extent, the size and limited information of the residency context, suggesting similar stability could exist. Moreover, it seems unlikely that transient law review editors have enough incentive to figure out how to strategically rank articles to get around incentive compatibility constraints. While the medical match has occasionally suffered from side agreements circumventing the intended process, the law review submission process has fewer signaling opportunities (e.g., interviews, on-sites) in which participants could strike such agreements.²¹⁰

An important choice is whether to allow ties in rankings (formally, this drops the typical asymmetry constraint on ranked lists). From a technical perspective, allowing ties is not problematic: one can break any tie randomly. In a brief example, suppose Alice and Bob both apply to Journal 1, which ranks them equivalently, flip a fair coin to see who is tentatively accepted at this stage. For authors, there is likely a strict hierarchy of journals, so they are unlikely to submit tied rankings anyway. For journals, the ability to submit ties might be desirable, especially since it reduces the preference formation costs in delineating between similarly ranked groups of articles. On the other hand, if journals rank large

²⁰⁷ Brian Galle, *The Law Review Submission Process: A Guide for (and by) the Perplexed*, MEDIUM, <https://medium.com/whatever-source-derived/the-law-review-submission-process-a-guide-for-and-by-the-perplexed-9970a54f89aa>.

²⁰⁸ Roth, *supra* note 133, at 1003.

²⁰⁹ *Id.*

²¹⁰ Pereira et al., *supra* note 170, at 36-37.

numbers of authors equally, then random (but fair) selection will have a correspondingly large role.

Another alternative is to run *tiered* deferred-acceptance, an approach intended to ensure that top applicants are matched with high-tiered firms. In this approach, firms are partitioned into tiers, and applicants apply to firms in each tier under classical deferred-acceptance.²¹¹ Once matched within a tier, the match is final. This approach is common in China, where colleges are partitioned into specialized, academic, and vocational universities, and in Turkey, where the first tier consists of private schools and the second consists of public schools.²¹² It is less obvious what tiers one might adopt in the law review market; while journals are ranked hierarchically, cutoffs are not as elegant as in Chinese or Turkish schools. Moreover, tiered deferred-acceptance is not strategy-proof, and can actually lead to placing lower-ranked applicants at higher-ranked firms compared to classical deferred-acceptance, the opposite of the intended result.²¹³ This adverse result cuts strongly against adopting tiered deferred-acceptance.

C. Type-Specific Quotas

One challenge for author-proposing deferred acceptance is that there is no guarantee of a balanced issue of matched articles. A journal might end up matched with entirely tax law articles, or solely articles written by authors from one school. This could be a major flaw—in practice, journals care about producing balanced issues highlighting a variety of scholarly debates. Fortunately, a technical solution exists.

Recall that journals each submitted a quota q_i of available spots. We now refine those quotas to be *type-specific*.²¹⁴ We begin by defining a type space $T = \{t(1), \dots, t(k)\}$, or a set of possible types, e.g., tax, constitutional, criminal,

²¹¹ Jiarui Xie, *Games Under the Tiered Deferred Acceptance Mechanism*, arXiv 1, <https://arxiv.org/abs/2406.00455>.

²¹² *Id.*

²¹³ *Id.* at 3-4.

²¹⁴ See, e.g., Atila Abdulkadiroğlu & Tayfun Sönmez, *School Choice: A Mechanism Design Approach*, 93 THE AMERICAN ECONOMIC REVIEW 729 (2003); Atila Abdulkadiroğlu, *College Admissions with Affirmative Action*, 33 INTERNATIONAL JOURNAL OF GAME THEORY 535 (2005).

corporate, etc. We will also need a type function mapping each manuscript to a type.²¹⁵ Finally, we enrich the quota q_i of each journal with a vector $(q_{t(1)}, \dots, q_{t(k)})$. Here $q_{t(1)}$ represents a quota on type $t(1)$, e.g., a journal willing to accept at most two tax and three securities law articles has the quota vector $(2_{tax}, 3_{securities})$. We require the inequalities $q_{t(j)} \leq q_i$ and $\sum q_{t(j)} \geq q_i$, i.e., no one type-specific quota may exceed the total, and the total must be below the sum of maximum type-specific quota, respectively.²¹⁶ One can then impose further restraints on submitted preferences.

Following Atila Abdulkadiroğlu's work on type-specific quotas for college admissions, we say a list of manuscripts $S1$ respects the constraints at a journal i if the size of $S1$ is at most q_i and for each type $t(j)$, there are at most $q_{t(j)}$ manuscripts. We then need two more properties. Firstly, affirmative action: for each journal's ranked order list $>_i$, if a set of manuscripts $S1$ respects the constraints at i and $S2$ does not, then $S1 >_i S2$. Intuitively, journals must prefer a set of manuscripts which satisfies the quota they submitted. Secondly, restricted responsiveness: let $S1$ and $S2$ be sets identical save for $S1$ contains manuscript s_1 and $S2$ contains manuscript s_2 . Further, $S1$ and $S2$ are both preferable to the null set. Then $S1 >_i S2$ if and only if $s_1 >_i s_2$. Where journals' preferences satisfy both affirmative action and restricted responsiveness, Abdulkadiroğlu proved that there exists a non-empty set of stable matchings under author-proposing deferred acceptance.²¹⁷ Moreover, the resultant match is at least as desirable to all authors as any other stable match and truthful revelation of preferences is a dominant strategy for all authors.²¹⁸ To

²¹⁵ A technical complication arises if manuscripts are allowed to claim multiple types. When a manuscript consumes quota from more than one category simultaneously, the journal's choice rule may violate the conditions required to guarantee a stable match under deferred acceptance. One natural solution is to simply require each manuscript to select a single primary type, preserving the theoretical guarantees of the algorithm. Alternatively, one could permit multiple types but accept that the stability guarantees become harder to establish, which is a known difficulty in matching markets with overlapping quota categories. This tension is not unique to our proposal and similar complications arise in school choice when students qualify for multiple priority categories. We leave a full treatment of this issue to future consideration, and note that the single-type restriction is a reasonable default that preserves the core properties of the mechanism.

²¹⁶ Abdulkadiroğlu, *supra* note 214, at 540.

²¹⁷ *Id.* at 541.

²¹⁸ *Id.*

illustrate, we provide an example of a situation screened out under the restrictions imposed for type-specific quotas:

Consider journals i and j with type-quotas $1_i = (1_x, 0_y, 0_z)$, $1_j = (0_x, 1_y, 1_z)$, i.e., each journal accepts one manuscript, specified to be of type x for journal i and either type y or z for journal j . Let a , b , and c be manuscripts with types x , y , and z , respectively. Let journal preferences be given by $b \succ_i c \succ_i a$ and $b \succ_j a \succ_j c$. Let manuscript preferences be given by the relations $i \succ_a j$, $j \succ_b i$, and $j \succ_c i$. Ordinarily, c and i would be matched, as would b and j , and a would be left unmatched.

However, this example illustrates how the clearinghouse would automatically enforce type-specific quotas. Journal i submits its true, unconstrained preferences ($b \succ_i c \succ_i a$) alongside its type quota, registering that it will only accept manuscripts of type x . When the algorithm processes the proposals to journal i , it dynamically skips b and c —which are out-of-quota—and tentatively accepts a , the highest-ranked in-quota manuscript. The clearinghouse constructs the relevant choice function from the submitted quotas, and journals do not need to manually reorder their rankings to comply. While this example is somewhat extreme, it illustrates how the choice of type-specific quotas shapes which manuscripts the clearinghouse will accept on a journal's behalf.

In practice, type-specific quotas are used in some residency programs where quotas are set on gender or specialization, and in some public schools where quotas are set to ensure desegregation and represent students with a broad range of ability.²¹⁹ Implementation here is fairly easy: the set of types is obvious, the type function can easily be implemented by asking applicants, and type vectors can easily be submitted by hospitals and schools.

This technical discussion demonstrates a means of capturing journals' preferences to have balanced issues which reflect what they believe to be the most representative spread of topics. However, capture is not perfect—journals will lose the ability to guarantee a particular spread, and may well end up with more or less of each type than they wanted. From a practical standpoint, this modification requires collecting additional information. Namely, we need to define the possible

²¹⁹ *Id.* at 535-36.

types with which a manuscript can be associated. Following Part IV.B., this is left to the centralized mechanism. However, we suggest types focus on well-defined areas of legal scholarship, e.g., constitutional law or law and economics, at a fairly coarse grained level, e.g., tax law rather than partnership tax or corporate tax. During registration, journals submit their desired quota vectors.²²⁰ These are private and used only in the matching algorithm. During submissions, authors may associate their manuscript with up to three types. This limit prevents authors from claiming a broad association of types for strategic manipulation.

The increased cost in preference formation here will likely be minimal—authors should know what type their manuscript fits, and journals are merely asked to provide their maximum number of manuscripts of each type. Here the cost seems low, in return for significantly enhanced control over the variety of subjects in each issue.

Of course, some journals do not want a representative sample of different types. Specialty journals, for instance, are interested entirely in one area of law. So, for a specialty journal with type $t(j)$, the journal's quota q_i will be equal to its quota vector $(q_{t(j)})$. Type-specific quotas accommodate specialty journals easily, since for the journal any manuscript with type other than $t(j)$ is unranked.

The actual implementation of type-specific quotas comes from imposing restrictions on submitted preferences. In particular, journal preferences must satisfy the affirmative action and restricted responsiveness properties. The clearinghouse enforces these properties automatically through the algorithm, using journals' submitted type quotas alongside their unconstrained preference rankings over individual manuscripts. While this approach enables journals to recover their desired spread of articles and authors, recovery is partial, and journals under this model have to give up the fine-grained level of control they currently have in exchange for the benefits of a centralized clearinghouse.

²²⁰ It would be possible to extend this same logic to specialty journals. For instance, on the base model, a specialty journal i with type $t(j)$ submits a quota vector $q_i = (q_{t(j)})$. However, some specialty journals want to balance their subjects, e.g., an ecology journal balancing energy law, environmental justice, animal rights, and so on. The natural approach here would be to add corresponding subtypes in the case of specialty journals, extending the basic idea of type-specific quotas.

D. Sample Timeline

This subsection provides a sample timeline for one submission cycle, demonstrating how a centralized system of journal allocations could operate. Our timeline is broadly consistent with current practice, though this need not be the case. Our proposed timeline is as follows, where T represents the match day:

1. Registration (sometime before $T - 38$)
2. Submissions Open ($T - 38$)
3. Submissions Close ($T - 24$)
4. Review Period ($T - 24$ to $T - 3$)
5. (Optional) Peer Review Period ($T - 24$ to $T - 3$)
6. Ranking Date ($T - 1$)
7. Match Day (occurs on T)
8. Cleanup (after T)

We flesh out the details of each step in the timeline, the motivations for length of each step, and the actions parties are required to take during each step.

1. Registration (before $T - 38$)

Under our proposed framework, the registration period for authors and journals would begin at least 38 days prior to proposed match day. At this point, authors and journals would register their articles and openings for the current submissions cycle. If we assume the simultaneous adoption of a peer review scheme concurrent with the allocative changes proposed here, then peer reviewers would also need to register by this point, indicating their interest, bandwidth (i.e., the number of articles that they would be willing to review), and area(s) of expertise.

In addition, if the allocation system adopts type-specific quotas, as explored in detail in Part IV.C, the centralized submissions platform would set the available types during this period. Authors would be required to identify the specific areas of focus for their articles, and journals would also submit their desired type quotas by this point.

2. Submissions Open ($T - 38$)

Submissions will open and authors may submit manuscripts to the centralized platform once registration is complete. Note that nothing in our proposed timeline requires that journals open up for submissions on the same day; to the extent that journals finish registration earlier and prefer more time to review submissions, they can open their submissions at an earlier date.

Submissions will be blinded: authors are required to redact their names and other identifying characteristics.²²¹ For instance, a citation referring to a prior work of the authors should be rephrased (or the citation should be omitted) to avoid identification. Shifting to a centralized clearinghouse offers an opportunity to implement double-blind submission, which is standard practice elsewhere in the academy.²²² For a recent example of the benefits of blind submission, one can look to the University of Oregon's conclusion that its law review members discriminated against an author on the basis of national origin.²²³ Redacting the author's name, and other identification including nationality and university, would reduce the risk of such editorial discrimination. This kind of anonymization is already adopted at several law reviews.²²⁴

If we are running type-specific quotas, then authors select up to three types from a dropdown menu provided by the centralized platform when submitting an article.²²⁵

3. Submissions Close ($T - 24$)

Submissions can be made available to journals on a rolling basis as they are received, allowing journals to begin reviewing articles as soon as they are

²²¹ It is our strong belief that a large change to the law review submission system should take the opportunity to adopt blinding of submissions, though again, nothing inherent to the matching algorithm requires this and the proposal could move forward in its absence.

²²² See, e.g., Friedman, *supra* note 4, at 1305-06; Moxham & Fyfe, *supra* note 39, at 887.

²²³ Eugene Volokh, *University of Oregon Concludes Law Review "Discriminat[ed] Based on Perceived National Origin" Against Israeli Author*, THE VOLOKH CONSPIRACY (Aug. 23, 2025), <https://reason.com/volokh/2025/08/23/university-of-oregon-concludes-law-review-discriminated-based-on-perceived-national-origin-against-israeli-author/#>.

²²⁴ See, e.g., Submissions, HARVARD LAW REVIEW, <https://harvardlawreview.org/homepage/submissions/>; Article Submissions, STANFORD LAW REVIEW, <https://www.stanfordlawreview.org/submissions/article-submissions/>.

²²⁵ Three is an arbitrary number, but a useful starting point.

submitted. Thus, nothing in our timeline would prevent a journal from beginning to review articles in advance of the formal review period. The submissions window closes 24 days before match day, ensuring that all journals will have at least three weeks of uninterrupted time to review the complete submission pool before rankings need to be submitted.

4. Review Period ($T - 24$ to $T - 3$)

Journals will read the manuscripts subject to their review during this period.²²⁶ The review period is the heart of our proposed timeline, and where editors would see the most direct benefit over the current regime. As explained in Part IV.B, the deferred-acceptance algorithm requires informed rankings to work well, and a protected review period will allow the rankings to reflect informed judgments about the merits of the scholarship. Data from Scholastica in 2023 indicates the average time from submission to acceptance is 18 days, and time to rejection is 29 days.²²⁷ Providing a three-week review period strikes a balance.

Thorough review is critical for generating informed rankings, but we also want to avoid unnecessarily extending the period of time from submission to decision. Because this proposal eliminates the time spent responding to expedite requests and extending unaccepted offers of publication, journals can hopefully use the saved time to more thoroughly engage with submissions.²²⁸ Three weeks is a loose parameter, and it would likely be worthwhile to update the length of review in future iterations if our proposal got off the ground. The structural commitment to a set-aside review period is, however, fundamental, and no matter how long it lasts the review period must belong to the editors.

We also propose that journals can ask clarifying questions of authors during this period. There are multiple ways of preserving a blind mechanism here. One approach, used by the Stanford Law Review, is to use a senior editor as an

²²⁶ Some authors may choose not to rank a certain journal under variants of our proposal, in which case not all journals will be tasked with reviewing every article.

²²⁷ Scholastica Law Review Submission Insights: 2025 Edition, Scholastica, <https://scholasticahq.com/law-review-submissions-insights/>.

²²⁸ Galle, *supra* note 3, at 8.

intermediary, coming as close as possible to double-blind procedure.²²⁹ Extending this approach here, clarifying questions could be passed from the articles team to the senior editor to the author. The author's reply then returns via the editor. This process is partially double-blind, in that neither the author nor the articles team learn each other's identities, although both sides know the intermediary with whom they are interacting.

A better alternative is to use the centralized submissions platform as the intermediary rather than the editor. From a technical perspective, a centralized platform makes this easy. In this case, questions would appear for authors attached to their submissions, and identities could easily be redacted when asking and answering.

One natural upside of this approach is that questions (and answers) could be made public, essentially mimicking open peer review (with law review editors rather than peers). Since articles are generally already published as working papers for feedback well before submission, the public nature of this forum is unlikely to be a serious concern to authors.²³⁰ This approach is currently used or tested in journals elsewhere in the academy, e.g., the Journal of the American Medical Association and Econometrica.²³¹

5. (Optional) Peer Review Period ($T - 24$ to $T - 3$)

Given that we are suggesting substantial reforms, there is a strong argument that legal academia should take the opportunity here to commit to peer review. We look here at how a peer review period, run contemporaneously with the main review period, could be implemented. Three weeks is admittedly a short window of time for a traditional peer review process, but some law reviews currently run similarly timed modified peer review practices.²³²

²²⁹ Article Submissions, STANFORD LAW REVIEW, <https://www.stanfordlawreview.org/submissions/article-submissions/>.

²³⁰ Friedman, *supra* note 4, at 1300.

²³¹ Commenting Policy, JAMA, <https://jamanetwork.com/pages/commenting-policy>; Editorial Procedures and Policies, ECONOMETRICA, <https://www.econometricsociety.org/publications/econometrica/information-authors/editorial-procedures-and-policies>.

²³² See, e.g., Submissions, HARVARD LAW REVIEW, <https://harvardlawreview.org/homepage/submissions/>; Article Submissions, STANFORD LAW

One approach would be to allow a centralized entity to distribute articles to the peer reviewers who registered under the registration step. This involves a centralized party making determinations as to the assignment of reviewers to articles on the basis of submitted expertise, and the author-selected types under which the article falls. Commentary from this review would then be attached to articles at the end of this phase. Note that current systems for review and acceptance to regularly scheduled law conferences, such as the American Law and Economics Association's annual meeting, already proceed along this model.

Another approach would be to allow peer reviewers to anonymously, but publicly, comment on articles in the style of open peer review. One could still preserve anonymity, but again, reviewers would have to be vetted by the centralized submissions platform. While it may be easier to implement, open peer review itself has mixed results in garnering enough commentary to be successful, suggesting that modified traditional peer review may be more successful.

A final alternative would be to shift the approach for review to occur entirely before the submissions period, in the style of working papers or arXiv preprints. This approach is common in computer science conferences, where streamlined peer review is done in advance of conference submissions.²³³ Given that law reviews operate on shorter timelines than traditional peer reviewed journals, the streamlined nature of this approach may be attractive. We stress here that, while we strongly believe it would be a wasted opportunity to not formalize some measure of standardized review when changing the law review submissions process, nothing about the matching allocation requires this, and it could be adopted without any addition of peer review.

6. Ranking Date ($T - 1$)

By $T - 1$ (the day before match day), authors and journals must have submitted their rank-ordered lists. For authors, preference formation is cheap,

REVIEW, <https://www.stanfordlawreview.org/submissions/article-submissions/>. Moreover, one peer-reviewed law and economics field journal (the JOURNAL OF LAW AND ECONOMIC ANALYSIS) requests peer reviews to be returned within a three-week period.

²³³ See, e.g., Call for Papers, Computational Intelligence and Soft Computing, <https://ciscom.org/call-for-papers/>.

owing to the well-established journal hierarchies discussed in Part IV.A, and their lists could even be required at the time of submission. Journals will be required to submit their rankings with enough time to verify before match day.

7. Match Day (occurs on T)

On match day, the centralized platform runs the matching algorithm using the submitted rankings from journals and authors, and then outputs a match. All matches are binding.

8. Cleanup (after T)

Following match day, it is entirely possible that some manuscripts will remain unmatched. Since there may be an unequal number of submitted manuscripts and available publication slots, this result is expected. If there are more submitted articles than published articles, it is likely that some articles will remain unmatched.

This creates a question as to what happens to different unmatched parties if publication slots remain. In the medical context, some residency programs sit outside of the match and are often a last resort for unmatched students,²³⁴ which is a career altering negative outcome for medical students. The consequences seem less dire here, and any journals abstaining from the centralized system we propose could fill the gap. However, many authors can afford to sit on manuscripts to some extent (albeit not forever, and less so for early career professionals). Other options include re-running a matching program on a shorter timeline, allowing a post-match free-for-all, or deferring any open spots to the next cycle.

E. Incentivizing Buy-In and Enforcement

We now discuss how to incentivize authors and journals to buy-in to our proposed approach. The advantages of adopting a centralized clearinghouse in this kind of market have been illustrated by the examples of the medical residency

²³⁴ See, e.g., Unmatched Applicants, AAMC Careers in Medicine, <https://careersinmedicine.aamc.org/prepare-residency/unmatched-applicants>.

match and public school choice: a centralized clearinghouse provides stable matches, alleviates congestion, provides predictability, and reduces strategic manipulation of the market.²³⁵

Some benefits of adopting matching algorithms are unique to the law review market. A common critique of the current market is that it inequitably distributes labor—higher ranked journals can use the expedite requests from lower-ranked offers in their evaluation, disproportionately burdening lower ranked journals.²³⁶ Under our matching algorithm approach, the distribution of reviewing labor becomes significantly more equitable. Lower-ranked journals will no longer serve as the primary screening layer to be used by higher-ranked journals as a triage signal.²³⁷ While this may seem like an unbearable increase in labor for most journals, many already do substantial reviewing—for instance, the Harvard Law Review received over 3,000 submissions in 2024, and substantively evaluated 412 of them (having rejected the rest after an initial screen).²³⁸ Heuristics used to reduce the initial submissions are applicable to large submission sets.²³⁹ Assuming a similar number of total submissions, higher-ranked journals would not face added cost in preference formation, and lower-ranked journals would no longer serve as a proxy labor source for their colleagues.

It is helpful to look at how other markets made the shift from decentralized standards to a centralized clearinghouse. In the medical residency context, the collection of groups that became the National Resident Matching Program essentially proposed a centralized clearinghouse and obtained rapid buy-in owing to the poor state of the market.²⁴⁰ In school choice, Roth and several colleagues essentially designed the clearinghouse and pitched it to New York City’s Department of Education, which recognized the poor state of the market.²⁴¹ The

²³⁵ Roth, *supra* note 121, at 1624, 1630.

²³⁶ Cicchini, *supra* note 71, at 150.

²³⁷ If we allow authors to choose not to rank some journals (and thus to not be considered by them under a binding matching allocation system), then not every journal will review the same number of articles.

²³⁸ Blonigen & Hennigan, *supra* note 198.

²³⁹ *Id.*

²⁴⁰ Roth, *supra* note 121, at 1623.

²⁴¹ *Id.* at 1627-28.

cases both involve widespread institutional recognition of a need for increased market structure.

It is also helpful to consider proposals for a centralized clearinghouse in the federal clerkship market.²⁴² As briefly noted before, the clerkship market bears strong similarities to the other two-sided matching markets discussed so far and is rife with congestion and indications of unraveling.²⁴³ Avery et al. considered several centralized approaches to resolving this problem. To obtain support, the authors suggested that Supreme Court justices only accept clerks from courts who take part in the match.²⁴⁴ Eight sitting justices took part in the authors' survey, and all favored this kind of approach.²⁴⁵ Under such a scheme, participation is not absolute, but the congested part of the market (everyone who does not move extremely late) is captured elegantly by a top-down incentive structure.

This top-down institutional push seems promising in the law review context as well. In previous cases of market shift, high-ranking journals have been the key group behind paradigm changes like the end of the exploding offer.²⁴⁶ While the hierarchy is less absolute among law review rankings than federal courts, past changes in the market still suggest that top journals can move market norms.²⁴⁷ And while high-ranked journals may be the greatest beneficiary of the current system, they are still well off under the proposed approach. Moreover, unlike other markets, law reviews are governed by the people doing the work. The decision to join a match would be made by editorial boards composed of students whose working conditions would be improved by an effective matching process. We believe that a dedicated period for article review, rankings that reflect judgment rather than rushed decision-making, and an end to serving as a screening function for other journals would benefit most if not all journals. While faculty also stand to benefit from a more predictable system, this is a reform designed largely in the interest of student editors.

²⁴² Avery et al., *supra* note 166, at 1.

²⁴³ *Id.* at 5-8, 19, 29-30.

²⁴⁴ *Id.* at 81-82.

²⁴⁵ *Id.*

²⁴⁶ *See, e.g.*, Caron, *supra* note 101; Kerr, *supra* note 101.

²⁴⁷ Caron, *supra* note 101; Kerr, *supra* note 101.

We now consider possible enforcement mechanisms. One draw of our proposed allocation mechanism is that most parties tend to behave well when presented with a centralized clearinghouse.²⁴⁸ Including an optional signaling period might also help provide a legitimate channel for parties to signal interest in each other, reducing under the table deals, but runs the risk of increasing market unraveling. An early decision track, accomplished via tiered deferred-acceptance, could also help provide a legitimate channel in the same vein.

Turning to more punitive enforcement, the most natural mode of sanctioning consists in suspension from participation in the matching program. In the medical residency context, sanctions typically involve temporary or permanent suspensions from engagement in the match.²⁴⁹ This is a stronger deterrent for hospitals, who participate yearly, as opposed to residents, who only match once, although some post-residency programs also make use of the match, offering a future deterrent.²⁵⁰ Given that law professors publish frequently, sanctions might seem more effective than they would against medical residency applicants.

Suspensions are somewhat inimical to early success of the market. In particular, this kind of centralized clearinghouse improves with high participation, so removing a high proportion of participants would be undesirable. Suspension is also a less serious threat to high-ranked journals, as authors might still be willing to submit to such journals even if doing so would subject them to sanctions, reducing the desired deterrent effect. In contrast, the threat is greater for early career authors, where professional damage from failing to publish is likely higher. Nonetheless, sanctions remain the natural enforcement mechanism here.

V. POTENTIAL LIMITATIONS AND OPEN QUESTIONS

This Part begins by examining the market for federal court clerkships as an example of a market with significant barriers in the way of adopting a centralized

²⁴⁸ Roth, *supra* note 133, at 1003.

²⁴⁹ The NRMP Match Policy, NRMP, https://www.nrmp.org/wp-content/uploads/2023/08/Violations-Policy_Ver.Aug2023.pdf.

²⁵⁰ *Id.*

clearinghouse. We end with a series of open questions regarding the implementation and challenges faced by a shift to a centralized submission system.

A. Potential Limitations

So far, we have looked primarily at two-sided markets where centralized clearinghouses have proven to be effective solutions. We now consider a case where such reforms, although proposed, might not be as successful: the market for federal law clerks. At first glance, the federal clerkship market looks like a Stage 2 market full of decentralized attempts to control application timelines that are circumvented by individual actors.²⁵¹ Surveys of federal judges and students find dissatisfaction with the process to be high, reflecting poorly on the bench.²⁵² Unraveling and congestion are substantial, exploding offers of fifteen minutes are not uncommon, and strategic maneuvering in arrangement of interviews and ignoring phone calls has been commonplace.²⁵³ The market also exemplifies how a small number of actors can rapidly unravel timelines. Some vocal and prestigious judges view early offers as “an important bargaining tool.”²⁵⁴ Such actors prefer the status quo, as a decentralized market enables “poaching,” and students often accept the first offer they receive, providing a competitive edge for highly but not top-ranked judges.²⁵⁵ Prior attempts at reform, for instance, the Federal Law Clerk Hiring Plan, failed to stabilize the market or curtail incentives for manipulation, leading to further unraveling and congestion.²⁵⁶

Christopher Avery, Christine Jolls, Richard A. Posner, and Alvin E. Roth consider adopting the medical residency match unchanged here, but conclude that informal agreements outside of the process pose too great a problem.²⁵⁷ Unlike the

²⁵¹ Avery et al., *supra* note 166, at 1.

²⁵² *Id.* at 14-15.

²⁵³ *Id.* at 19, 26, 29-30.

²⁵⁴ Alex Kozinski, *Confessions of a Bad Apple*, 100 YALE L.J. 1707, 1720 (1991).

²⁵⁵ Avery et al., *supra* note 166, at 28.

²⁵⁶ Mark W. Pletcher & Ludovic C. Ghesquiere, *In Restraint of Trade: the Judicial Law Clerk Hiring Plan*, 78 U. COLO. L. REV. 147 (2007); U.S. Courts, “Federal Law Clerk Hiring Plan is ‘Discontinued,’” U.S. Courts, <https://www.uscourts.gov/data-news/judiciary-news/2014/01/13/federal-law-clerk-hiring-plan-discontinued>.

²⁵⁷ Avery et al., *supra* note 166, at 75.

medical residency case, where students apparently do not trust programs to hold their end of the deal in informal agreements, the authors feel that students would find federal judges to be trustworthy in informal negotiation, creating unraveling even in the face of a centralized clearinghouse.²⁵⁸ Instead, the authors endorse a modification in which the Supreme Court agrees to draw only clerks from an opt-in matching program, thus forcing judges who wish to feed the Court to buy-in, and leaving others able to opt out.²⁵⁹ Paired with affirmations of no prior agreements, this approach is intended to cut a balance uniquely tailored to federal court clerkships.²⁶⁰ Despite a majority endorsement from the Court, this approach has yet to be adopted over 20 years later, and the clerkship market remains an example of a Stage 2 two-sided market. This is not to say that the market will never progress to Stage 3, merely that powerful institutional features present an obstacle and commentators have previously argued the efficiencies are outweighed by costs to judges.²⁶¹

While high-ranked law reviews benefit from the current system, our discussion in Part IV suggests that a central clearinghouse could still serve them well. Unlike judges who rely heavily on early offers, some high-ranked reviews might see their matches improve, as they no longer lose articles to slightly higher-ranked colleagues due to their signals. Moreover, as mentioned earlier, depending on the length of time for the review window, every journal would retain a longer period to review articles under our proposal than under the status quo.

B. Open Questions

In this subsection we review open questions, including incomplete adoption of the centralized clearinghouse, authors who publish both in law reviews and in other areas of the academy, possible increased challenges for journal editors during the review period, and expected pushback and possible responses.

²⁵⁸ *Id.* at 75-76.

²⁵⁹ *Id.* at 81-82.

²⁶⁰ *Id.* at 76-77.

²⁶¹ Annette E. Clark, *On Comparing Apples and Oranges: The Judicial Clerk Selection Process and the Medical Matching Model*, 83 GEO. L.J. 1711, 1789 (1995).

1. *Incomplete adoption*

Centralized matching markets work best when there is substantial buy-in. Yet, the history of public school choice suggests that adoption itself is often incomplete, posing a challenge for emerging or fragmentary systems.²⁶² Among other issues, it may prove difficult to induce authors to submit to a binding application process if their preferred journals have not yet committed to centralized matchmaking. Perhaps anticipating this problem, the history of the medical residency market suggests a solution. Rather than resorting to immediate adoption of a centralized clearinghouse in the 1950-51 cycle, administrators ran a trial in which they collected rankings from residents and hospitals, but ran the actual match using the old procedures.²⁶³ This approach enabled them to test in real time how a centralized clearinghouse compared to current results, and the clearinghouse was adopted shortly afterwards.²⁶⁴ A trial run in the same style offers a potential means of easing into reform, with the added benefit that mechanical and implementation questions are resolved before they can adversely affect any parties. Moreover, the data from such a trial run, when compared to the journal allocations in a given year, could prove compelling in leading parties to move towards adoption.

Regardless of specific implementation decisions, or whether to proceed incrementally with trials, adoption challenges seem possible. For a centralized system to displace ad hoc submission protocols we need something approaching wholesale adoption on the part of the law reviews. History suggests that this may prove difficult, especially with ensconced “elite” journals who are beneficiaries (in some relevant sense) of the current system. We believe that the beneficial supply-side aspects of a centralized system, particularly an increased time for article review without being subject to expedite requests, will prove a benefit to all law reviews and editorial members. However, at the end of the day, law reviews are not structurally independent of their home schools, and administrative remedies

²⁶² Glaeser, *supra* note 144, at 1612.

²⁶³ Roth, *supra* note 133, at 996.

²⁶⁴ *Id.*

should exist to the extent that a small number of hold-out law reviews prevent wholesale adoption of beneficial reform.

2. Authors who publish more broadly

Another open question concerns the status of authors who do not publish exclusively in law reviews, i.e., those who publish in other areas of the academy. The binding nature of our approach would still apply here. In effect, such authors must decide which venue to prioritize first. If they enter the centralized law review clearinghouse and match, that match is binding. If they do not match, they remain free to submit to peer-reviewed journals or re-enter the clearinghouse in a later cycle. In practice, this is unlikely to be a major concern, as journals in other areas of the academy generally require single submission in the first place.²⁶⁵ In this case there is little change from the status quo, as authors already have to choose between pursuing a particular peer-reviewed publication or submitting more broadly across law reviews.

An author interested in testing an article in both the law review and alternative publishing venues could submit to the binding law review matching mechanism with rankings over the set of law reviews that they would prefer to publish in over their outside options. To the extent that they match with one of their ranked law reviews, they would be required to publish there, subject to whatever binding mechanism (like indefinite or temporary restriction from use of the centralized system going forward) exists. However, if they do not place with their preferred set, they would be free to submit afterwards to a single-submission journal, and would also be free to re-submit to law reviews in a later cycle. An author with preference for a peer-reviewed offer over law reviews would be able to submit outside of the centralized system, and could always (as they can now) submit more broadly to law reviews if their article is not accepted. In sum, nothing about centralizing the system for law review article allocation appears to impinge on authors who have broader publishing habits.

²⁶⁵ See, e.g., AER Submission Guidelines, American Economic Association, <https://www.aeaweb.org/journals/aer/submissions>.

3. Potential for increased student workload

A natural objection is that the matching process will overwhelm editors, the same constituency that the current system already takes for granted. After all, a common criticism of the current model is that it overworks editors.²⁶⁶ The concern is warranted, but we believe that it conflates the quantity of editorial work with its form. The number of articles in play should change little, as the submission pool will be the same set of manuscripts under either system, and journals already screen thousands of submissions per cycle. Forming a ranking, particularly if coarsened rankings are permitted, should not require more evaluation than what journals perform now. What *will* change is the nature and substance of the work. Today, scarce editorial hours are spent under interruption while triaging against expedite deadlines and re-making and re-sorting decisions as offers arrive and expire. Under a formal matching system, that time will instead be dedicated to a protected reading period. The workload objection, examined closely, is in fact an argument for the reform—if editors are drowning now, the remedy should be more time and conditions under which reviewing articles becomes more workable.

Blind submission does admittedly disable the credential heuristics journals currently use to compress the pool for review. However, it is worth being clear about what would be lost, because those heuristics are not judgments that we as a community can defend as measures of scholarly quality.²⁶⁷ Rather, they are sensible and understandable responses to congestion outside of editorial control, and the congestion is what the match will ameliorate. An editor freed from the expedite clock will hopefully not need letterhead to tell them what to read or accept, because they instead have the time to determine this themselves. Many law reviews already maintain partially blind review while processing thousands of submissions, which suggests the adjustment is manageable. We do not pretend to certainty here, and how boards allocate a protected review period is an empirical question. We hope that the trial run proposed above would help answer this

²⁶⁶ Friedman, *supra* note 4, at 1315.

²⁶⁷ Friedman, *supra* note 4, at 1315.

concern directly, at no cost to any participant, before any journal commits to wholesale adoption of the matching process.

Journals also sometimes choose to privilege fellows, junior faculty, or their own faculty as a matter of internal policy. This preference conflicts with single-blind submissions, as this kind of identifying information is redacted. For instance, journals in other disciplines consider the career stage of authors and maintain blind review standards.²⁶⁸ One approach is to simply allow authors to identify themselves as a fellow or a junior faculty member. It would be better policy to follow blind submission in redacting authors' law school affiliations, especially given the controlling impact it can have for journals evaluating articles by their own faculty members.²⁶⁹ Another approach, if one is concerned that broad identification as a fellow or junior faculty might hurt an author's overarching chances, would be to allow journals to indicate a preference for fellows or junior faculty in their submission preferences, and then allow authors to disclose this on a case-by-case basis. Each of these modifications would enable journals to preserve their policies of privileging fellows or junior faculty submissions.

CONCLUSION

The dysfunction of the law review submission process is clear and obvious, from the use of mass submissions to the offer-and-expedite cycle, and a resulting review by proxy. The literature's dominant diagnosis has been that the "wrong" people are doing the reviewing. This Article argues instead that, even if the "right" people were to do the reviewing, they would still be doing it under the wrong conditions. A successful reform proposal instead requires a redesign of the market for scholarship measured against three criteria: ending the expedite game, distributing labor equitably while protecting time for genuine review, and remaining incentive-compatible once adopted. While all prior proposals fall short

²⁶⁸ See Editorial Procedures and Policies, ECONOMETRICA, <https://www.econometricsociety.org/publications/econometrica/information-authors/editorial-procedures-and-policies>.

²⁶⁹ Friedman, *supra* note 4, at 1302.

on at least one of these dimensions, a centralized matching process satisfies all three. Under author-proposing deferred acceptance, truthful ranking is a dominant strategy, and the expedite game is not banned but rendered pointless. Type-specific quotas would preserve a preference for balanced issues by law reviews, and a concrete timeline shows how the system could operate within the cycles that journals already keep.

As with any restructuring of a market, hurdles to adoption of our proposal exist, and we have tried to meet them honestly. Incomplete adoption is a serious concern, kinks to the protocol could be worked out with trial submission cycles, and editorial boards would not be required to adopt on blind faith. The deepest reason for cautious optimism is that law reviews are governed by the very people the current system burdens. A centralized clearinghouse for submissions would not solve every problem, but it represents a pragmatic and implementable step toward aligning legal scholarship with the broader norms of academia while preserving the unique contributions of student editors.