Liberal Scholar in a Conservative Realm
At Long Last, Erwin Chemerinsky is Dean of UCI's New Law School, and Aims High Out of the Gate

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IRVINE - Among the many people who know Erwin Chemerinsky - and there are very many - there is wide agreement about one thing: No one but Chemerinsky could have created a top law school from scratch.

Chemerinsky is the founding dean of the UC Irvine School of Law, which begins its very first classes for its very first students today.

Following an 8 a.m. ribbon-cutting ceremony, the students - most of whom turned down offers from leading law schools such as the University of Michigan and UCLA - will head off to a re-imagined criminal law class called statutory analysis.

That and other classes will be taught by 22 professors estimated to have a per-capita "scholarly impact" (based on citations to their publications) that puts the brand new faculty in the top 10 of all law faculty.

The students this first year number just 61, yielding a tiny student-faculty ratio of 3-to-1. And those 61 won't even have to pay any tuition, thanks to donations providing full scholarships for the inaugural class.

"Only Erwin could pull this off in the middle of a recession," said Laurie L. Levenson, a Loyola Law School professor who co-authored a criminal procedure casebook with Chemerinsky.

Or, as Mark D. Rosenbaum, the litigation director of the ACLU of Southern California, put it: "I think you could count on the fingers of one finger the people who could build a national law school like this."

He is "a top-flight legal scholar, a first-rate courtroom advocate and a good old-fashioned promoter," said former U.S. Solicitor General Walter L. Dellinger, now a professor at Duke Law School.

Achieving Goals

Chemerinsky has managed to achieve his major goals in life. He wanted to be a law school dean, and, after a few tries, he is. He wanted to become a civil rights lawyer, and he is one of the best, according to Rosenbaum.

Originally, he wanted to be a high school teacher, and he's been that, too. "I assume I'm still a certified high school social studies teacher in Illinois," he said.

Chemerinsky, 56, grew up on the South Side of Chicago, the son of a housewife and the manager
of a home-improvement store.

His father, who died in 1993 "was an enormously powerful and positive influence" in his life, Chemerinsky said. "He was a brilliant man, he never went to college. Just an incredibly decent man. And he encouraged me to pursue a world that he didn't know but really valued."

Chemerinsky's younger brother inherited their father's mechanical ability and now works as an electrician in the Chicago area. "My brother was never academically inclined; my father was always just as supportive and nurturing and proud of him," the dean said. "An amazing man."

The more bookish of the brothers, Erwin was "a painfully shy child" when his father encouraged him to attend the University of Chicago High School, the lab school founded by John Dewey.

"I felt socially out of place there," Chemerinsky said, when students, mostly children of university professors, talked of their European vacations. The farthest he'd been was to visit an aunt in Gary, Ind. "But I felt very comfortable academically," he said.

And he quickly got hooked on debate. The most powerful influences in his life besides his parents, he said, were his high school and college debate coaches.

Chemerinsky attended Northwestern University, where he got that teaching certificate, and soon after began coaching others in debate.

"The first time I went into a classroom teaching at the high school level, I just loved it," he said. Even today, he added, "of all the things that I do professionally, [teaching] is still the thing that I love doing most."

This semester at UCI, he will teach an undergraduate political science class, as he regularly does. Next semester, he teaches his specialty, constitutional analysis, to all the law students.

Honing in on Law

But Chemerinsky had also been captivated by the civil rights movement of the 1950s and 1960s and decided late in his college career to become a civil rights lawyer. "I really did see law as the most powerful tool for social change," he said.

So the next stop on Chemerinsky's journey was Harvard Law School, where he was a student and research assistant under famed Harvard constitutional law professor Laurence H. Tribe.

In addition to his work for Tribe, Chemerinsky found time to teach an LSAT preparation course and debate at Boston College.

After graduating with honors in 1978, Chemerinsky joined the honors program at the U.S. Department of Justice, and after a year went to work for a Washington, D.C., public interest law firm working on civil rights litigation. In 1980, he headed back to Chicago to teach at DePaul University College of Law.

"I taught at DePaul for three wonderful years," he said, winning an outstanding teacher award in 1983. That year, USC invited him out to be a visiting professor.

He signed on permanently in 1984, and didn't leave for 20 years, when he shocked the L.A. legal
community by moving to Duke.

By that time, Chemerinsky had become a major force in civil rights law in Southern California, a constant writer and speaker in venues like the Los Angeles Times and the Pasadena NPR affiliate KPCC, and a nationally recognized expert on constitutional or rights issues.

He had also become "a very important scholar," Tribe said. "He's the kind of academic that most judges and other scholars tend to learn a great deal from."

Chemerinsky has authored countless articles and six books, including hornbooks and casebooks on criminal procedure, federal procedure and, of course, constitutional law.

He's also become a nationally known U.S. Supreme Court advocate. He scored one 7-2 victory at the high court, but it is the several narrow losses that impress Dellinger. "Erwin is the patron saint of, not lost, but very difficult cases, and he makes those cases hard" for the justices to decide, Dellinger said.

Chemerinsky said he is perhaps proudest of **Lockyer v. Andrade**, 538 U.S. 63 (2003), in which he managed to convince four justices that California's tough three-strikes law is unfair.

His public service extends into other areas, as well. For Los Angeles, he led the special elected commission that rewrote the city's charter in the late 1990s. Voters adopted the commission's product, virtually a new constitution for the city, in June 1999.

So he and many others were thrilled in early September 2007 when UCI announced he would be the dean of its new law school. They were shocked when, a week later, UCI Chancellor Michael Drake withdrew the offer.

There turned out to be plenty of shock to go around. Drake, UCI and some conservative Orange County Republicans who had opposed the liberal Chemerinsky's selection as dean were floored by the national tumult prompted by Drake's action.

Chemerinsky announced the school's sudden change of mind in a flurry of dawn e-mails to reporters around the country, saying Drake had said Chemerinsky had "turned out to be more politically controversial than [Drake] expected."

Chemerinsky's e-mails and phone interviews drew intense national coverage, scolding editorials in major papers and furious debate in law schools about academic freedom.

"He obviously is extremely attuned and well connected with the media," said Thomas R. Malcolm, Jones Day's managing partner in Orange County. As a member of UCI's search committee for a law dean, Malcolm, a Republican leader in the county, wasn't sold on the very liberal Chemerinsky initially.

Now, Malcolm said, "I am frankly in awe of the man. I don't think we could have picked anyone better."

It turned out that Drake actually was concerned not about Chemerinsky's political views but that he put those views in newspaper opinion pieces more often than many university leaders thought a respectable dean should. Within days, the two men sorted out the issues, and Drake re-offered the job to Chemerinsky.

These days, the two are fast friends. They even taught an undergraduate class together last year.
on the civil rights movement and the Supreme Court.

But the controversy over Chemerinsky's selection made UCI's law school famous before it was born. It gave UCI "the most well-known non-existent law school in the country," as a business professor quipped at the time.

Having a suddenly famous school gave the already famous dean a boost in attracting the faculty, donations and students he wanted to build what he hoped would be a top 20 law school when it opened its doors.

Chemerinsky says he set out to do that by attracting faculty from other top 20 law schools in order to "send a message to legal academia ... this is who we are."

Attracting top students required inspiring potential applicants with the vision of a new school for the 21st century, with new emphases on ethics, clinical experience, practical training, pro bono opportunities and international programs. And the full scholarships didn't hurt.

"My idea, for better or worse, was to raise the money for a full scholarship to every student in the entering class," he said. "We got great publicity for it ... all over the country, and it helped us attract far more applicants" than originally anticipated. Officials say 2,743 people applied, 110 were accepted and now 61 are on campus and taking classes.

There is one other factor that undoubtedly has helped Chemerinsky create UCI School of Law. It is what Rosenbaum calls his heart. Chemerinsky is, without a doubt, one of the nicest people ever met by everyone who's ever met him.

The Heart of the Matter

Tribe recalls his former student as both brilliant and "extremely sweet."

He was always very willing to help other students and researchers. "He had no ego," Tribe said. "He had none of the unfortunate attributes that tend to come with being a top law student."

Rosenbaum today describes Chemerinsky as "the most decent, fair-minded genius" he's ever known.

Malcolm marvels that Chemerinsky is so "very caring, warm and sympathetic" that he regularly hand-writes detailed thank-you notes to colleagues and friends. "He cranks out thank-you notes to everybody. I don't know how he does it."

Conservative constitutional scholar John Eastman, the dean of Chapman University School of Law in Orange, on the other end of the county, disagrees with Chemerinsky on many legal and political issues. In fact, he does it weekly on AM radio in a regular mini-debate the two have had for nine years on a conservative law talk show.

Eastman was a new law professor when the two started their joint radio spots, and he credits the already famous Chemerinsky with some of his own fame now. "He didn't have to do it," Eastman said about Chemerinsky's appearances on the program.

"He's a very nice guy," Eastman said, and will always consider views new to him. "But he's brass-knuckle hard-line about advocating his causes."

"He's so down-to-earth, so family-oriented," said the dean's niece, Rachel Chemerinsky. One of her
favorite memories of "Uncle Erwin" is their making chocolate-chip cookies together in Chemerinsky's home in the midst of the L.A. city charter project.

"I could hardly believe that two days later he would be giving a press conference" on the charter, she said. "He's very awe-inspiring."

"He makes the best lemon meringue pie," she added. But when making other items, he is partial to ingredients like heirloom tomatoes and whole-grain bagels. "We always say that's because he's from California."

Chemerinsky's wife, Catherine Fisk, is a prominent labor and employment law expert and UCI law professor. She too likes to cook and entertain, the dean said.

They have two children together, a son in high school and daughter in 6th grade. Chemerinsky has two sons from a previous marriage, one just graduated from law school and about to start a clerkship at the 10th U.S. Circuit Court of Appeals and one who will be making his living as a tennis pro.

Chemerinsky himself is a big sports fan but not an athlete. In fact, he admitted, his sons long ago asked him to stop coaching their Little League team at one point because they wanted to win.

The ever-democratic Chemerinsky preferred to rotate all the players through all the positions whether they played well or not.

But it wasn't his culinary or coaching skills that enabled the trailblazing dean to forge his new venture.

That was generated, Rosenbaum said, "by the force of his views and his mind and his heart."

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