

August 7, 2003

To: Clinical scholars

From: Stephen Ellmann, New York Law School

Re: The Clinical Research Institute

The Clinical Research Institute, sponsored by New York Law School, is a part of the Legal Scholarship Network, which in turn is part of SSRN, the Social Science Research Network. SSRN is a website on which scholars from around the world post their work, including works-in-progress and also published pieces, so that their scholarship is readily available to other scholars. In other words, it's a way of bringing scholarship to others' attention, not only because we all want our work noticed but also so that readers can learn from the pieces they download and authors can learn from the feedback they receive.

The Clinical Research Institute is one of the newest elements of SSRN, but I am hoping that it will become a very active one. I will be happy to post any work of clinical scholarship, from clinicians in the US and elsewhere. There is no fee to either the authors of posted works or to those who download them. Anyone who is presenting a paper at a clinical conference, such as a AALS workshop or a regional clinical meeting, or at one of the clinical scholarship workshop series now meeting in various parts of the country, would be welcome to post his or her work; so would authors who simply have drafts which they would like others to be able to read.

Please don't hesitate to call or e-mail me if you have any questions about the Clinical Research Institute. If you have a piece you would like posted, please contact my assistant, Ms. Claire Voulgarelis, at New York Law School. She will be happy to take you through the quite modest steps involved in posting your article, and she can be reached at 212-431-2845 or cvoulgarelis@nyls.edu.

There's more to say about how the Institute, and SSRN, work; I've tried to cover what might be the most frequently asked questions below. You can also get information about SSRN generally from SSRN's FAQ page, at <http://www.ssrn.com/faq/>.

Who can post articles through the Clinical Research Institute?

Anyone. I expect most people posting with the Institute, or downloading from it, will be clinical faculty in the United States and other countries, but other faculty, and practicing lawyers, are very welcome to post their clinical scholarship too.

What is "clinical scholarship"?

Whatever the abstract debates about the meaning of this term, I want to understand it broadly, to include articles about clinical pedagogy; clinical models for the practice of law; and clinically-based appraisals of legal institutions and rules. Perhaps the most ambiguous category is the last of these. An article on the nature of practice in family court, growing out of a clinician's experience in a domestic violence clinic, would be a "clinically-based appraisal of a legal institution"; on the other hand, an article on a particular point of substantive family law doctrine, even if its roots lay in a clinician's experience working with that legal issue, most likely would not. While it's my responsibility to decide whether a piece is or isn't clinical scholarship, I

want to be inclusive rather than exclusive in making these decisions, so if you feel your piece is “clinical” even though it doesn’t seem to fit these definitions, please get in touch with me and we can think this through together.

How do I post?

Please contact Claire Voulgarelis at New York Law School (212-431-2845, cvoulgarelis@nyls.edu). Ms. Voulgarelis will ask you for contact information; an article abstract (this is necessary whether or not you post the text of your article); and a modest amount of additional information. Although the SSRN website offers a button for “abstract & paper submission,” every piece submitted to SSRN directly will be forwarded to the Clinical Research Institute for substantive review and technical processing, so it will save time if you start right away with Ms. Voulgarelis!

Must an article be finished to be posted?

No. In fact, I think the ideal time to post an article is probably before it is finished, when interested readers can make comments to you before you publish it. Unpublished manuscripts do have copyright protection, and I think that in general we can rely on each other not to make any improper use of the ideas in posted, but not-yet-published, articles.

Can published articles, as well as not-yet-published ones, be posted?

Yes. Please keep in mind, however, that a published article can only be posted with the explicit permission of the copyright-holder, typically the journal that published the piece. I expect that this permission will usually be forthcoming, but you’ll need to make sure that that is the case for your paper.

If I post a work-in-progress and then make revisions, can the revisions be posted?

Definitely. We will be happy to replace your initial version with a later one if you want.

Can I post just an abstract of my work, rather than the full text?

Yes. If you do this, then people who want a copy of your manuscript or published article will be able to contact you, using the contact information that will be included in the posting.

Are posted articles still publishable in hard copy?

Yes. SSRN and the Clinical Research Institute do not claim any copyright in your articles.

Even if posted articles are still theoretically publishable in hard copy, does posting a work-in-progress make it less attractive to publishers?

It shouldn’t, and I don’t think it actually will either. SSRN publication isn’t hard-copy publication. The fact that a draft article excites interest via SSRN should, if anything, suggest that the final version will excite interest too -- and, realistically, it seems unlikely that law journals’ hard copy sales are going to be either increased or decreased by the availability of essays on SSRN. I think SSRN’s Legal Scholarship Network (which, as of August 7, 2003, contains perhaps more than 14,000 postings, which have been downloaded 1,396,737 times) complements rather than conflicts with hard-copy publication. In addition, I’m glad to be able to say that the editors-in-chief of the Clinical Law Review, in particular, support the establishment of the Clinical Research Institute.

One other step that SSRN is able to take would further reduce whatever anxiety journal editors might have: SSRN can “black out” access to the articles being published in a particular journal around the time of the hard-copy publication. That way, whatever special interest there might be in hard copy can be tapped by the journal, and after this interest has waned, the articles can be made available again on SSRN.

Why post?

Posting your articles makes them readily available to a wide audience of people interested in clinical scholarship. Although the Clinical Research Institute is only beginning operations, it already has over 300 subscribers. In addition, authors who post their articles can use the Clinical Research Institute site as a link through which to make their work accessible to nonsubscribers – for example, by including the link on their faculty webpage.

What does “subscribing” to the Clinical Research Institute mean?

As articles are submitted for posting through New York Law School, SSRN compiles them into “issues” – typically, sets of about 5 pieces. The abstracts of these 5 pieces are then sent in an e-mail message to all Institute subscribers. If the posting includes not only the abstract but the text of the piece, the e-mail message will include the URL (the website address) for downloading, and subscribers can click directly to it.

Does a piece posted with the Clinical Research Institute get announced only to Institute subscribers?

No. Each author posting a piece can designate up to 4 other “journals” within the Legal Scholarship Network in which the author would like his or her article to also be distributed, and the issues of these journals in turn are sent by e-mail to those subscribing to them. (Each journal, however, makes its own decisions about including articles, as the Clinical Research Institute does.) Again, subscribers will be able to click directly from the article abstracts to the SSRN site for downloading any articles that have been posted in full text.

Who can subscribe?

Anyone. I hope that every clinician will be interested in subscribing; the more subscribers there are, the more widely the posted articles will be distributed.

How can people interested in the Institute’s papers subscribe?

A great many law schools in the US already have “site licenses” with SSRN. These make it possible for any faculty member from those schools to subscribe to individual SSRN journals, including the Clinical Research Institute, at no charge. (Your school library will probably know whether your school has a site license or not; in addition, a list of schools with site licenses is available at the SSRN website below.) However, it is not necessary to teach at a school with a site license in order to subscribe, and there are currently free trial subscriptions. The SSRN website, from which to start the subscription process (which isn’t elaborate), is at <http://www.ssrn.com>; there you’ll find a button for “subscribe to networks & journals.”

Can non-subscribers also access and download Clinical Research Institute papers?

Yes. At the SSRN website, <http://www.ssrn.com>, you’ll also find a button for “Search & Download Papers.” Free registration with SSRN, which provides a number of benefits including free downloading, is available through <http://umgt.ssrn.com/login>.

How can I locate an article in the Clinical Research Institute collection?

First, the Clinical Research Institute already has its own URL, <http://www.ssrn.com/link/Clinical-Research-Institute.html>. Clicking on this link will take you to a page listing all Clinical Research Institute postings to date (currently, as of August 7, 2003, only one – but the purpose of this memo is to increase that number!). You can also reach the Institute’s page by clicking through several steps from the SSRN homepage.

Second, SSRN’s full library can be readily searched by author name, and by keywords in the article title or abstract. Again, the starting point is the SSRN home page, <http://www.ssrn.com>.

How can authors use their SSRN postings in connection with their own webpages?

If you have a webpage, for example through your school, at which you describe your work and/or list your publications, you can include on that page a link to your author page at SSRN. Every person who posts with the Clinical Research Institute will have his or her own URL (website address) for such an author page. That URL will bring people to a list of all papers the author has posted with SSRN, and in turn to the abstracts and downloadable texts of all articles whose text the author has posted. Clicking to the abstract will also bring up information on how many times the abstract has been viewed, and on how many times the full text has been downloaded. The author’s contact information is also included.

Can other organizations link to the Clinical Research Institute’s site?

Yes. I hope, for example, that clinical conference organizers will encourage participants to post their papers on the site, and that the conference organizers will include a link to the Institute’s site in their own websites or other publicity. Anyone interested in setting up such a link should get in touch with me to make arrangements.