

A Case for Excellence

Chemerinsky Leaves UCI Law With Legacy to Build On

■ BY DEIRDRE NEWMAN

What a difference a decade makes.

When **Erwin Chemerinsky** joined the *University of California-Irvine* as founding dean of its law school, it was under a maelstrom of controversy. Some political conservatives protested based on his reputation as a “liberal” scholar, and a backlash ensued.

He will leave the law school at the end of June to become dean of the **University of California-Berkeley’s School of Law**, surrounded by an aura of adulation, with statistics buttressing the law school’s out-of-the-gate laurels, which many lawyers have called “unprecedented.” He’s also one of the country’s most recognized and sought-after authorities on constitutional law and has argued several cases before the U.S. Supreme Court.

In 2015, the law school’s first year of eligibility, U.S. News & World Report ranked it No. 30 out of 200 American Bar Association-accredited law schools in the country. It was the highest debut ranking of any law school in the publication’s history, according to Chemerinsky. The school moved up to No. 28 last year and remains there this year.

“Without qualification, it can be said that no law school dean anywhere at any time has accomplished what Erwin accomplished at UCI law,” said **Richard Bridgford**, a member of UCI Law Dean’s Advisory Board of Visitors and a founding member of the school’s Civil Justice Research Institute. “Significantly, Erwin accomplished all this ... while authoring a prodigious list of books and articles and establishing new institutes relating to civil justice [and] access to the courts, cybersecurity and others. He is the closest thing to irreplaceable I can imagine, and he will be greatly missed.”

Chaotic Start

When Chemerinsky signed the contract to be founding dean, then UCI Chancellor



Widely respected constitutional law scholar

Michael Drake withdrew the offer a week later, saying that Chemerinsky was too “politically controversial,” according to news reports. The Regents of the University of California went ahead and approved Chemerinsky without incident, resulting in the contract being reoffered.

“It was very difficult to live through all of that,” Chemerinsky said.

He signed the contract a second time, putting the controversy behind him and focusing on creating a “top law school” from day one, he said.

The first new public law school in California in more than 40 years opened to 60 students in August 2009. It proceeded to create multiple law centers and institutes, such as the Cybersecurity Institute; the Center in Law, Society and Culture; and the Civil Justice Research Institute. Clinics established include Community & Economic Development; Environmental Law;

Intellectual Property, Arts, and Technology; and Department of Fair Employment and Housing. The clinics enable students to develop practical legal skills through public-interest work in those areas.

Jeffrey Reeves, a litigation partner with the Irvine office of **Gibson, Dunn & Crutcher LLP**, emphasized the significance of Chemerinsky’s impact on local law firms that “eagerly recruit UCI Law grads.”

“These students all participate in clinics that put them in settings that truly prepare them for the actual practice of law,” Reeves said. “That is rare, and it’s greatly appreciated. We are going to miss Erwin and his leadership, to put it mildly, but he has put a tremendous program in place, and that will be his lasting legacy in OC and beyond.”

Ascending the Ranks

High rankings kept coming after the historic debut showing in U.S. News & World Report:

- This year, U.S. News ranked it No. 15 in clinical training, No. 17 in intellectual property law; and No. 14 on a student diversity index. The school tied with **Yale University** for the third best student-faculty ratio.

- In a 2015 study by the **University of St. Thomas School of Law** measuring the scholarly impact of law school faculties, UCI Law ranked No. 6 behind top-tier Yale, Harvard University, **University of Chicago**, **New York University** and **Stanford University**.

- This month, the National Law Journal ranked it No. 5 for placing students in government and public interest jobs.

- On the National Jurist’s 2017 list of Best Schools for Practical Training, it ranked No. 6 overall with an A-plus grade, one of only nine U.S. law schools to receive top honors, according to UCI.

- It ranked No. 7 in a recent list on student placement in “prestigious” federal judicial clerkships. The study looked at three-year federal judicial clerkship placement rates

for 2014, 2015 and 2016 law school graduates. Among California schools, UCI was second to Stanford University.

“No new law school has come close to [all] that in the entire country,” Chemerinsky said.

Some say U.S. News & World Report favors more established schools and therefore understates UCI’s merit.

“Erwin set out to create a top 20 law school right out the gate, and he did,” said Business Journal Publisher **Richard Reisman**, who’s a former practicing attorney. “U.S. News did not recognize that, but if you look at selectivity of admission and quality of faculty, it is easily in the top 20, perhaps even in the top 10.”



Song Richardson:
interim dean as national
search conducted

Chemerinsky himself ranked No. 2 in 2014 out of the top 10 most frequently cited faculty from 2009 through 2013 in 11 major areas of legal scholarship, including criminal law and procedure; intellectual property/cyberlaw; and international law, with

3,010 citations, according to **Brian Leiter**’s Law School Rankings. Leiter is a law professor at the University of Chicago’s law school and founder and director of Chicago’s Center for Law, Philosophy and Human Values.

Students are equally positive about the law school, as evidenced by UCI’s 2016 Law School Survey of Student Engagement, in which the “vast” majority of students rated their entire educational experience as “excellent,” “far exceeding UCI’s peer schools and the national average,” according to the law school.

The school has 47 full-time faculty members and 350 students this year. Chemerinsky steps down with applications up approximately 15% for the class of 2020. The school has a rolling admissions process, which hasn’t closed for this cycle.

He credits the law school’s success to support from chancellors and provosts and the community.

“The community supported it in every way,” he said, including law firms that hire graduates, lawyers who teach and speak at the school, and corporations that provide money for scholarships.

Chemerinsky in Their Words

“UCI Law has exceeded everyone’s wildest expectations and its commitment to public service, the enormous impact its young alumni are already having in the legal industry and its extraordinary culture of faculty and students will continue to thrive and impress in the years to come.”

— **Andrew J. Guilford**, U.S. District Judge for the Central District of California, commenting on Chemerinsky’s work at UCI

“Appointing Erwin Chemerinsky to head UCI’s law school “would be like appointing al-Qaeda in charge of homeland security.”

— **Then L.A. county supervisor Mike Antonovich** in a voicemail left with *The Associated Press* in 2007 and widely reported at the time

“While many people focus on his liberal point of view, Erwin is someone who embraces all points of view. He is an open-minded person who loves a good debate.”

— **Karla Kraft**, a shareholder at *Stradling Yocca Carlson & Rauth P.C.*

Timing of Departure

Chemerinsky, a distinguished professor of law and professor of First Amendment law at UCI, with a joint appointment in political science, said other schools have wooed him in the past few years. He said yes to UC Berkeley because of the timing and the location.

He said he committed to spending a decade as dean of UCI’s law school, and that’s almost up. Berkeley’s location is ideal because it’s still part of the UC system, which he’s a “huge fan of.”

“Like UCI, (it) has a strong commitment to public service. It has a great faculty, terrific students. And it’s not a cold climate. I couldn’t go back and live in a climate like that,” said the Chicago native.

He said his wife, law professor Catherine Fisk, at UCI, is being considered for a faculty position at UC Berkeley’s law school.

Outside the Classroom

Chemerinsky has written multiple books, recently co-authoring “Free Speech on Campus” with UCI Chancellor **Howard Gillman**, which is scheduled for publication in September.

He tickles local lawyers’ funny bones as master of ceremonies at the Business Journal’s annual General Counsel Awards event.

Beside his professional legacy at the law school, Chemerinsky has personally made

an indelible impression on many.

“His work ethic is incredible,” said **Mark Robinson**, who served on the search committee that recommended Chemerinsky and is a professor of trial advocacy at the law school. “He’s always working and giving. He will take your call. He’ll respond to you. He’ll help people. He’s just an incredible human being. And a brilliant speaker. He’s a wonderful writer. He’s gifted.”

Up Next for School

UCI Provost and Executive Vice President Enrique Lavernia, the law school’s senior associate dean for academic affairs, recently announced that Professor **L. Song Richardson** will serve as interim dean.

“Song Richardson has a remarkable connection with students and the entire UCI Law community,” said **Colleen Taricani**, the school’s assistant dean for communications. “She is a brilliant scholar, extraordinary teacher and gifted leader. Richardson will continue to advance UCI Law in exciting ways.”

Lavernia said UCI will soon start a national search for a successor in collaboration with law school faculty and the “campus community.” Recruitments for dean positions typically take six months to a year, he said.

“Regardless of the target timeline, our priority is to find the right candidate.”