CORPORATE'S FINEST

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Institutions and scholars alike care strongly about being mentioned on the annual list of the "Top 10 Articles in Corporate and Security Law" published in the Corporate Practice Commentator. We have analyzed the "Top Articles" lists of the years 2009–2022 and looked for common attributes, trends and developments. Although only an account of our observations and not a scientific survey, our findings highlight interesting and noteworthy trends in US corporate and securities legal scholarship.

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Introduction

What is a "top" law review article in corporate and securities law? Does it feature innovative ideas that aren't too detached from practical relevance? Is it cited by many peers?\(^1\) Do high ranking paper statistics on websites like SSRN or ResearchGate matter? Probably all or most of the above. However, as long as articles are still written by humans, scholarship is not a mere citation game\(^2\) but also a reputation game. Thus, factors like peer recognition, appreciation and valuation shouldn't be underestimated. With regard to corporate and security law articles, the annual list of the "Top 10 Articles in Corporate and Security Law," published in the Corporate Practice Commentator (CPC) every spring since 1994, provides a steady channel for such recognition and appreciation. The list is the product of a peer selection process, conducted by CPC editor Professor Robert B. Thompson, in which "[t]eachers in corporate and securities law" choose their ten favorites from a list of usually over 400 articles.\(^3\)

Despite the fact that the poll fully depends on subjective assessments of quality, a certain impact and relevance of its findings are undeniable. For instance, legal scholars often are proud of being mentioned and report it on their websites.⁴ Nor is this pride limited to authors themselves, as law schools often tout their faculty and/or law reviews when mentioned.⁵

¹ Ian Ayres & Fredrick E. Vars, *Determinants of Citations to Articles in Elite Law Reviews*, 29 J. LEGAL STUD. 427, 429 (2000) ("Articles in elite law reviews with few citations, however, are more likely to be of low quality. Finding that a Harvard Law Review article has many fewer cites than other articles in the same subject area is hard to square with a hypothesis of excellence."). *But see*, William M. Landes & Richard A. Posner, *Heavily Cited Articles in Law*, 71 CHI.-KENT L. REV. 825, 826 (1996).

² For this term, see, e.g., Lokesh Vyas, Whither are Global South's Copyright Scholars: Lost in Citation Game? (2023) at 4, ATRIP Essay Competition, 2023, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4826200 [https://perma.cc/BS4X-GLV4].

³ Cf. the introduction to the list publication in the Corporate Practice Commentator.

⁴ See e.g., Faculty Profile of Kenneth Ayotte, UC BERKELEY LAW, https://www.law.berkeley.edu/our-faculty/faculty-profiles/kenneth-ayotte/#tab_profile (last visited Mar. 28, 2025) [https://perma.cc/BQ3P-F8YE]; Faculty Profile of Randall S. Thomas, VANDERBILT UNIVERSITY LAW SCHOOL, https://law.vanderbilt.edu/bio/?pid=randall-thomas (last visited Mar. 28, 2025) [https://perma.cc/5D9C-X678]. See also Peter B. Oh, Taking Empirical Stock of The Best Corporate and Securities Articles 1,1 (Legal Studies Research Paper Series Working Paper No. 2009-16 (May 2009)).

⁵ See, e.g., Mike Fox, Professors' Scholarship Among 10 Best Corporate Law Articles of the Year, University Virginia SCHOOL OF LAW (Apr. 29, 2024), https://www.law.virginia.edu/news/202404/professors-scholarship-among-10-best-corporate-law-articlesyear; Professor Jeff Schwartz recognized for writing top-10 corporate and securities law article, S.J. QUINNEY COLLEGE OF LAW (Apr. 26, 2024), https://www.law.utah.edu/news-articles/professor-jeff-schwartz-writes-top-10-corporate-and-securities-law-article/ [https://perma.cc/D5QK-C8SH]; Yaron Nili Co-Author of Two Top 10 Corporate and Securities Articles of 2022, UNIVERSITY OF WISCONSIN-MADISON LAW SCHOOL (June 1, 2023), https://law.wisc.edu/news/Features/Yaron Nili Co Author of Two Top 2023-06-01 [https://perma.cc/4VYG-JNSE]; Reynolds Holding, Columbia Law Professor Writes One of Top 10 Corporate BLOG Articles for 2022, THE CLS BLUE SKY (May https://clsbluesky.law.columbia.edu/2023/05/05/columbia-law-professor-writes-one-of-top-10-corporate-andsecurities-articles-for-2022/ [https://perma.cc/69Z9-HBF9]; HLS News Staff, Articles by Harbard Law faculty and alumni among top ten corporate and securities articles of 2021, HARVARD LAW TODAY (June 22, 2022), https://hls.harvard.edu/today/articles-by-harvard-law-faculty-and-alumni-among-top-ten-corporate-andsecurities-articles-of-2021/ [https://perma.cc/86ZE-EXVV]; Lipton paper is top 10 best in corporate and securities law for 2020, TULANE UNIVERSITY LAW SCHOOL (Apr. 2021), https://law.tulane.edu/lipton-paper-

Thus, Professor Peter Oh certainly seems to be right when he states that "[d]esignation as one of the Best Corporate and Securities Articles bears some apparent reputational value."

For this piece, we assessed selected characteristics of the "Top 10 Articles" lists that the CPC published in the years 2009–2022, regarding authors, publication medium, and topics. Below, we share our observations and provide some high-level interpretative suggestions. We consider this as much a "fun project" as the actual article list itself, which doesn't claim to be a precise empirical study that establishes the "best" scholarship. Nevertheless, we found it to be an interesting exercise to look for patterns that occur when a group of scholars can choose their "10 out of 400" annually.

By doing so, we hope to contribute to the existing literature that inquires into trends and insights by looking at selected groups of law journal articles. Similar to our approach, in a 2009 working paper, Professor Peter B. Oh took empirical stock of the CPC's Top 10 lists from 1994 until 2008. To provide new and more recent insights, we started our analysis with the year 2009. However, we will selectively draw from Oh's findings to track certain developments. In the past, several other authors have quantitatively examined articles for the number of times that they are cited by peers. Although such analysis would certainly be interesting, we have to limit quantitative considerations to the top authors' SSRN scores because of limited space. 10

This article proceeds as follows. We start by briefly mapping out the design of our analysis (I.). Subsequently, we present our findings on the articles' authors (II.A.), on "their" institutions of education (II.B.) and affiliation/employment (II.C.), on the publishing law reviews and journals (II.D.), as well as on key topics of the articles (II.E.). We offer a few interpretative suggestions throughout the data presentation and conclude with some perspectives (III.).

top-10-best-corporate-and-securities-law-2020 [https://perma.cc/CGG3-XFWM]; Robert Jackson's work appears on Corporate Practice Commentator's list of top corporate and securities articles of 2019, NYU LAW https://www.law.nyu.edu/news/robert-jackson-corporate-practice-commentator-2019 2020) [https://perma.cc/7YP5-2UQG]; Cox makes annual list of 10 best articles in corporate and securities law – again, DUKE LAW (May 6, 2019), https://law.duke.edu/news/cox-makes-annual-list-10-best-articles-corporateand-securities-law-again [https://perma.cc/CK48-TWFL]; Article by Marcel Khan and Edward Rock appears corporate and securities articles list, NYU https://www.law.nyu.edu/news/Marcel-Kahan-Edward-Rock-Corporate-Practice-Commentator-securities-toparticles [https://perma.cc/SS5H-LGVQ]; Mary Wood, UVA Law Professor Michal Barzuza's Article Named Among Top 10 in Corporate Law, University of Virginia School of Law (May 3, 2013), https://www.law.virginia.edu/news/201305/uva-law-professor-michal-barzuzas-article-named-among-top-10corporate-law.

⁶ Oh, *supra* note 4, at 1.

⁷ See id. at 1; for a similar approach, see Fred R. Shapiro, *The Most-Cited Law Review Articles*, 73 CAL. L. REV. 1540, 1540 (1985) (situating his list of the most cited law review articles of the years 1947 and onwards "somewhere between historiography and parlor game").

⁸ Oh, *supra* note 4.

⁹ See Shapiro, supra note 7, citing much previous citation analysis.

¹⁰ We utilize the "SSRN Top 3,000 Law Authors" ranking as of March 1, 2025. See SSRN Top 3,000 Law Authors, SSRN (Mar. 1, 2025), https://hq.ssrn.com/rankings/Ranking_Display.cfm?TMY_gID=2&TRN_gID=6 [https://perma.cc/278V-FLYC]. SSRN "compiles rankings of Authors in our system based on a number of relevant measures, such as downloads and citations."

I. DESIGN

We utilize one data set, drawn from the CPC-published lists, starting in 2009 and spanning until 2022. While this period in time might have been interesting due to the lasting implications of the global financial crisis, our selection of this time period is merely due to the available data. Our data set includes 148 articles. This odd number can be explained by the fact that the CPC frequently includes more than ten articles in the lists in case they received the same number of peer votes. ¹¹ In four years (2010, 2012, 2019 and 2021) in our time period of fourteen years, the CPC published eleven articles, and in two years (2015 and 2020), it included twelve.

When determining the most featured authors, unlike Oh,¹² we discount neither coauthorship nor whether a publication was included in a symposium issue or placed in the authors' home publication. Professor Oh himself admits that these discounts are controversial.¹³ For our purpose of creating an overview of what peers believe to be a year's leading articles, the discounts and their (at least partly untested¹⁴) underlying assumptions are relatively irrelevant.

II. RESULTS

A. Authors

1. Authorship

In the period 2009–2022, the three most featured authors are Jill E. Fisch (13 articles), Marcel Kahan (12 articles) and Edward B. Rock (10 articles). In this period, Jill E. Fisch also has the longest consecutive streaks of being featured in the Top 10 Articles with eight years in a row, from 2012 through 2019. Following the "Top 3" with some distance are Lucian A. Bebchuk, Steven Davidoff Solomon and Elizabeth Pollman with six articles each. Featured with five articles are William W. Bratton, Stephen J. Choi, Randall S. Thomas and Robert B. Thompson. Table 1 shows a comparison of the frequency with which these "Top 10" authors were selected in CPC's Top 10 Articles List in the period 2009–2022 against their respective SSRN Law Author Rankings¹⁵ as of March 1, 2025 and against the corresponding frequency for CPC's Top 10 Articles List in the period 1994–2008. Authors with four and three articles selected can be found in Table 2. In both cases, authors with the same frequency are ordered alphabetically by last name.

¹¹ Cf. the introduction to the list publication in the Corporate Practice Commentator.

¹² Oh, *supra* note 4, at 4.

¹³ *Id*. at 5.

¹⁴ However, see, Ian Ayres & Fredrick E. Vars, Determinants of Citations to Articles in Elite Law Reviews, 29 J. LEGAL STUD. 427, 439 et seq. (2000) (on nepotism in the law review selection process); Jason P. Nance & Dylan J. Steinberg, The Law Review Selection Process: Results from a National Study, 71 ALB. L. REV. 565, tbl. 9 (2008) (on student editors' preferences for professors from their own law school.)

¹⁵ Cf. for an explanation of the ranking data: https://hq.ssrn.com/rankings/ranking_data_explain.cfm?id=6 [https://perma.cc/6FB6-US5X].

Frequency 2009–2022	Author Name	Frequency 1994–2008	SSRN Law Author Ranking	Citations according to SSRN	Number of papers (SSRN)
13	Jill E. Fisch	4	97 out of Top 3,000	392	82
12	Marcel Kahan	11	332 out of Top 3,000	459	59
10	Edward B. Rock	6	516 out of Top 3,000	348	46
6	Lucian A. Bebchuk,	8	7 out of Top 3,000	4510	206
6	Steven Davidoff Salomon	-	185 out of Top 3,000	257	68
6	Elizabeth Pollman	-	28 out of Top 3,000	64	34
5	William W. Bratton	3	1032 out of Top 3,000	241	46
5	Stephen J. Choi	9	94 out of Top 3,000	51	103
5	Randall S. Thomas	8	293 out of Top 3,000	73	106
5	Robert B. Thompson	8	1989 out of Top 3,000	61	44

Table 1

Frequency 2009–2022	Author Name
4	Robert P. Bartlett III
4	Matthew D. Cain
4	Sean J. Griffith
4	Cathy Hwang
4	Yaron Nili
4	Mark J. Roe
4	Guhan Subramanian
4	Michael L. Wachter
3	John Armour
3	Bernard Black
3	Brian Cheffins
3	Zohar Goshen
3	Ehud Kamar
3	Kobi Kastiel
3	Donald C. Langevoort
3	Richard Squire
3	Leo E. Strine
3	Eric L. Talley

Table 2

What does this data tell us?¹⁶ First of all, when it comes to the Top 10 authors, there are three very clear champions. With regard to movements, there are some, but also some surprising stability: Only one of the Top 3 authors (Kahan) was within the Top 10 in the time period of 1994–2008, while Fisch and Rock were within the "Top 20." However, only half of the current Top 10 (Fisch, Rock, Solomon, Pollman and Bratton) are new to the top of the list, with Pollman and Solomon being featured for the first time within our chosen time period. Five authors stayed in the Top 10, and Fisch and Rock moved up from the previous Top 20.

When taking the SSRN data into consideration, one can come to the conclusion that the most frequent Top 10 authors are also (but to widely different extents) among legal thought leaders in general. As the SSRN rankings take into consideration the overall performance of an author's articles accumulated over time, they are only partly suitable for comparison with the CPC peer selections focused on specific pieces of scholarship, and to a significantly lower degree on overall scholarly achievement (although it is highly likely that a scholar's existing reputation influences the peers' choice, a sort of influence that might be credited at least partially to the stability of selected authors).

¹⁶ We did not investigate gender. However, *see*, Minna J. Kotkin, *Of Authorship and Audacity: An Empirical Study of Gender Disparity and Privilege in the Top Ten Law Reviews*, 31 Women's Rts. L. Rep. 385 (Summer 2010) (finding that female faculty are underrepresented generally in the "elite" law journals, but that female Business Associations and Securities Regulation faculty are represented proportionally.)

2. Collaborations

Assessing the type of authorship in the Top 10 Articles from 2009–2022, we note that 43.24% have been published solo ("Solo-Authorship"), while 56.76% have been published with co-authors ("Co-Authorship"). This is a significant trend change and contrast to the time period of 1994–2008, when 64.97% had been published in Solo-Authorship, while only 35.03% had been published in Co-Authorship. For the relatively stable distribution over the years, see Table 3.

Year	Solo-Authorship	Co-Authorship
2009	3	7
2010	2	9
2011	8	2
2012	5	6
2013	4	6
2014	6	4
2015	6	6
2016	3	7
2017	4	6
2018	5	5
2019	4	7
2020	4	8
2021	6	5
2022	4	6
Total	64	84

Table 3

When it comes to Co-Authorship, some long-term successful collaborations are especially noteworthy. Most prominently, Marcel Kahan and Edward B. Rock have published seven Top 10 Articles together. William W. Bratton and Michael L. Wachter published four articles together that have been included in the lists of 2009–2022 (all of Michael L. Wachter's featured articles in this period).

B. Author Educational Institutions

Examining the institutions of education of the featured authors, we differentiated between authors with primary US legal education (J.D.s) and lawyers with a foreign primary legal education and doctoral (J.S.D./S.J.D.) degrees from US law schools.¹⁷ The numbers in Table 4 reflect every mention of an author trained at a certain institution (which leads, for instance, to the fact that all 5 mentions of The University of Michigan School of Law can be attributed

¹⁷ With Brian Cheffins being the only completely non-US educated lawyer who made the list. Two more (Yesha Yadav and Jens Frankenreiter) hold "only" an LL.M. degree from Harvard Law School.

to Randall S. Thomas). Table 5 shows how many J.S.D.s/S.J.Ds mentioned on the list have graduated from which law school.

Both with regard to authors with a US primary legal education and foreign trained lawyers, Harvard Law School graduates take a significant lead, followed by Yale Law School, and, with some distance, Columbia and Stanford Law School. To paint the full picture however, one has to take into the dominance of certain scholars. List leader Jill E. Fisch is a graduate of (today's) University of Pennsylvania Carey Law School (UPenn) and drives up the school's numbers. So does, although to a less significant extent, Lucian A. Bebchuk as a prominently featured author and Harvard S.J.D. graduate.

Number of J.D. Graduate	Law School
Mentions	
61	Harvard Law School
45	Yale Law School
21	Columbia University Law School
18	Stanford University Law School
16	University of Pennsylvania Carey Law School
7	University of Virginia School of Law
7	The University of Chicago School of Law
5	University of Michigan Law School
5	NYU School of Law

Table 4

Number of S.J.D./J.S.D. Graduate Mentions	Law School
25	Harvard Law School
5	Yale Law School
3	Columbia Law School
1	Stanford Law School

Table 5

C. Author Employment/Affiliation Institutions

When assessing the authors' institution of employment or affiliation in Table 6, we used the time of the publication of the respective article as the relevant date. Also, when an author had any law school affiliation, we chose to only include this. Thus, the "Private Practice" and "Public Sector" rows solely include authors without any full- or part-time university affiliation. In contrast to the previous sections, UPenn's employees or affiliates are clearly the most mentioned authors. Harvard Law School and NYU School of Law follow.

UPenn's strong position can be partially explained by the high number Jill E. Fisch's and Elizabeth Pollman's articles ranked (accounting for 50% of the school's affiliate mentions), as well as by a strong performance of Edward B. Rock, who taught there until 2015 before joining NYU. Together with Rock, Marcel Kahan is a major driver of featured scholarship

by NYU affiliates. Harvard's position seems to be more diversified with more of its faculty featured, as only Lucian A. Bebchuk is within the Top 10 of the most featured scholars with "only" six articles, accounting for roughly 21% of the school's mentions.

Number of Employee/	Law School
Affiliate Mentions	
38	University of Pennsylvania Carey Law School
28	Harvard Law School
27	NYU School of Law
13	Columbia University Law School
6	Yale Law School
6	UC Berkeley School of Law
4	Private Practice
1	Public Sector

Table 6

D. Top Featured Law Journals

In comparison to institutions of author education and affiliation, the featured law reviews (see Table 7)¹⁸ are a little more diverse; while the University of Pennsylvania Law Review has clearly published the highest number of featured articles, the leadership is more equally distributed. Especially in light of theories that see correlations between institutional affiliations and article acceptance by home institutions, ¹⁹ it is interesting to observe that while UPenn's affiliates lead the headcount on the Top 10 Article List and its flagship publication has published the largest number of articles in the period of examination, Jill Fisch has published only two, and Elizabeth Pollman only one of her featured articles in the University of Pennsylvania Law Review. On the other hand, however, despite the many mentions of Harvard Law School affiliates, the Harvard Law Review has published a relatively low number of featured articles. One explanation might be a different prioritization of article subject matters by different publications. For instance, in its two most recent volumes, the Harvard Law Review didn't publish any article or note on core topics of corporate and securities law.²⁰

What also can be observed when analyzing the featured law journals is the distinction between general law reviews, *i.e.*, the "main" law journals or reviews of a law school, which clearly dominate, and specialized publications, *i.e.*, narrower with regard to methodology or thematic approach. 124 of 148 (83.78%) of the articles were published in general law reviews, while 24 articles (16.22%) were published in specialized publications.²¹

¹⁸ Included are Law Journals that are featured at least five times in the period under review.

¹⁹ See Albert H. Yoon, *Editorial Bias in Legal Academia*, 5 J. LEGAL ANALYSIS 309, 336 (2013).

²⁰ Only one book review was published during that period, see Ann M. Lipton, *The Real Shareholder Primacy*, 137 HARV. L. REV. 1584 (2024) with a review of "The Profit Motive: Defending Shareholder Value Maximization" by Stephen M. Bainbridge.

²¹ The Journal of Corporation Law being featured the most with four articles. The Business Lawyer, The Journal of Legal Studies, the Journal of Empirical Legal Studies, the Delaware Journal of Corporate Law and the Yale Journal on Regulation are featured with three articles each.

	Law Journal	Law School Affiliation
Article		
Mentions		
17	University of Pennsylvania	University of Pennsylvania
	Law Review	Carey Law School
12	Columbia Law Review	Columbia University Law
		School
9	Yale Law Journal	Yale Law School
8	Southern California Law	USC Gould School of Law
	Review	
8	Virginia Law Review	University of Virginia
		School of Law
7	Stanford Law Review	Stanford University Law
		School
6	Harvard Law Review	Harvard Law School
6	Cornell Law Review	Cornell Law School
6	Texas Law Review	University of Texas School
		of Law
5	Vanderbilt Law Review	Vanderbilt University Law
		School
5	California Law Review	University of California,
		Berkeley, School of Law

Table 7

E. Key Topics

In this last section, we seek to assess key topics of the listed articles. Establishing these in a uniform and concise, *i.e.*, comparable way, proved relatively difficult. Therefore, whenever authors provided key topics and key words on SSRN, we used those self-chosen key words. This dataset is rather small and not based on any unified standard of framing or precision. While some authors only provide three high-level keywords, others provide dozens. Therefore, our initial cautioning with regards to the scope of this article is especially important here. This section should be seen as the least accurate and most anecdotal part of this study, and finding any trends within the dataset might be only a product of chance. Furthermore, as the key topics are self-prescribed by the authors, they are biased and could be specifically chosen to attract other researchers' attention. Where there were no SSRN key words, we tried to draw relatively uniform keywords from the articles' abstracts and match the general style of SSRN keywords, where usually several keywords are used for an article.

Overall, "Corporate Governance" seems to be the most frequently discussed (while admittedly also a quite broad) topic, mentioned 60 times overall. The topic started trending

in 2013, when it was mentioned five times. In subsequent years, this development continued on a similar level.²²

The keywords "securities," "securities markets," "securities law," "securities fraud" and "securities regulation" are mentioned similarly often: six times in 2009, two times in 2010, five times in 2011, three times in 2012 and 2013, two times in 2014, three times in 2015, two times in 2016, 2018 and 2021, and three times in 2019, 2020 and 2022.

The topic of "Shareholder Activism" is a more recent but persistent trend, mentioned in once in 2016, 2017 and 2022, and twice in 2018, 2019, 2020 und 2021. The crisis of 2008/2009 also left its marks in the following years; the key word "Financial Crisis" was mentioned for three articles in 2010, twice in 2011 and 2014, and once in 2017.

Other frequently mentioned key words are bankruptcy related—mentioned twice in 2010 and once in the articles of the years 2014, 2015, 2017, 2020 and 2022—and transaction related. The key word "merger" came up three times in 2009, twice in 2010, once in 2011 and 2012 as well as 2017 and 2019, three times in 2015 and twice in 2016 and 2022.

The number of mentions of the key words "sustainable", "sustainability" and "stakeholder" is relatively low. In 2018, 2020 and 2022, there was one mention; in 2021, the key word "stakeholder" could be found three times, showing that, at least for a moment, the prominently asserted "End of the History of Corporate Law"²³ needed some reassertion.

III. PERSPECTIVES

We don't seek to analyze our observations in depth here and certainly can't answer the question what it takes to write a "top" law review article in corporate and securities law. However, and although we also have conducted partially different analyses, at least some comparisons to Oh's findings for the period 1994–2008 are warranted. As described above (II.A.1.), with regard to "Top" authors, some stability and some changes can be observed. Regarding the SSRN data of top legal scholars, the most frequent Top 10 authors are also (but to widely different extents) legal thought leaders in general. In our data set, in comparison to Oh's findings, we find a significant increase of Co-Authorship, including long-term successful collaborations. In contrast, we find that the relation between general and specific journal subject stayed very stable at around 85% vs. 15%. With regard to key topics, it is obvious that one can trace the big debates of the past decade, but the perennial topic of corporate governance in all its facets will always make up a good portion of corporate and securities scholarship.

No matter what generative AI may mean for the future of legal scholarship,²⁴ legal scholarship will in some regard stay a reputation game. Therefore, we certainly hope that similar, yet more thorough studies about legal scholarship and the role of scholarly reputation will follow.

²² Six mentions in 2014, five mentions in 2015, three mentions in 2016, two mentions in 2017, six mentions in 2018, five mentions in 2019, seven mentions in 2020 and each 2021, and five mentions in 2022.

²³ See Henry Hansmann & Reinier Kraakman, The End of History for Corporate Law, 89 GEO. L. J. 439 (2001).

²⁴ See Michael L. Smith, Generative AI and the Purpose of Legal Scholarship, 22 U. MASS. L. REV. (forthcoming in 2025).