

# The Law School Observer

*Brian Leiter*

**T**HERE ARE LIES, damn lies, and statistics. Add one more: the NYU alumni magazine. The Stanford professor's nickname for the shamelessly hyperbolic publication – “law porn” – has now gained currency throughout the profession, so much so that one might have expected it to induce some restraint on the authors of this increasingly ludicrous publication. Alas, the Fall 2000 issue shows little evidence of such inhibitions.

The tenuous handle on the truth starts at the beginning, with the Dean's Letter that reports that “in just the last year, six more faculty – each a world expert in his or her field – have joined us.” “World” experts? I inquired with some academic friends abroad, and found that only one of the six was someone they had all heard of – **Carol Gilligan**. But this is hardly surprising: what would it mean to be a “world expert” on clinical law, or the American law of federal courts, or American commercial law? Would it not suffice to note that the school has hired some leading authorities in various areas of law, most well-known

by experts in the U.S., as well as a promising tenure-track candidate?

There then follow pages of hyperbole about visiting professors at the school, all of whom are deemed “leading,” among “the most original and promising,” “at the forefront of young scholars,” and so forth, without discrimination, and without regard to the fact that several of the faculty involved have already been rejected for appointment by better law schools. Things quickly spin further out of control, as we are told that visiting professor **Stephen Perry** is the author of “*The Theoretical Foundations of Tort Law* (Clarendon Press, Oxford), already...a classic.” This may mark the first occasion in the history of academe that a book that is not published, indeed has not been written, is already a “classic” in its field. It's a reasonable bet, to be sure, the book Perry writes on the subject will be of immense importance in the field – as his many articles have been already – but when it does actually appear, it will reflect the fact (nowhere mentioned in NYU's publication) that Perry will be

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returning to the University of Pennsylvania, having declined NYU's offer. (Perry, needless to say, had nothing to do with the magazine's hyperbole.)

All of this might be forgivable if NYU sent this publication only to its alumni, who may have an appetite for this kind of puffery. But NYU also sends this magazine to every law professor in the United States, in other words, to people who know better and can't possibly do anything but blush with embarrassment. NYU is a much better law school than it was ten years ago, but one wishes it would present a dignified public face to the world. (No doubt, for example, the magazine will soon tout the hiring of constitutional law and voting rights expert **Richard Pildes** from Michigan – the latest in a string of senior losses for the ailing Michigan faculty – but will it also mention the loss of the other key NYU constitutional law faculty: **Christopher Eisgruber**, who has moved to Princeton, and **Lawrence Sager**, who at the time of this writing is being pursued by Texas and Vanderbilt?)

A thankfully more dignified institution in

its public persona is the University of Virginia School of Law, whose faculty retention troubles have been reported here in the past. Virginia now has a piece of especially good news: **George Triantis**, a top young law-and-economics scholar in the corporate and commercial law areas, is returning from the University of Chicago Law School to UVA after just two years, at least in part because of a job at UVA for his wife. Although Chicago, in particular, has raided UVA extensively in recent years (and is looking now at UVA's **Daryl Levinson**, as is NYU), Triantis's return gives a boost to UVA's distinguished group of law-and-economics scholars in the business law areas. UVA's faculty retention woes, however, are not over, as the good news about Triantis comes just as **Amy Wax**, author of a widely noted series of articles on the law and economics of the family, is resigning to accept an offer from the University of Pennsylvania Law School. UVA may, however, return the favor, since Virginia is making a bid to lure **Jason Johnston**, one of Penn's key law-and-economics scholars. *GLB*