

# The Law School Observer

*Brian Leiter*

WHEN THE EDITORS of this august journal first asked me to write a column, the idea was to provide some *au courant* coverage and commentary on major faculty moves in the legal academy. What could be more fitting, then, but to inaugurate the first annual list of “The Top Ten Moves in the Legal Academy” for 2000. The criteria for inclusion: fame of the faculty involved, quality of the faculty involved, importance of the gain to the hiring school, importance of the loss to the losing school. Unlike David Letterman and *U.S. News & World Report*, I won’t provide an ordinal rank, but an alphabetical listing of the ten major faculty moves in legal academia during the past year.

**Martha Fineman** from Columbia University to Cornell University. A major figure in feminist legal theory and family law, Fineman has now officially resigned from Columbia to assume the nation’s first endowed chair in feminist jurisprudence at Cornell. Good news for Cornell, which recently bid farewell, after short stays, to two other recent lateral hires:

**Lynn LoPucki** (who moved to UCLA) and **Fred McChesney** (who moved to Northwestern).

**Philip Frickey** from the University of Minnesota to the University of California, Berkeley. One of the three superstars of the Minnesota faculty, he picked Berkeley, over a range of other options, for family reasons. A big catch for Boalt.

**Clayton P. Gillette** from the University of Virginia to New York University. A leading scholar in two different fields – commercial law and local government law – Gillette is one of the latest to join the exodus of top senior talent from Charlottesville in recent years.

**John Owen Haley** from the University of Washington in Seattle to Washington University, St. Louis. Ambitious Dean Joel Seligman’s first big “fish” at Wash U, he relpaces **Curtis Milhaupt** who moved to Columbia (where he, in turn, was filling the slot created by the departure of **Michael Young**, who is now Dean at George Washington). A truly eminent scholar of Japanese law, Haley was

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*Brian Leiter is Charles I. Francis Professor in Law, Professor of Philosophy, and Director of the Law & Philosophy Program at the University of Texas at Austin.*

also one of a handful of scholarly heavyweights at Seattle, a school that has now been in a three-decade decline – one usually dated from the fateful decision to deny tenure to **George Fletcher** (now at Columbia) in the late 1960s.

**Philip Hamburger** from George Washington University to the University of Chicago. Highly regarded legal historian, whose work demolishes ex-Chicagoan **Michael McConnell's** work on the religion clauses, Hamburger is one of those rare cases (like **Frederick Schauer**) of a law professor who literally “wrote” his way up the academic hierarchy, from the University of Connecticut, to GW, and now Chicago. Sometimes, even in law schools, merit counts.

**Lawrence Lessig** from Harvard University to Stanford University. A public relations coup for Stanford of the first order, since the media have anointed Lessig an intellectual property God (though the academics in the field I've heard from say the honor should really go to **Robert Merges** at Boalt). In the end, family considerations also dictated Lessig's move.

**Michael S. Moore** from the University of Pennsylvania to the University of San Diego. One of those relatively rare faculty moves out of the ranks of “elite” law schools, Moore's distinguished record in criminal law and jurisprudence gives San Diego the hiring triumph

of the year. But Penn enjoyed its own good news this past year, when **Stephen Perry**, Ronald Dworkin's anointed jurisprudential successor at NYU, turned down the NYU offer to return to Philadelphia.

**Jerome H. Reichman** from Vanderbilt University to Duke University. A major senior figure in intellectual property law, he puts Duke on the map in that field – and notwithstanding Duke's dubious distinction of also being the leading center of “postmodern” theories of intellectual property.

**Suzanna Sherry** from the University of Minnesota to Vanderbilt University. Vanderbilt averts catastrophe – losses of **Barry Friedman** to NYU, **Donald Langevoort** to Georgetown, **David Partlett** to Washington & Lee, and **Reichman** all in the last two years – with one of the hiring coups of the year. The question being asked by legal academics is whether Vanderbilt's hiring strategy represents an alarming escalation of the costs of acquiring senior talent. As part of the deal, Vanderbilt also hired Sherry's husband, a mathematician without a law degree, to a part-time post in the law school.

**William Stuntz** from the University of Virginia to Harvard University. Almost certainly the leading criminal procedure scholar of his generation, his move to Cambridge simply adds to UVA's faculty retention woes. *JB*