

Stanford University

From the Selected Works of John Donohue

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Star Power: Top law professors are a hot commodity and schools are scrambling to keep them

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STAR POWER

Top law professors are a hot commodity, and schools are scrambling to keep them.

By Tresa Baldas

SPECIAL TO THE NATIONAL LAW JOURNAL

WHEN UNIVERSITY of Chicago Law School Professor Cass Sunstein told friends a year ago that his daughter might go to boarding school in Boston, it didn't take long for his phone to start ringing.

Sunstein, one of the most sought-after law professors in the country, was immediately wooed by East Coast law schools interested in swiping him from Chicago.

"The way the system works is people call only if they think the person might be available," said Sunstein, who teaches administrative, constitutional and environmental law. "I didn't receive calls when my family situa-

tion made moving absolutely impossible. Now there have been some expressions of interest."

Sunstein is one of many top-tier law professors targeted in what law school deans describe as an ongoing talent raid on academic stars.

Deans from a dozen of the nation's top law schools said that while schools have always competed for star professors, the competition is more intense now, with everyone aggressively recruiting talent, while at the same time struggling to protect one's own turf.

The scramble for academic stars has intensified in the last 20 years as law schools have evolved into a free-agent market where loyalty to a particular

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Law schools increasingly vie for star professors

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school has become outmoded.

Fueling the competitive fires even further is the desire of law schools to develop national reputations as cutting-edge institutions—a goal that is greatly advanced with star-studded faculties.

Law school deans across the country say the hottest area in law right now is intellectual property. This is true especially on the West Coast, where Stanford Law School has lured intellectual property law expert Mark Lemley from the University of California, Berkeley School of Law to direct Stanford's Center for Law, Science and Technology. Corporate and business law experts, international law scholars and torts experts are also high in demand.

As a defensive measure, the University of California at Los Angeles has launched a \$250 million fund-raising initiative to boost its recruiting and retention programs universitywide. Currently, about a dozen of the 60 professors at UCLA's law school are being recruited by other schools.

"It's clear that the UCLA faculty in particular are being wooed like we've never seen before," said Ann Carlson, an associate dean at the UCLA School of Law.

On the flip side, UCLA this year acquired two big names from other schools: labor law expert Katherine van Wezel Stone from Cornell Law School, and intellectual property expert Neil Netanel from the University of Texas.

"We're hardly innocent in this," Carlson said. "Everybody's doing that."

The dean's list

As deans and search committees scour law schools for talent, the name John Donohue raises several eyebrows.

According to deans and professors alike, the 51-year-old ex-Stanford professor is among the most sought-after legal scholars in the country, gaining worldwide attention in 2000 with a paper he wrote titled "The Impact of Legalized Abortion on Crime."

Earlier this year, Donohue, a law and economics expert, found himself in the middle of a bidding war between Harvard and Yale law schools. Donohue, who had been at Stanford Law School for nine years, said Harvard approached him first. Yale caught word and stepped in.

"I think as soon as Yale heard I was talking to the Harvard people, Yale said, 'Don't do anything rash,'" Donohue said.

He eventually went for Yale, where he earned his doctorate. Plus, his parents live 2 1/2 miles from his new home, so they will be able to see his two young boys grow up.

"In the end, probably family considerations played the decisive factor," Donohue said, adding that money was not an issue. "There were other schools that offered substantially more money. But for me the greatness of an institution is incredibly important."

Like Donohue, other heavily pursued law professors say money is rarely a deciding factor in picking a school.

There are reported rumors of law schools—primarily those in New York—luring professors with perks such as townhouses in Manhattan, free cars, computers and private tuition for kids.

"There are a lot of legends about these things," said New York University School of Law Professor Joseph Weiler, who denied rumors that NYU offered him a hefty salary when they snagged him from Harvard two years ago. "I promised the dean at NYU and the dean at Harvard during the period when I was moving that I would not discuss any offers that were made. But I think I'm within the range of normal salaries."

Deans at many law schools would not release salary figures, but several said that top law professors can make salaries in the range of \$200,000 a year. A recent report in the student paper the *Cavalier Daily* at the University of Virginia, for example, shows that full-time law professors there earn anywhere be-

low of offers, but there's no temptation or desire to leave Yale, mainly because of the students.

"They are so interested in academics. Rarely a semester goes by that a student doesn't come to me and within a minute of the conversation I hear a drop-dead publishable idea....No, I don't think I'll ever leave," he said.

So what about Sunstein, who has been at Chicago for 23 years? Will he succumb to pressure and head East?

"I really don't have an answer to that. I'm really happy here," said Sunstein. "It's a little bit like the bar 'Cheers' here, where everybody knows your name."

But that's true everywhere. Just ask Harvard Law School Dean Elena Kagan.

"Cass could get a job wherever he

them to come to New York, where they can shoot to the top.

"We've had a very successful track record because we've been able to make this claim: This is a better place for them to continue to develop as academics," Revesz said. "We're not winning these competitions because we have more money to throw. I think we are successful because people are attracted by the intellectual life we have at the law school."

Small role for money?

All 12 deans who were interviewed said money plays a small role in the game of recruiting superstars. They said a scholarly life is more important than making money for law professors.

"What really matters in the end is: Are they good scholars and are students learning here? So hiring famous people is not nearly as good a strategy as hiring dedicated teachers," said University of Southern California Law School Associate Dean Scott Altman.

According to Altman, USC has suffered some "substantial losses." This year, it lost two key figures to Duke University School of Law: constitutional law expert Erwin Chemerinsky and his wife, employment law specialist Catherine Fisk.

On the plus side, USC snagged law and politics expert Elizabeth Garrett from Chicago, and law and economics expert Gillian Hadfield from the University of Toronto.

"I think it's a very competitive market out there and increasingly so," said Cornell Law School Dean Stewart Schwab. "Maybe the schools that are really aspiring to be the absolutely top tier—and certainly that includes Cornell—are finding themselves in a winner-take-all society."

Like others, Schwab said Cornell is "very eager to bring in star laterals." He said, historically, Cornell hasn't lost too many professors, but that turnover is getting higher. In the meantime, he said, "we've grabbed others from elsewhere."

"I think every law school has a few people that everybody else would like to have," said John Jeffries Jr., dean at the University of Virginia School of Law.

Jeffries said Virginia has been on a lucky streak, not losing anyone in the last several years. But it has stolen some stars away from others, including George Triantis from Chicago and John Setar from UCLA. "I think we're doing pretty well," he said.

Columbia Law School Dean David Leebron said Columbia hasn't been hit too hard by the talent scouts. In his eight years as dean, he has lost six professors, but hired 28. What's the big attraction?

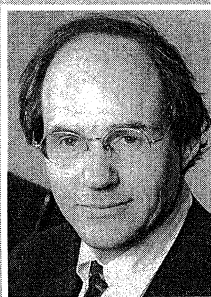
"I think the most important thing is the environment and academic community," Leebron said. "Money is always a factor, but we don't have a practice of throwing a lot of money at people or throwing extravagant things."

"Ultimately, at the end of the day, very few academics are going to move solely because of money. And so it's the environment that you provide them with to do their work that's really the most important thing." **NLJ**

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HOT COMMODITIES

Some law professors with star power



Cass Sunstein
University of Chicago



John Donohue
Yale University



Joseph Weiler
New York University



Ian Ayres
Yale University

tween \$74,400 and \$350,000, the latter being what law scholar Robert Scott earns.

Weiler, a famous international economic law expert, has been courted with numerous offers in his 25-plus years as a law professor. Before NYU, he was at Harvard for nine years, at the University of Michigan for seven years and before that worked at the European Institute in Florence, Italy.

Weiler said he came to New York for family reasons. He was interested in a Jewish education for his five children and a rich Jewish life, so New York seemed the perfect fit, he said.

Plus, NYU offered intellectual stimulation. "NYU had a spectacular international law program. It's also a school with very high morale, and that was attractive," Weiler said.

Free-agent syndrome

Yale law professor Ian Ayres, another big name on the talent wish list, said that in the last 20 years, law schools have evolved into free-agency markets, where employees are less likely to remain loyal and employers are more willing to raid.

"In this new world of free agency, it's a quick way that you can add some buzz to your institution," said Ayres, who specializes in law and economics, contracts and civil rights.

"Some schools actually develop a very good reputation from being the place that is repeatedly raided....I personally have an inclination toward free-market competition," Ayres said.

Ayres hopped around a bit before settling at Yale 10 years ago. He started at Northwestern University, went to Virginia, visited at Yale and then taught at Stanford for three years. He still gets a

wants," said Kagan, adding she'd hire him "in a heartbeat."

Kagan said the most important thing a law school can do to enhance its educational stature is to build a solid faculty with top-of-the-line professors.

"It's the key to everything," Kagan said. "Schools want to be the place where the most cutting edge, exciting research is being done, and that means having the faculty who are doing that research."

Kagan said Harvard is always on the lookout for rising stars.

"Sometimes we just make offers to people even if we don't know they're interested. We figure we're an attractive place to be. If we make them an offer, there's a chance that we'll get them," she said.

Many deans said recruiting hot-shot scholars is a talent itself. Every candidate is different, and they need to be wooed differently. For example, one prospect might be won over if the school helps a spouse find a job. Another professor may want extra time for research, or time off from teaching to hold conferences. Others may need help with housing or tuition assistance for a child's education.

New York University School of Law Dean Richard Revesz said his school has a program that pays "a fraction of a cost" of private schooling for professors' kids. NYU also helps staff with mortgages if need be.

"I don't think anyone has gotten a townhouse," Revesz said, refuting claims that NYU lavishes newcomers with fancy perks. "I can assure you we don't provide anything extravagant."

Revesz, who's been at NYU for 19 years, including two as dean, said a key to NYU's success is spotting rising stars at other schools, and then convincing