

EXPANDING THE DRAKE JOURNAL OF AGRICULTURAL LAW: THE GREEN ISSUE

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ABSTRACT

This inaugural volume of The Green Issue reflects the continued development of the field of agricultural law, as well as broader changes to the landscape of legal scholarship publication. This essay describes how The Green Issue sprouted from The Drake Journal of Agricultural Law (the “Journal”). It begins by reviewing the creation of the Journal, itself rooted in the vibrant history of the Drake Agricultural Law Center (the “Center”). It also considers ways to measure the Journal’s influence in helping shape agricultural law. Next, it considers the creation of The Green Issue within the context of the rise of online law review companions. The essay concludes by explaining the value The Green Issue will bring to the Journal and its readers and acknowledges those who helped make it a reality.

I. HISTORY AND INFLUENCE OF THE DRAKE JOURNAL OF AGRICULTURAL LAW

Established in 1996, the *Journal* demonstrates Drake Law School’s deep commitment to the study of agricultural law.¹ Both the law school and the broader agricultural law community immediately acknowledged the importance of this new publication. Reporting on the 1995–96 activities of the Center, Director Neil Hamilton described the *Journal’s* founding as the “most exciting development” of

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1. David S. Walker, *Message to Readers*, 1 DRAKE J. AGRIC. L. v, v (1996) (“[T]he Journal reflects our commitment at Drake to the study of Agricultural Law as a distinct field of law of huge significance to the United States and even the world, and it also reflects the Law School’s disposition for practical outreach to people affected by law, to members of the Bar, and to decision-makers in every arena”).

the year.² Renowned agricultural law scholar Neil Harl³ heralded the publication of the *Journal's* first issue, maintaining it “marks yet another major milestone and provides a significant additional unifying force in the evolution of agricultural law.”⁴

The creation of the *Journal* resulted from a multi-year initiative. In the early 1990s, as part of a university-wide strategic planning process, members of the law school’s task force recommended that the school develop a second student journal, although it did not specify the subject area.⁵ The recommendation went to the Board of Governors in October 1994.⁶

The recommendation further energized a group of law students already working to create an agricultural law journal.⁷ Indeed, an agricultural focus must have seemed a natural choice for a second Drake journal, given the Center, now thriving in its twelfth year.⁸ Under Hamilton’s dynamic leadership,⁹ the Center’s

2. NEIL D. HAMILTON, DRAKE UNIV. LAW SCH. AGRIC. LAW CTR.: REPORT OF THE DIR. 1 (OCT. 1996).

3. A long-time agricultural law and economics professor at Iowa State University, as well as a farmer, Harl served as the founding president of the American Agricultural Law Association, president of the American Agricultural Economics Association, and director of the Center for International Agricultural Finance. Donnelle Eller, *Tireless Advocate for Farmers, ISU Professor Neil Harl Dies at 88*, DES MOINES REG., Nov. 10, 2021, ProQuest, Doc. No. 2595319536. After his death, one article described Harl as “the most published, most sought-out attorney/ag economist in the nation.” Alan Guebert, *Neil Harl is Remembered as the Smartest Person in the Room*, FARM AND DAIRY (Dec. 2, 2021), <https://www.farmanddairy.com/columns/neil-harl-is-remembered-as-the-smartest-person-in-the-room/695298.html> [<https://perma.cc/AHZ6-M5XT>].

4. Neil E. Harl, *Introduction*, 1 DRAKE J. AGRIC. L. vii, vii (1996).

5. See PLANNING AND PRIORITIES COUNCIL DRAKE UNIV., REPORT TO THE BD. OF GOVERNORS PRIORITIES COMM’N ON NAT’L COMM’N II 1, C-19 (Oct. 28, 1994) (noting the committee was charged with advising the university on “plans and priorities” and listing recommendation 5.48 “Develop a second student Journal for the Law School”); Walker, *supra* note 1 at ii (“I would be remiss if I did not recognize and give credit to members of the Law School Task Force who participated in National Commission II on the Future of Drake University. They recommended development of a second journal and helped generate momentum for it.”).

6. PLANNING AND PRIORITIES COUNCIL DRAKE UNIV., *supra* note 5.

7. Interview with Neil Hamilton, Professor Emeritus of Law and founding Center Director, in Des Moines, Iowa (April 12, 2023) [hereinafter Hamilton interview].

8. See David S. Walker, *Celebrating Neil Hamilton: Reflections of a Colleague and Former Dean*, 24 DRAKE J. AGRIC. L. 165, 165 (2019) (noting that Hamilton founded the Center in 1983); NEIL D. HAMILTON, DRAKE UNIV. LAW SCH. AGRIC. LAW CTR: REPORT OF THE DIR. 1 (SEPT. 1994) (describing the 1993–94 year as among the “busiest and most productive” times in the Center’s history).

9. See Walker, *supra* note 8 at 167–70 (describing Hamilton as a “self-starter,”

ambitious plans included student-run publishing. For instance, the Center contemplated working “with the *Drake Law Review* to develop plans for an annual agricultural law symposium issue, perhaps coordinated with the American Agricultural Lawyers Association” and developing “an agricultural law newsletter to be written by the agricultural law students for distribution to members of the Iowa Bar.”¹⁰ Even before the establishment of the *Journal*, these goals were already materializing. For instance, in the 1987–88 academic year, the *Drake Law Review* published the Proceedings of the 1987 American Agricultural Law Association Meeting.¹¹ During the 1993–94 academic year, the Center began publishing White Papers, some of which included student research.¹² Additionally, members of The Drake Agricultural Law Student Association prepared case reviews, which were published in the *Iowa Agricultural Law Reporter*.¹³ However, having a journal devoted to agricultural law would provide far more opportunities to enhance student education and provide valuable legal information and analysis to all involved in agriculture.

Over the course of almost two years, students led the initiative to transform a good idea into reality, with Hamilton and law school Dean David Walker working together to obtain funding.¹⁴ Walker’s *Message to Readers* introducing the first *Journal* issue offers these credits:

I particularly want to compliment Editor-in-Chief Mark Reisinger, Chief Executive Editor Aaron Oliver, and other members of the *Journal*’s Editorial Board, along with Brad Mason, L’95, and Matt Benda, L’96, who have shown great initiative, ability, and perseverance in developing the concept of this new journal, securing student support and participation, and launching the *Journal* in impressive fashion. Ronja Butler, L’95, as President of the Student Bar Association, facilitated discussions leading to development of the *Journal*.¹⁵

Recollecting the *Journal*’s founding, Butler concurs it required diligence and

“energetic, entrepreneurial, and proactive,” and “inspirational leader in the field of agricultural law,” among other accolades).

10. Memorandum from Neil Hamilton, Agric. Law Ctr. – Proposed Projects for Three Year Plan – Synopsis 1, 2 (c. 1983) (on file with the Drake Law Library).

11. Philip E. Harris, *Introduction: A Look at How Washington Works*, 37 *DRAKE L. REV.* 173, 173 (1987).

12. HAMILTON, *supra* note 8 at 3.

13. *Id.*

14. HAMILTON, *supra* note 2 at 1. See also Brochure from Drake Univ. Agric. Law Ctr., *Anniversary Celebration: Celebrating 30 Years 4* (April 19, 2013) (crediting David Walker as being “responsible for the launch of the *Drake Journal of Agricultural Law*”).

15. Walker, *supra* note 1 at i.

collaboration, explaining, “So many incredible people were committed to it. The first students [involved] really believed in this and spent a lot of time trying to put everything together. Professor Hamilton provided wonderful leadership. . . . There were so many encouragers.”¹⁶ Butler counts the law school’s student body at large as boosters, commending the school’s supportive environment.¹⁷ She observes that the work to start the *Journal* united her class, who recognized the value of expanding “opportunities for students to shine with writing, researching, and editing.”¹⁸ She elaborates, “Students really embraced the effort whether they wanted to write for the *Journal* or not.”¹⁹ With strong support from the law school and enthusiasm from its student staff, the *Journal* was ready to make its mark.

Since its inception, the *Journal* has explored agricultural law issues from both theoretical and applied perspectives, helping shape real-world law and policy.²⁰ As Harl observed in his introduction to the *Journal*’s first issue, “One of the major ways the forces of change in the legal system are formulated and focused is through scholarly journals.”²¹ Dean Walker reinforced the *Journal*’s pragmatic, analytical approach, writing, “This new journal will offer students, scholars, practicing lawyers, and those active in the formulation of agricultural law and policy a forum for the analysis and discussion of issues of agricultural law and other issues arising in the agricultural sector that imply or suggest legal solution.”²² Aiming for practical relevance certainly tracked the goals of the Center. In a memorandum announcing the Center’s formation, Hamilton observes that “agriculture plays a significant and pervasive role in the functioning of the state of Iowa” and emphasizes the importance of ensuring the agricultural sector, the legal community (including law students), and government officials all have access to high quality, current information about the law’s effects on agriculture.²³

Like all student-published law reviews, the *Journal* also promised rich

16. Interview with Ronja Butler, 1994–95 Drake Law Student Bar Association President and *Journal* co-founder, (April 19, 2023) [hereinafter Butler interview].

17. *Id.* Butler, who served as an academic Westlaw representative for a decade, also notes “I was blessed to be able to work at many law schools, and I know there is a very special community at Drake that you don’t find everywhere.”

18. Butler interview, *supra* note 16.

19. *Id.*

20. DRAKE J. OF AGRIC. L. HANDBOOK § III.A (1995) (“The goal of the *Journal* is to provide a forum to explore contemporary issues in international and domestic agricultural law and bring these issues to the attention of the entire community. . . . The *Journal* is intended to provide a balance between academic and practical coverage.”).

21. Harl, *supra* note 4 at ix.

22. Walker, *supra* note 1 at v.

23. Memorandum from Neil D. Hamilton, Agric. Law Ctr. (April 1983) (on file with the Drake Law Library).

educational experiences for its staff. As part of a university-wide comprehensive review of all academic programs, the *Journal* described its goals as providing both “an outlet for scholarly writing addressing important food and agricultural topics” and “an instructional and institutional setting for students to engage in legal scholarship, professional editing, management of a regularly scheduled publication, and other responsibilities associated with such an enterprise.”²⁴ In a history detailing Drake’s deep commitment to clinical and other experiential learning, Russell Lovell reported that the addition of the *Journal* “significantly expanded experiential education opportunities at Drake Law,” offering students additional options for “intensive research, writing, and editing experiences.”²⁵ Current Drake Law School Dean Jerry Anderson underscores the educational value of the *Journal*, explaining, “We have found that there is no better way to improve student research and writing skills than by participating in a journal. When they delve deeply into a legal issue, either by editing an article or by writing their own note, they discover how complex and ambiguous the law can be, and how we are all working together on a constant project of improvement.”²⁶

For over a quarter of a century, the *Journal* has been fulfilling these promises. Butler remarks that the *Journal* has “become a community that involves faculty, staff, students, and practitioners in so many fields. . .providing a forum to discuss the great legal issues of the day.”²⁷ Producing two annual issues from 1996 to 2001 and then three annual issues from 2002 to present, the *Journal* has now published 539 pieces. These works can be categorized as articles (254), notes (221), comments (63), and book reviews (1). The comments can be further divided into essays (41), addresses (17, including 16 from the American Agricultural Law Association (AALA) President and one from the U.S. Secretary of Agriculture), forewords and introductions (4), and *in memoriam* pieces (1). The *Journal* has published articles written by “professors, judges, attorneys, practitioners, students, and others.”²⁸ Its close relationship with AALA merits special mention; since 1997 the *Journal* has dedicated its spring issue to publishing proceedings from AALA’s annual educational symposium.²⁹

24. DRAKE J. OF AGRIC. L., ACAD. PROGRAM REV. REP. 2 (C. 1999).

25. Russell E. Lovell, II, *Celebrating the Drake Legal Clinic at 50! Drake Law Experiential Education at 157! 157-50! A Proud Tradition Since 1865*, 70 DRAKE L. REV. 1, 54 (2022).

26. Email from Jerry Anderson to Karen Wallace (April 11, 2023, 14:25 CST) (on file with author) [hereinafter Anderson email].

27. Butler interview, *supra* note 16.

28. DRAKE UNIV. L. SCH. FAC. SELF-STUD. § X.A.2 (1998) [hereinafter Self-Study].

29. Drake Law School alumni have also composed a significant number of AALA board members and Presidents over the years. Hamilton interview, *supra* note 7.

The subscription form published in the *Journal's* first issue describes the publication as being “dedicated solely to the review of legal issues, national and international, that affect the agricultural world.”³⁰ The phrase “agricultural world” truly denoted a global focus. The creators of the publication originally conceived the name “the *Drake World Journal of Agricultural Law*,” but changed it before publication “to tighten the focus.”³¹ In its earliest years (1996–2000), the *Journal's* faculty sponsors were both Hamilton, a globally known agricultural law scholar, and Hunter Clark, whose areas of expertise include international law and international trade.³²

The *Journal's* specialization means that much—if not all—of each issue's content may be of interest to any given member of the agricultural law community; yet, the multifaceted nature of the field still makes the scope expansive. As Dean Anderson observes, “The articles and student notes in the *Journal* always provide a vivid illustration of how agricultural law intersects with such a broad range of legal topics—from intellectual property to estate planning to environmental law to food safety to international trade. The agricultural sector contributes over \$1 trillion to the U.S. Gross Domestic Product, underscoring the importance of law and policy in this area.”³³

The titles in the initial issue demonstrate this breadth in all its facets: subject matter, national and international perspectives, and authorship. Published alongside an article examining the most recent Farm Bill and another examining the future of the U.S. food and agricultural system, the issue also includes articles concerning labor law, food safety and organic labeling laws, commercial law, environmental law, and international trade. Prominent professors wrote several of these pieces, but first-issue authors also included a sitting U.S. Senator, a government attorney, private practice attorneys, and law students.³⁴

30. Unpaginated prefatory material from 1 DRAKE J. AGRIC. L. (1996) (Located directly after cover page “Please accept our complimentary, inaugural issue of the Drake Journal of Agricultural Law.* This informative journal is dedicated solely to the review of legal issues, national & international, that affect the agricultural world.”).

31. DRAKE JOURNAL OF AGRIC. LAW, *supra* note 24 at 5.

32. Walker, *supra* note 1 at vi; *see also* DRAKE UNIV. LAW SCH., *Hunter R. Clark Profile* (April 6, 2023, 1:43 PM), <https://www.drake.edu/law/facstaff/directory/hunter-clark/> [<https://perma.cc/F68L-2ZTG>] (showing Prof. Clark's areas of expertise).

33. Anderson email, *supra* note 26.

34. The first issue is available on the *Journal's* website at <https://aglawjournal.wp.drake.edu/past-issues/volume-01/>. Note, too, that all this content has been used by others; Hein's ScholarCheck shows 63 subsequent articles cited something in the first issue, and every individual piece—five articles and two notes—received at least two citations.

The value of a publication cannot be directly measured. Subscription numbers provide one data point. At the start of 1998, the *Journal* had “320 subscribers from around the world,” with over 1,200 subscribing to the annual spring AALA symposium issue.³⁵ However, with most researchers now preferring electronic access to legal periodicals,³⁶ it comes as no surprise that *Journal* subscriptions have declined, with 75 subscribers now receiving the print edition.³⁷ This tracks an overall decline in paper subscriptions to law reviews that dates at least to the turn of the century.³⁸

Citation analysis provides a more robust lens to review the *Journal's* impact. At its core, using citation analysis to assess impact rests on the premise that counting the number of later sources that cite a particular article (or all articles within a particular publication) demonstrates usage, and therefore influence, of the article or articles being assessed.³⁹ The HeinOnline ScholarCheck feature provides metrics on the number of times an article has been cited by other articles in the expansive HeinOnline collections,⁴⁰ cited by cases available through Fastcase, or downloaded from HeinOnline in the past twelve months.⁴¹ As of this writing,

35. Self-Study, *supra* note 28 at X.A.2.

36. See Thomas W. Merrill, *The Digital Revolution and the Future of Law Reviews*, 99 MARQ. L. REV. 1101, 1102 (2016) (describing how faculty did not complain when the Columbia Law School announced it was no longer subscribing to 450 law reviews, presumably because they now all access articles electronically).

37. These are the individual subscription numbers for the Fall 2023 issue. Please Note: The *Journal* has published its issues online since roughly 2015-2016. Additionally, platforms such as Westlaw, Lexis+, and Bloomberg Law make the *Journal's* work available to a much larger population in recent years.

38. John Doyle, *The Business of Law Reviews*, 39 CONN. L. REV. CONNTEMPLATIONS, Spring 2007 at 30, 32 (noting the broad decrease in paper copy subscriptions to law reviews, exemplified by a 24% decline in print subscriptions to the *Harvard Law Review* from 2002 to 2006 and a 30% drop during the same period for the *Houston Law Review*).

39. Jonathan Furner, *The Ethics of Evaluative Bibliometrics*, in BEYOND BIBLIOMETRICS: HARNESSING MULTIDIMENSIONAL INDICATORS OF SCHOLARLY IMPACT 85, 88 (Blaise Cronin & Cassidy R. Sugimoto eds., 2014). For an in-depth consideration of scholarly impact citation analyses, particularly in the discipline of law, see Karen L. Wallace & Rebecca Lutkenhaus, *Measuring Scholarly Impact in Law*, 28 WIDENER L. REV. 145, 156–179 (2022).

40. See HeinOnline, *Law Journal Library* (April 6, 2023, 4:40 PM), <https://home.heinonline.org/content/law-journal-library/> [<https://perma.cc/8AJF-3M2Z>] (noting that HeinOnline's Law Journal Library alone includes more than 3,100 journals from over 40 disciplines).

41. Lauren Mattiuzzo, *Using ScholarCheck*, SCHOLARCHECK, (April 6, 2023, 4:34 PM), <https://libguides.heinonline.org/scholarcheck/scholarrank> [<https://perma.cc/N4AW-XZFG>]. For a thorough discussion of the logistics of ScholarCheck citation matching, see Karen L. Wallace, Rebecca A. Lutkenhaus & David B. Hanson, *Assessing HeinOnline as a Source of Scholarly Impact Metrics*, 114 L. LIB. J. 395, 400–02 (2022).

HeinOnline includes 533 *Journal* pieces (articles, notes, comments, and book reviews), hosting the inclusive run of vol. 1 (1996) through the second issue of vol. 27 (2022).⁴²

Journal articles receive an impressive number of citations by other scholars. ScholarCheck data was obtained by running a HeinOnline search for all *Journal* articles, notes, comments, and book reviews, and then sorting the results by the number of times they have been cited by other articles.⁴³ As shown in Table 1, across the four content types, ScholarCheck data reveals that over 78 percent of *Journal* works have received at least one article citation to date. This figure increases to almost 80 percent when only considering articles and notes.

TABLE 1
ScholarCheck Data for *Journal* Content: Article Citations

Content type	Number published	Number cited by at least 1 other article	Percentage receiving citations
Articles	251	216	86.1%
Notes	218	158	72.5%
Comments	63	41	65.1%
Book Reviews	1	1	100%
All Content Types	533	416	78.1%
Articles and Notes	469	374	79.7%

This rate becomes even more noteworthy when placed in the broader context of legal citation patterns. In 2007, an extensive study of 385,000 law review articles found that 43 percent were never cited at all.⁴⁴ Then, in spring 2020, Rob Willey and Melanie Knapp obtained ScholarCheck data for all law review articles published between 2015–19 and found that only 18 percent received at least one

42. Although volume 27, issue 3 has been published, its contents (3 articles and 3 notes) have not yet been added to the HeinOnline Law Journal Library.

43. This search was run on April 5, 2023, in the Law Journal Library advanced search function, using the following steps. 1) The * wildcard character was entered in the text field. 2) *Drake Journal of Agricultural Law* was selected in the Choose by Journal Title box. 3) The section types to search were limited to articles, comments, notes, and reviews, thus excluding indexes and tables of contents.

44. Thomas A. Smith, *The Web of Law*, 44 SAN DIEGO L. REV. 309, 336 (2007) (using data identified through the Shepard's citator).

citation.⁴⁵ The limited time period reviewed in the latter study may well account for the significantly higher rate of zero-citation articles; it takes time for new works to be written and published—particularly in a print format. However, when looking just at the last five years, the *Journal* still substantially exceeds the Willey & Knapp figure. Limiting the dataset to pieces published between 2018–22, ScholarCheck data shows 42 percent of all *Journal* content and 46 percent of *Journal* articles were cited at least once by another article.⁴⁶

Journal articles have also influenced judicial decisions. Over nine percent of *Journal* articles have been cited by at least one court opinion.⁴⁷ In addition, five and one-half percent of *Journal* student notes have been cited in at least one court opinion, with two notes each being cited by the courts twice.⁴⁸ Combining citation data, over 86 percent of *Journal* articles and over 80 percent of all *Journal* content has been cited at least once by another scholar, the courts, or both.⁴⁹

II. RISE OF ONLINE COMPANIONS

As noted above, today's researchers tend to access legal periodicals electronically. Often this occurs via subscription-based databases.⁵⁰ However, law

45. See Rob Willey & Melanie Knapp, *How to Increase Citations to Legal Scholarship*, 18 OHIO ST. TECH. L.J. 157, 171–72 (2021).

46. From 2018–2022, the *Journal* published 106 pieces (26 articles, 46 notes, and 34 comments). According to ScholarCheck data as of April 5, 2023, 45 of these pieces (12 of the articles, 15 of the notes, and 18 of the comments) were cited by one or more subsequent articles. Not only does this make the percentage of cited pieces higher than the overall rate found in the Willey & Knapp study, at least one potentially significant difference exists between the two five-year spans considered. The Willey & Knapp study looked at data prior to the COVID-19 shutdown, while that event happened in the middle of the years considered for the *Journal*. Given that the pandemic shutdown significantly altered workflows and placed additional demands on many people, the *Journal* citation figures would conceivably have been higher had data been obtained in spring 2020 looking at the prior five years.

47. ScholarCheck data as of April 5, 2023, shows that 23 of the *Journal's* 251 articles have been cited by one or more court opinions.

48. ScholarCheck data as of April 5, 2023, shows that 12 of the *Journal's* 218 notes have been cited by one or more court opinions. The two notes that have been cited twice by courts are Thomas Sarver, *Salmon, Suckers and Sorrow: Rural Cleansing under the Shadow of the Endangered Species Act*, 8 DRAKE J. AGRIC. L. 455 (2003) and Jack W. Leverenz, *Corn Flakes Aren't Just for Kellogg's: A Look at Corn Stover and Its Effect on Leasing in the Landlord-Tenant Farmer Relationship*, 17 DRAKE J. AGRIC. L. 511 (2012).

49. ScholarCheck data as of April 5, 2023, shows that 216 of the *Journal's* 251 articles have been cited by one or more articles or court opinions. The same dataset shows that 378 of the *Journal's* 469 total pieces published and uploaded to HeinOnline have been cited by one or more articles or court opinions.

50. See Merrill, *supra* note 36 at 1102 (observing that when he wants a law review article, he first checks HeinOnline, then Westlaw or Lexis, and if all else fails, looks on the

schools are recognizing open access benefits, such as providing “for a greater exchange of ideas, both domestically and globally.”⁵¹ Open access student-edited law journals may take three forms. First, most journals employ a dual distribution system, still issuing print volumes but also making their content freely available on their website or through the school’s institutional repository.⁵² The *Journal’s* website includes current contents, as well as most of its articles and notes back to the first volume.⁵³ Second, online-only journals include born-digital titles, such as *The Richmond Journal of Law and Technology* (JOLT),⁵⁴ as well as titles originally published in print that have transitioned to an online-only format, such as the *Oklahoma Law Review*.⁵⁵ Finally, many law reviews supplement their print titles with online companions, such as *The Green Issue*.⁵⁶ In all forms, open access publishing can reduce law school costs⁵⁷ and expand scholarship reach.⁵⁸

publication’s website).

51. Kincaid C. Brown, *How Many Copies Are Enough Revisited: Open Access Legal Scholarship in the Time of Collection Budget Constraints*, 111 L. LIB. J. 551, 568 (2019).

52. *Id.* at 553-56 (describing a 2018 study that reviewed 555 student-edited law journals and found that 84 percent of content in current volumes and 55 percent of content in all published volumes was freely available online).

53. All content can be accessed from the *Journal’s* home page. The most recent issue and past volumes are available from the Print Issue link, while the oldest volumes can be found under the Archive link. DRAKE J. OF AGRIC. LAW (Apr. 10, 2023, 3:51 PM), <https://aglawjournal.wp.drake.edu/> [<https://perma.cc/3J8C-CJL4>].

54. RICHMOND J. OF L. & TECH. (JOLT) (Apr. 10, 2023, 3:51 PM), <https://jolt.richmond.edu/> [<https://perma.cc/BVH7-RUUJ>] (noting it is “The First Exclusively Online Law Review”).

55. *Availability*, OKLA. L. REV., (Apr. 10, 2023, 3:51 PM), <https://law.ou.edu/faculty-and-scholarship/journals/oklahoma-law-review/availability> [<https://perma.cc/VEX7-WPEC>].

56. Law blogs, another form of open access legal scholarship, fall beyond the scope of this essay. For discussion of the rise of legal blogs and their influence on faculty scholarship, see Stephanie L. Plotin, *Legal Scholarship, Electronic Publishing, and Open Access: Transformation or Steadfast Stagnation*, 101 L. LIB. J. 31, 53–56 (2009) and J. Robert Brown Jr., *Law Faculty Blogs and Disruptive Innovation*, 2 J. L. 525 (2012).

57. Katharine T. Schaffzin, *The Future of Law Reviews: Online-Only Journals*, 32 TOURO L. REV. 243, 250 (2016) (detailing average costs to print and ship law review issues and noting that these costs exceed the average revenue obtained from subscriptions and research database royalties). The positive financial effects for law schools magnify when considering their libraries, which “can reduce their costs for subscribing to, processing, and preserving print journals.” *Durham Statement on Open Access to Legal Scholarship*, GOODSON L. LIB. (Feb. 11, 2009), <https://law.duke.edu/lib/durhamstatement> [<https://perma.cc/KC5S-6CKP>]. These widespread library cancellations have come to pass, even if libraries may be relying on subscription-based electronic access rather than open access. Brown, *supra* note 51 at 552.

58. See Joseph Scott Miller, *Foreword: Why Open Access to Scholarship Matters*, 10 LEWIS & CLARK L. REV. 733, 735 (2006) (“The central reason open access scholarship matters is because it extends the reach of every scholar who participates in it.”) Moreover, studies

In 2005, Yale University published the first online companion journal, originally called the *Yale Law Journal Pocket Part* and now titled the *Yale Law Journal Forum*.⁵⁹ By 2007, nine law journals published online companions.⁶⁰ In that year one author observed,

Online law review companions may be the start of a new revolution in legal scholarship – or they may not. It is hard to predict what the online legal world will look like in two years, let alone ten. But I hope that law review editors realize that they are not in this alone. There are many institutional resources to draw on, at their home institution and far beyond. By working with others in this new world of accessibility and collaboration, law reviews will find that not only is their influence magnified manifold, but they have also brought a whole new level of depth and deliberation to the ongoing legal discourse.⁶¹

Growth has indeed occurred. Boston College Law Library maintains a selective database of law reviews with online companions that now includes 111 titles.⁶²

In their earliest days, online companions seldom offered stand-alone content, tending instead to include essays responding to articles appearing in the print journal.⁶³ Today, the “[c]ompanion defies an exclusive definition.”⁶⁴ They assume a wider variety of forms and may feature independent articles, commentary, opinion pieces,⁶⁵ book reviews, “and even satirical pieces and poetry.”⁶⁶ General commonalities among online companions include pieces that are shorter than their

have shown a citation advantage for open-access law articles. *See, e.g.*, John R. Beatty, *Revisiting the Open Access Citation Advantage for Legal Scholarship*, 111 L. LIB. J. 573, 590 (2019) (“In sum, this study reconfirms that there is a citation advantage for open access law journal articles.”).

59. Michael Conklin, *Online Law Journals as Legal Scholarship: A Survey of Faculty Perceptions*, 61 JURIMETRICS 171, 171 (2021).

60. Matthew T. Bodie, *Thoughts on the New Era of Law Review Companion Sites*, 39 CONN. L. REV. CONNTEMPLATIONS, Spring 2007, at 2–3.

61. *Id.* at 9.

62. Boston College Law Library, *Law Review Companions* (April 10, 2023, 4:47 PM), <https://www.bc.edu/bc-web/schools/law/sites/students/library/using/faculty-services/law-review-companions.html> [https://perma.cc/ARK3-BM43]. Note, however, that some of these titles do not list current publications. *E.g.*, Univ. of Buffalo Sch. of Law, *The Docket* (Apr. 14, 2023, 2:46 PM), https://digitalcommons.law.buffalo.edu/the_docket/ [https://perma.cc/N4Y6-S5ZR] (showing the online companion to the *Buffalo Law Review* last published articles in 2019).

63. Bodie, *supra* note 60 at 4–5.

64. Andrew Jensen Kerr, *Writing the Short Paper*, 66 J. LEGAL EDUC. 111, 114 (2016).

65. Brown, *supra* note 56 at 537.

66. Conklin, *supra* note 59 at 173.

print counterparts, less heavily footnoted, written for a broader audience, and published more quickly⁶⁷ than the “glacial pace” at which print law reviews tend to publish.⁶⁸

III. INTRODUCTION TO *THE GREEN ISSUE*

Established in 2023, *The Green Issue* is a companion to the *Drake Journal of Agricultural Law*. *The Green Issue* aims to enhance the *Journal's* print issue by featuring timely pieces written by practitioners, scholars, and students. Like the *Journal*, *The Green Issue* will consider any topic at the “pervasive” intersection of agriculture and law.⁶⁹

Yet distinctions between *The Green Issue* and the *Journal* exist. Perhaps most importantly, *The Green Issue* provides a faster way to publish. Previous editorial boards recognized that the *Journal* needed an avenue to publish timely, and even urgent, topics as quickly as possible, while maintaining quality content. Creating an online companion seemed the solution. In addition to utilizing the benefits of “instant” publishing via an online interface, *The Green Issue* also reviews submissions on a rolling basis. In contrast, the print journal typically reviews submissions three times a year.⁷⁰ This year-round consideration allows for a faster turnaround time from submission to publication.

The Green Issue also expands the *Journal's* ability to explore environmental law—without expanding the *Journal's* carbon footprint. Environmental law is integral to agricultural law. As Hamilton argued in the *Journal's* second issue, “American agriculture cannot expect to harvest the bounty of growing export markets, new industrial uses, and other increased demands . . . if it is not willing to give the time, expense, and effort to protect the resources upon which agricultural production is based.”⁷¹ In recent years, this nexus has become more pronounced. In 2022, Hamilton explained, the “next generation views environmental issues like addressing water quality and confronting the challenges of climate change as social and moral responsibilities . . . [and] see[s] involvement in food production and agriculture as imbued with a dimension of public service.”⁷²

67. Steven W. Bender, *The Value of Online Law Review Supplements for Junior and Senior Faculty*, 33 *TOURO L. REV.* 387, 388–389 (2017).

68. Brown, *supra* note 56 at 537.

69. In the memo announcing the Center’s founding, Hamilton explains, “The relationship between agriculture and the law is very pervasive” and occurs in both public and private law. Hamilton, *supra* note 23 at 1.

70. The print issue contains 3 issues (summer, spring, and fall).

71. Neil D. Hamilton, *Agricultural Production and Environmental Policy: How Should Producers Respond*, 1 *DRAKE J. AGRIC. L.* 141 (1996).

72. NEIL D. HAMILTON, *THE LAND REMAINS* 269 (ICE CUBE PRESS 2022).

Both in publication mode and in content, *The Green Issue* symbolizes the *Journal's* commitment to this moral imperative.

Finally, *The Green Issue* recognizes the importance of student research and places fewer constraints on what can be considered for publication. *The Green Issue* encourages authors from all backgrounds to submit pieces pertaining to agricultural issues.⁷³ In addition, because *The Green Issue* accepts shorter pieces, it hopes to attract works from students and other newer scholars, as well as busy practitioners, who have important contributions but may not wish to conduct as deep a dive into their topic as print journals often demand. As Steven Bender contends, “In the scholarly currency, ideas matter most. The outlet of the online supplement article is sufficient for the articulation and advancement of scholarly ideas, whether as foundations for a more extensive piece, as the first word in a budding scholarly discussion to follow, or as the scholar’s contribution to some much-discussed problem left to others to develop.”⁷⁴

The Green Issue's inaugural content includes an article that illustrates all of these principles. Mitchell Hamline law student Michelle Furrer wrote a piece entitled *The Black Box of Soil: A Blueprint for the Elusive Soil Carbon Offset Credits in a Potential National Cap-and-Trade Market*. She advocates that the 2023 Farm Bill “establish a national cap-and-trade market and standardize soil carbon verification protocols and criteria.”⁷⁵ Online publishing makes this argument quickly and readily available to policymakers and provides the author the opportunity to influence legislation before it becomes law with significant, very real, ramifications.⁷⁶

73. To submit a manuscript to the *Journal* or *The Green Issue*, writers can choose one of two options. 1) email your manuscript, resume/CV & cover letter to aglawjournal@drake.edu or 2) submit your manuscript, resume/CV & cover letter to Scholastica, <https://scholasticahq.com/law-review-submission-season-hq/>.

74. Bender, *supra* note 67 at 398. See also Kerr, *supra* note 64 at 115 (“To me, what counts as scholarship is writing that is interesting, erudite, and original. It is fabulous if one can achieve these things in a fully developed, airtight long-form article. But there should still be room for the short form that feels more like a tapestry of an argument than an arrow, or that is formed around an epiphany rather than inside a circuit split.”).

75. Michelle Furrer, *The Black Box of Soil: A Blueprint for the Elusive Soil Carbon Offset Credits in a Potential National Cap-and-Trade Market*, 1 THE GREEN ISSUE: DRAKE J. AGRIC. L. 1, 2 (2023).

76. The first issue contains other examples of time-sensitive arguments. See Tia Schwab, *Farm Labor Instability in the United States: Potential Successes and Shortcomings of the Farm Workforce Modernization Act of 2021*, 1 THE GREEN ISSUE: DRAKE J. AGRIC. L. 31, 49 (2023) (Analyzing the Farm Workforce Modernization Act and noting, “the best version of the FWMA is the one that passes” and “[t]he clock is ticking—every year without Congressional action is another year of farm labor shortages and instability.”).

IV. ACKNOWLEDGEMENTS

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Drake Law Library faculty and staff

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Madeline Hartley, *Editor-in-Chief*

77. Unpaginated prefatory material from 1 DRAKE J. AGRIC. L. (1996).

78. The LW’# designation indicates Drake Law School alumni and their year of graduation.

79. Back cover 1 DRAKE J. AGRIC. L. (1996).

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