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UC Irvine offers a new approach to law school

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When then-Duke University law professor Erwin Chemerinsky got a call from a fellow academic broaching the possibility of heading a new University of California law school, the renowned constitutional scholar had a mixed reaction: skepticism and intrigue.

The country didn't really need another law school, he thought, unless — and it was a big unless — it were a truly different kind of law school, one that combined scholarship and practicality with a 21st century respect for international collaboration, public interest law and interdisciplinary work. "If we simply replicate existing law schools, we will have failed," says Chemerinsky. "When I graduated from law school, I wasn't ready to practice law."

With little to lose since he was happy in his job at Duke, he laid out his nontraditional vision for this new brand of law school and, to his surprise and delight, got the go-ahead to make that vision a reality as founding dean of the UC-Irvine School of Law, the first law school to be created at a UC campus since the Davis law school opened in 1966.

Chemerinsky's leadership did not start auspiciously. Shortly after asking Chemerinsky to be dean, UC-Irvine Chancellor Michael Drake rescinded the offer. He then reinstated it after an outcry from faculty, students and others about academic freedom. Chemerinsky, a liberal who has taught at the nation's top law schools for 30 years and was named one of the top 20 legal thinkers in America by Legal Affairs magazine, said he was told by Drake that he was "too politically controversial." Drake said he made a "management deci-

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Taking a new approach to legal education, Dean Erwin Chemerinsky greets the inaugural class at the UC-Irvine law school. Photo by Paul Kennedy

Free tuition and a top-notch faculty draw UC-Irvine's first law school class

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sion — not an ideological or political one." But the two have put the past behind them, and on Aug. 19, Dean Chemernitsky welcomed the first class of 61 students, all of whom are guaranteed free tuition for their three years of law school. "The dean had personally called every new student after they had been accepted. 'It's exceeding whatever I could have dreamed of for the beginning of school,'" Chemernitsky says. "We exist now. We're not an idea. We're a reality."

The reality is a student body with impressive undergraduate pedigrees and a median LSAT and GPA that put them in the top 15 entering classes in the nation, a curriculum and requirements that veer from the traditional — sometimes a little, sometimes a lot — and a faculty of 18 from top-rated law schools. Brian Letmer, a professor at the University of Chicago Law School, already has ranked UC-Irvine School of Law 10th in the nation in "scholarly impact" based on the average number of times faculty articles have been cited in law reviews.

"What I looked for were people who were stars in scholarship and teaching at the top 20 schools," Chemernitsky said. "I wanted people in the prime of their careers, not people whose best work had already been done, and I wanted great teachers." He makes no bones about his goal to make the school one of the country's top 20 from the get-go.

At orientation, students were dropped immediately into the culture of their new law school by being handed a problem concerning the constitutional right to counsel in a civil proceeding involving an anti-gang injunction. They also were given two U.S. Supreme Court cases to read and analyze. "In part, it is to have students begin considering issues of access to justice from literally their first day of law school," says Chemernitsky.

Retired California Court of Appeal Justice Earl Johnson spoke to the students on ensuring adequate representation and access to justice, the students constructed arguments and approaches to the problem, lawyers Mark Robinson and Anne Richardson argued the problem in front of U.S. Court of Appeals Judge Richard Praez, Professor Rachel Moran spoke with the students about the role of the lawyer as a citizen in a larger society and the orientation concluded with an address by California Supreme Court Justice Carlos



Sam Lam

Moreno. "I'm having the time of my life," enthuses student Sam Lam, 27, a UC-Berkeley graduate who majored in physics and worked in administration at a space science lab before applying to law school. "I feel this school and it

was made for me." A big part of his enthusiasm has to do with the emphasis on the practical, which includes taking a skills class the first year, having each student paired with two mentors and requiring clinical classes and experiential learning.

Lam's "junior mentor," a recent UC-Berkeley School of Law graduate who is about to start a clerkship, has been helpful "on the nuts and bolts" part of law school, such as offering tips on briefing cases, prioritizing and managing a schedule and whether or not to use supplemental materials. Also, Lam's mentor's enthusiasm shows "that you can leave law school and still be excited about the law." His "senior mentor," a partner at Bryan Cave LLP, so far is providing "the big picture" on what can be done with a law degree. Lam, like all his classmates, will shadow both mentors next semester.

"We began by identifying the skills students need to know and then designing the courses," says Chemernitsky. The first-year curriculum reflects that process. This year, the inaugural class is taking a year-long course in Lawyer Skills, which will focus on negotiations, interviewing and fact investigation. They also are taking Legal Profession, which delves into professional ethics, the economics of the profession and the psychology of being a lawyer. First-years also are required to do intake interviews of real clients at nearby legal services and public defender offices. There will be a mandatory semester in one of the planned eight law clinics.

"The notion that you actually need to get in and work with people and clients in order to develop your skills as a lawyer seems to be central to what one would think of as an education," said student Ari Yampolsky, 30, a graduate of Wesleyan in

Middletown, Conn., who worked for a health care workers union before going to law school.

While first-year Irvine students will be no strangers to those law school staples of contracts, criminal law, civil procedure and torts, they're being taught in a different form and with different names: Common Law Analysis; Private Ordering; Statutory Analysis; Procedural Analysis; and Common Law Analysis: Government Regulation.

Jennifer Chacon, an immigration and criminal law expert who teaches Statutory Analysis and was recruited from UC-Davis, says the difference amounts to reframing the discussion so that it's less about memorizing the elements of certain crimes in a particular jurisdiction and more about how to bring accepted tools of statutory analysis to bear in reading criminal statutes in any state or at the federal level. "It's a valuable front-loading of skills that has enabled us to analyze quickly," says student Jeffrey Wachs, 34, who graduated from University of Pennsylvania and was a Hollywood screenwriter.



Jennifer Chacon

The law school also will have a strong emphasis on an interdisciplinary curriculum and international law. A Korea Law Center will be part of UCI's International Commerce and Law Institute, a joint project of the law and business schools. Wachs chose Irvine over USC, the University of Minnesota and the University of Arizona, where he was offered full or partial scholarships. The full scholarship at Irvine was a factor in his decision "but I can't say it was the third or fourth."

Yampolsky said the free education

was among his top three reasons for picking the school and, like Wachs, he was particularly drawn by Chemernitsky and the top-notch faculty. The faculty/student ratio — 18/61 — also was a big selling point for Wachs.

"I was someone who enjoyed smaller learning environments. What a rare opportunity to be up close and personal with some fantastic professors and administrators."

The fact that Irvine is not yet accredited and does not have that traditionally all-important alumni base to use as a network for contacts and jobs does not faze Wachs. "It's hard in some ways to say no to an established brand name . . . and pass that up for a start-up operation, which this is," he says. But Wachs has confidence that the school will be accredited — and head straight for that top 20 ranking that Chemernitsky is aiming for — and that attendance at an institution with such legal luminaries will open plenty of doors.

At the same time, Wachs, married and the father of a 10-month-old, likes what he calls the "self-selection" aspect of the school that sets the students apart. "I think lawyers as a class tend to be risk-averse. We all had to buck that initial instinct in order to come here."

UC-Irvine School of Law will be funded through tuition from future students, campus enrollment growth and private gifts. A \$20 million gift from Donald Bren, billionaire real estate developer and well-known Orange County philanthropist, makes up the bulk of the \$28 million raised so far in donations.

An anonymous \$2 million grant was received in May to start an Environmental Law Clinic, the first of several legal clinics envisioned for the new law school, and major law firms have made significant pledges.

The full scholarship program for the inaugural class will cost \$6 million.

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