Remarks of Richard Revesz at the Memorial Celebration of Michael E. Levine

March 24, 2017

We are here to celebrate the life of a remarkable man and a remarkable career. A top legal academic as a scholar of regulation; a top government official, who accomplished something really important in a short stint in government; a leading business executive; an academic leader as a very successful and transformative Dean of the Yale School of Management; and then later in his career, an academic of the purest form. All these experiences came together to make Michael E. Levine who he was.

I met Mike for the first time in 1988 while he was a potential dean candidate at NYU Law School. I had joined the faculty two and a half years earlier and was a very junior faculty member then, but I was invited to a meeting with Mike and we had a fabulous conversation. Shortly thereafter, I learned that he actually wasn’t interested in pursuing this appointment.

I didn’t actually get to spend much time with Mike until 2005, when he joined NYU Law School as a distinguished research scholar. In the interim, I had encountered him at American Law and Economics Associations conferences and had seen him from time to time at other academic events. But, from the summer of 2005, until his passing, he was a very valued colleague here at the Law School and I got to know him well.

Yesterday, I reread 11 years of email interactions with Mike. I’m really glad I did that. My memories of these interactions came alive through these emails and I will talk about a few vignettes.

The enormous pride that Mike took in his work came through clearly. He would write to me about pretty obscure things with enormous delight. For example, he told me one day that he had just been chosen to be the keynote speaker of the World Air Transport Summit and, also, at the International Air Transport Association 63rd Annual General Meeting. Messages of this sort were frequent. Obviously, Mike had been invited to give speeches like these lots of times because he was a leading authority in the field, but each one seemed to bring enormous pleasure to him.

Mike and I interacted frequently on his and my articles. We both had academic interests in the field of regulation and he would always send me his works in progress and I would send him mine. His comments on my pieces were extraordinary. I would get two versions. One was a handwritten version on the hardcopy itself, which was really perceptive though sometimes a little hard to decipher. Then, an email would follow explaining the things that were hard to decipher and extending an offer to talk sometime, which we did. Mike made extremely trenchant comments and it was obvious that Mike had spent a lot of time putting them together. His wasn’t a quick read followed by “here are three random things that you should look at.” Mike plunged into pieces, understood what author was trying to accomplish, and commented extensively on everything.
As a former dean, Mike was quite interested in issues of institutional governance, and even though he didn’t have the responsibility to do that here—and he was pleased that he didn’t—he would send me frequent emails about things that I was doing. Generally, they were encouraging.

Mike would comment on matters that were important to the institution. He didn’t just reflexively comment on every institutional email that went around. For example, when NYU Law School makes appointments, the dean sends around an email to the faculty, expressing pleasure that the person decided to join us. Not too many people commented on those emails. Mike did comment on them, but not on all of them. So he would say from time to time, “This was a very distinguished appointment!”

I’m sure you’re all now really curious to know whom Mike thought was so distinguished, but I am not going to tell you that. I will say one thing: he had excellent taste. So if someone asked me about the most distinguished appointments during this period, our list would have been almost entirely congruent. His taste in academic appointments was simply excellent. I think that if our faculty had delegated to Mike, and exclusively to Mike, the authority to make appointments, we probably would have ended up with a better faculty, though it’s not totally clear how we would have dealt with the governance issues that would have arisen here.

The day when I announced that I was going to step down as Dean, I got a very long message from Mike, from which I will read a couple of sentences:

“Please accept these comments on your achievement as coming from one who does not praise easily, and who has direct knowledge of the challenges presented by transforming an academic institution made up of tenured individuals with very different goals, aspirations, and prejudices—especially one as prominent in as a peculiar ecological niche as NYU School of Law.”

I knew that, in fact, he didn’t praise easily because we had been at workshops together for a very long time, so his message was very meaningful. He had mentioned previously how it wasn’t that hard to make great appointments: the University of Southern California, where Mike had spent the early years of his career, had done that. But it was actually was very hard to get a great group of people to stay there over a long period of time, that NYU Law School had succeeded in doing that, and that he was very impressed.

Our emails weren’t all about academic work. Mike and I shared an interest in travel and I started getting very good advice from him. He once told me was that airlines were not all equally safe and if I was going to be travelling with my family to faraway parts of the world I should check with him. I feel more comfortable mentioning names here: Aeroflot did not come out looking good in Mike’s emails.

I also got advice on hotels and places to visit. I am now planning a trip with my family to Chile this December and we want to go to Atacama. I remembered a while back that someone
had told me once there was a wonderful place to stay and I had forgotten who had told me that and what the place was. In these emails I found the answer, just when I needed it.

The last email I got from Mike was in response to an obscure message that went out from a small environmental institute—the Institute for Policy Integrity—that I run at the Law School. We have a monthly newsletter that is distributed to the faculty. On September 12, 2016, just a few months before his passing, Mike wrote to me in response to one of these newsletters. He said: “Congratulations on the [Social Cost of Carbon] result and your contribution towards it. It is a huge step forward in environmental law and policy.”

We he had filed an amicus brief, which had been the only brief presenting an argument supporting the federal government’s use of the Social Cost of Carbon—the estimate of damage caused by a ton of carbon dioxide emissions. (The federal government had not defended its own number, saying instead that it didn’t need those benefits to justify the rule.) The U.S. Court of Appeals for the Seventh Circuit was the first federal appellate court to address this issue and it blessed the Obama administration’s use of this number. The decision was very important then and is even more important now, with a new administration in place. Mike recognized that. Nobody else outside the field had any clue that this was important or that it was something worth responding to. And he was totally right. As in the case of academic appointments, Mike wasn’t one to respond to everything, or praise randomly. He was always very discerning: this was the only response from him to one of these newsletters.

I didn’t know Mike as well as many of you did. I cherished our relationship and very much wish that I had gotten to know him better. The Law School will miss him a lot. I can always picture him in the faculty library, in the place where he always sat, and from which he would ask a question at every workshop. For reasons that I don’t understand, around the time that Mike stopped being able to come to these workshops, the seating configuration in that room changed. I think otherwise I would have always looked at that place in the room and instinctively missed Mike. But I will definitely miss the trenchant questions that we would hear from him every Monday at lunch.

It was a real honor to have gotten to interact with him closely for eleven years while he was an important member of our community and a treasured colleague here at NYU Law School.