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Law Professor Trading Cards—“Has Anyone Got a Monaghan for a Tribe?”

Paul A. LeBel

Last summer while I was in Boston for a couple of Red Sox games, I was walking with a friend through a Harvard Law School parking lot. When a car whose driver looked like a Harvard faculty member drove in, my first instinct was to ask the driver for an autograph. Perhaps that impulse was simply the result of the purpose of my trip. After all, if I had seen Roger Clemens drive up to Fenway Park, I doubt that I would have hesitated to ask for his autograph. The more I thought about it, though, the more likely it seemed to me that I had stumbled upon the next great legal education marketing scheme—law professor trading cards.

If your first reaction is one of outrage at such an undignified treatment of the members of our profession, I might point out that during the summer of the Constitutional Bicentennial the National Park Service was selling a set of fifty-five Constitutional Convention delegate cards (no gum included). Because the only way to buy the cards was in a complete set, the possibility of trading in order to get the framer-of-choice (“Seven William Churchill Houstons for a James Madison?”) was foreclosed. Even the lack of any portrait at all for five of the fifty-five delegates was obviously not viewed as a substantial barrier to the success of the enterprise. Although there may be some members of the law teaching profession who consider themselves entitled to a more dignified treatment than the Constitutional Convention delegates, the suitability of the latter group of people for trading-card status suggests that the idea of law professor cards is worth some further attention.

Anyone setting out on such a venture must carefully consider a number of questions about the design and the marketing of the cards. First, what sort of pictures should be put on the front of the cards? Should the cards use the kind of posed classroom or office portraits that plague law school catalogs across the country, or would it be better to use more candid and revealing “action shots” that give the collector a better idea of the personality of the professor depicted on the card? Should Laurence Tribe be shown in Cambridge, or should his card show him delivering an argument to the United States Supreme Court? Should Vince Blasi be shown in a three-piece suit or a Detroit Tigers cap? Should Fred Schauer be depicted at rest or as a blur? The answers to these questions might have a

good deal to do with the marketing success of the venture, so we ought not pass over them lightly.

Next, who should be eligible to be put on a trading card, and how many cards should be printed for each person? I would strongly resist the idea that there should be a difference in the portrayal of major-league and minor-league law professors, but I might feel differently if I played in the bigs. For purely economic if not egalitarian reasons, the opportunity to be on a card should be extended to anyone occupying a faculty position in an accredited law school. Adjuncts at each school could be grouped together on a single card, although for some, the "adjunct" card would have to be fairly large. Canadian and British versions of trading cards could be produced, providing the serious collector with an opportunity to acquire two different Ronald Dworkin cards each year. An extension of the idea beyond the English-speaking law schools would open up the possibility of even more Basil Markesinis cards each year.

Although the National Park Service model of complete sets offers some attractions, the fun of anticipating and finally getting the card of a long-sought-after "star" should be retained. Accordingly, the publisher should weight the printing runs heavily toward the utility infielders of the profession (the "commons," in baseball-card parlance), leaving the Cy Young Award-status professors to a more limited distribution, thus making their cards more valuable as well as increasing sales.

As true trading-card aficionados understand, the information printed on the back of the cards is an important source of the kind of data on which genuine fans thrive. What should be on the back of the law professor trading card is the next major question to face the entrepreneur. The AALS Directory provides some clues, but the cards ought not to be restricted to such a stripped-down and impersonal quantum of information. Basic biographical information will be included, of course—degrees, clerkships, law practice, prior teaching experience. Whether law professors throw or bat right-handed may not be relevant, but we could designate whether the person thinks left, right, or middle. Perhaps the date of the last use of a controlled substance would be a valuable piece of information that could be included for the benefit of those who are looking to the ranks of legal academics for sensitive appointments. By the same token, the dates of private and public recanting of scholarly positions might be valuable information for card readers.

The dedicated collector of baseball cards realizes that a lot of the fun connected with the cards consists of reading and comparing the statistics that are published on the back. An important question for the law professor trading-card entrepreneur, thus, is whether similar stats are possible. Fortunately for the success of the venture, I believe that the answer to that question is yes.

The basic statistical comparisons for our profession are analogous to those for baseball players. Just as baseball cards are divided between pitchers and other players, so too we might have a distinction between publishers and teachers. (I know, I know, we're all both. Maybe we'll just have to designate one as the primary category for the purposes of the

cards.) Publishers can list annual publications broken down into some standard categories such as books (BKS), articles in a top ten law review (TOP 10 ARTS), articles published in other law reviews (ARTS), book reviews (BRS), and newspaper op-ed pieces (OPS). The stats for a hypothetical law professor (employing generic names in order to protect the overly sensitive) might look like this:

YEAR	SCHOOL	BKS	TOP 10 ARTS	ARTS	BRS	OPS
1981	State	0	0	1	1	3
1982	State	0	1	1	2	1
1983	Big State	0	2	1	1	0
1984	Big State	1	2	1	1	0
1985	Little Ivy	1	2	2	0	0
1986	Little Ivy	1	3	1	0	0
1987	Big Ivy	0	0	0	0	3

Those who are designated as teachers rather than publishers will present greater problems. Perhaps their cards could be modeled on baseball pitchers, whose performances are measured not just on wins and losses (W-L) but also on such things as strike-outs (SO), bases-on-balls (BB), and earned run averages (ERA). The teachers' annual stats could measure such things as total classes taught (CT), number of great questions asked (GQ), stimulating discussions provoked (SD), laughs—intended and unintended would have to be separately compiled—(LI) and (LU), and interesting comments after class (PC). Just as the performance of relief pitchers is better compared on the basis of saves (SV) than wins, so too the number of office visits (OV) could prove to be an important stat for the dedicated teacher who maintains an open-door policy.

Because of the earlier decision to include all law teachers in the trading cards, some might feel the need to give special recognition to the people whose activities cause them to stand out in the profession. Each year, the baseball cards published by Topps include special cards for the members of the previous year's all-star teams. Law professor trading cards could have a similar special card for casebook and treatise authors. Managers of baseball teams get their own cards from some of the card companies, so I suppose law school deans would have to be included, although that is an idea I would resist until I can be persuaded that anything a law dean does is either as significant or as difficult as deciding when to go to the bullpen. Topps also includes a special "team leaders" card for each team. We could have the same kind of card for each subject or for each school.

Not content with the profit earned on six- or seven-hundred-card sets, the major baseball-card publishers produce special sets each year. Donruss puts out a rookie set, consisting of those players who are eligible for Rookie-of-the-Year honors. Faculty members who begin teaching in a given year could have a set devoted to them. Topps and Fleer each put out a

traded or updated series at the end of the year, including not just rookies but veteran players who changed teams after the original set was published. The law professor trading-card analogy would cover visits, sabbaticals, and permanent moves from one school to another. Another marketing ploy is to get corporations to sponsor limited edition sets. Although Eckerd and K-Mart may be more interested in the promotional opportunities associated with baseball players than with law professors, Foundation Press and Little, Brown might be willing to sponsor a limited edition "Text and Treatise Author" series.

One question that is obviously of concern to an entrepreneur is, Who will buy these cards? The venture might require the exercise of some marketing skills, but making sufficient sales to reach respectably profitable levels is unlikely to pose much of a problem. After all, given the number of law faculty members and the size of our egos, sales within the profession itself should be substantial. One possibility for tying sales to other products would be to work out an arrangement with the major law book publishers, so that a student gets a package of five cards with each casebook. Law school bookstores could also be encouraged to carry trading card packages (with individually wrapped 500 mg. aspirin tablets instead of gum?).

As with other collectibles, the law professor trading cards should increase in value over time, particularly as someone's star rises. A card showing Yale professors at early stages of their careers should have the same premium value as minor-league cards or rookie-year cards for today's baseball superstars. Similarly, cards can preserve a person's place in the history of the profession. Just as baseball players face the prospect of a sustained slump or an injury that cuts off promising careers, tenure denials could end the teaching career of law professors, but just as with baseball players, their trading cards would live on forever.

If the idea catches on, as I believe it will, I expect full credit if not massive remuneration. Even without such material benefit, however, what a reward it will be on that day in the not-too-distant future when I hear one law student say to another, "Hey! I got three Summers for a LeBel!"