

The Ideal Law School for the 21st Century

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I. GETTING INVOLVED

My involvement with the University of California, Irvine School of Law began with a phone call from Linda Cohen, a professor of economics at UCI and a former colleague of mine at the University of Southern California (USC). She explained that the University of California, Irvine was creating a new law school and she was on the dean search committee. Over the years, I had heard of various efforts to create a law school there and recalled hearing a few months earlier that the proposal had been finally approved by the University of California's Board of Regents.¹ Linda asked me for names of those I'd recommend for the deanship and I gave her a long list. Towards the end of the phone call, the conversation turned to whether I might be interested and I was sufficiently intrigued to say "maybe."

I was invited to meet with the dean search committee and was sent a great deal of material concerning the new school. I was impressed by the extensive work that had been done and by the University's goal that this be a top law school from the outset. But I was dismayed by the budget. The proposed budget for the school was completely unrealistic; funding for every area was far less than what a top law school would require. When asked by the dean search committee to assess their proposal, I decided to be totally honest. I praised the detailed report and the vision for the school, but I explained that their proposed dean's salary was about half of what I was earning as a professor at Duke Law School, and that their top faculty salaries were about at the level of entry-level faculty hires. I was clear that I would not be interested in the position if that were the level of funding. I was candid that the law school could not be very good on the proposed budget.

I heard nothing from the dean search committee for almost two months and put it entirely out of my mind. I assumed that my candor about the funding for the school ended my candidacy for being dean. To that point, I had not given it enough thought to know if I was seriously interested, so I was not disappointed that it had not worked out. About two months after my conversation with the

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1. The history of the creation of the law school at UCI is long and fascinating. My colleague Joseph DiMento relates it in his article, *UCI Law: The First Half Century*, 1 U.C. IRVINE L. REV. 25 (2011).

committee, I received an email from its chair saying that my initial interview went well and that they wanted me to return for two days of intensive interviewing.

Once more, candor seemed best and I said that I'd be interested so long as the University had the commitment to fund the law school adequately. If the school was to be funded at the proposed budget, I wasn't interested and there was no point going further down that path. A year before, in 2006, I had been offered the deanship at the University of North Carolina Law School and declined because the funding of the law school was insufficient and the Chancellor and Provost rejected my proposal for increased monies for the law school. I had no desire to repeat the experience of going all the way through the process only to discover that the funds would not be there to achieve the vision for the school. It is so easy for university administrators to talk about how they want to create a great school, only to be unable or unwilling to provide the funds for top faculty, excellent students, terrific staff, and needed facilities.

Almost immediately after conveying my concern, I received a phone call from the Executive Vice Chancellor/Provost Michael Gottfredson. He explained to me that from the moment he came to UCI, his top priority was to create a law school and that there would be the funding to be a top law school. I was very impressed by his commitment to the school and by his promise of the funding needed. He was obviously very knowledgeable about law schools and had an impressive command of what would be needed to succeed. After my reassuring conversation with him, I accepted the invitation to interview for the deanship.

My two days at UCI were wonderful. Since there was no law school faculty to meet, I spent time with university administrators, deans from other schools, faculty from across campus, and supporters of the school. I was tremendously impressed, most of all, by my meeting with Chancellor Michael Drake. He had a sophisticated understanding of what it would take to create a great law school and said that his goal was, to use his metaphor, to "put it on the track" from the beginning as a top school. Our conversation was explicit about the money and strategy that would be needed to do this. I was dazzled by him and, more than anything else, my conversation with him caused me to take the idea of coming to UCI very seriously.

There was one disquieting note during my two days of interviews. At lunch with supporters of the school, one of them held up a copy of an article that I had written in the *Daily Journal* in which I had sharply criticized the Supreme Court's recent decision upholding the federal Partial Birth Abortion Ban Act.² He said that "wouldn't fly" from the dean at an Orange County law school. I responded that the law school I envisioned would have no ideology and would be a place where faculty and students of all views could express and debate all ideas. My answer

2. Erwin Chemerinsky & Catherine Fisk, Op-Ed., *Judges Know Best: Debating Gonzales v. Carhart*, L.A. DAILY J., May 15, 2007, at 6.

clearly did not satisfy him; he seemed agitated and said that the law school could not have an outspokenly liberal dean. I said that if that were the view, I was the wrong person for the job.

Other than that, though, the two days were exhilarating and even fun. It was exciting to imagine creating a new law school. After spending time at UCI, I discovered myself thinking often about what I might do if I were named dean. For the first time, my wife and I began to seriously talk about whether this was something we would want to do, whether she would want to leave Duke for this, and whether we wanted to move the family back to Southern California after only a few years in North Carolina.³

In late July 2007, Gottfredson called to get a sense of how likely it was that I would accept if offered the position. I expressed my excitement, but also the fact that Catherine and I had not yet made up our minds and it would be a major career move for her too. Interestingly, in that call we also had our salary negotiation, which lasted about thirty seconds. He asked what I had in mind. I told him what the University of North Carolina offered me to be dean a year earlier. He agreed and asked me to send him a copy of their offer letter. I also expressed a need to work through a number of issues concerning the law school before accepting if the position were offered. My clear sense, for the first time, was that an offer was likely, but that they did not want to make an offer and have it declined.

Very soon after, I received a call inviting both Catherine and me to return to UCI for a day. We had a pleasant day meeting people, learning about the public schools for our younger children, and having a wonderful dinner with Drake, Gottfredson, and their spouses, a lawyer and an education professor respectively. Three days later, Michael Drake called and formally offered me the position of dean. I explained that I had a list of concerns regarding the law school, but I expected that we could work all of them out. We agreed that Gottfredson and I would handle these.

Over the next few weeks, Gottfredson and I had a series of amicable discussions about numerous matters such as funding for the law school, hiring of founding faculty, assuring the status of clinical faculty, and providing a commitment to funding for a loan forgiveness program. On the day after Labor Day, September 4, 2007, we completed our agreement on a long list of issues and I sent in my signed contract.

It is tempting at this point to skip what happened next, but it is too much a part of the DNA of the law school to ignore it. I'll tell the story very briefly. On

3. I had been on the faculty of the University of Southern California (USC) Gould School of Law from 1983 to 2004, and moved to Duke University School of Law in 2004. My wife, Catherine Fisk, was also a professor at Duke. Previously, she had been at USC, and at Loyola Law School prior to that.

Thursday night, September 6, I received a call at home from Chancellor Drake saying that conservative opposition was developing to my appointment, apparently because of an op-ed that I wrote criticizing a proposal by Attorney General Alberto Gonzales to shorten the statute of limitations for those on death row to file a habeas corpus petition.⁴ I was skeptical of this being the basis for the opposition; I had written many far more controversial things. My appointment and salary needed to be approved by the University of California's Board of Regents and there was concern over conservative opposition. Drake and I discussed the possibility of my coming to California the following week, after Rosh Hashanah, to speak to potential conservative opponents. Drake said that he would try to learn more and get back to me within a few days.

On the morning of Monday, September 10, Drake called me and said that he learned more and that we needed to strategize. We set a time for a call to talk the following morning. That night, Drake called me at home and said that he was coming to Durham the next morning to talk to me rather than have a phone conversation. We agreed that I would pick him up at the Raleigh-Durham airport and we would go to the lobby of an airport hotel to talk. I hung up from that call and immediately told my wife that he was coming to fire me. Why else would he make the trip to Durham?

As planned, at ten o'clock on Tuesday morning, I picked him up at the airport. As soon as he got in the car he told me that I was too controversial to go forward with as dean and that the offer was being withdrawn. We went to the local hotel as planned and talked in the lobby for almost an hour. He asked that we make an announcement that we had decided mutually to not go forward. I refused and said that while I had no current plans to go to the press, I would tell the truth if asked. Also, I had already arranged a board of advisors comprised of eminent judges, academics, and lawyers. I needed to tell them something. We agreed that I could say I was told that Drake concluded that I was too politically controversial to be dean. I drove him back to the airport and returned to my office. I called Catherine from my cell phone and recounted the conversation to her.

I called a few close friends to tell them what happened and taught my afternoon class. I was quite upset; I had never been fired before and it was a position about which I had gotten very excited. But I also was a tenured professor at a wonderful law school and loved my job; I hardly had much to complain about.

Over the next few days, my firing became a national story. It became public on Wednesday and I immediately began to get calls from reporters. Rosh Hashanah began on Wednesday night and we decided not to answer our phones

4. Erwin Chemerinsky, Op-Ed., *Don't Rush to Execution; California Must Reject Gonzales' Effort to Bend Death Penalty Rules*, L.A. TIMES, Aug. 16, 2007, at A17.

or check messages during the holiday. Both home and office voicemail boxes quickly became full. Major editorials appeared in the *Los Angeles Times* and the *New York Times* criticizing my firing and suddenly I had become the poster child for academic freedom.⁵

On Friday morning, I was in Williamsburg, Virginia, to participate in the annual Supreme Court Preview conference held at William and Mary Law School. Right before going to speak, I received a call from Michael Drake. He said that he had made a mistake and that he wanted me to be dean. I explained that I was in Williamsburg for the next two days and asked if we could talk on Sunday. He said that he wanted to come to Durham in person to talk with me. I tried to dissuade him of this; it was a long trip and we could talk by phone. He was insistent on getting together and we agreed to meet at my house on Sunday morning.

He and his wife, Brenda, arrived as planned on Sunday. Michael and I talked for several hours and I agreed to think about whether to accept the offer. I never would have accepted if it were not for my tremendous respect, admiration, and affection for Michael Drake. I do not know, and likely will never know, all of the pressure that he faced to fire me. But I know that he sincerely believed that in light of the opposition I would not succeed as dean and that if he went forward with me as dean, coalitions that he worked hard to build would be irreparably harmed. Sitting on the couch in my living room, he assured me that I would have the ability to say what I wanted if I became dean. He strongly reaffirmed his commitment to the law school.

On Monday morning, I called and accepted the position. We quickly drafted a statement which was released to the press. Within two hours of the announcement, I received over one hundred phone calls and over five hundred email messages. It was national and local news. The headline the next day of one of the local papers, the *Raleigh News and Observer*, had as its headline, "Professor Will Be Dean After All," with a picture of me on the front page.⁶ That night I was in the Raleigh-Durham Airport to go to speak at a judicial conference. I went into the shop there to buy some gum and the woman behind the counter kept staring at me. Finally she said, "Wasn't your picture on the front of today's paper?" I nodded and she looked at me and said, "What were you arrested for?"

5. See, e.g., Editorial, *A Bad Beginning at Irvine*, N.Y. TIMES, Sept. 14, 2007, at A20; Douglas W. Kmiec, *In Chemerinsky's Defense*, L.A. TIMES, Sept. 14, 2007, at A19. During these few days, I generally did not talk with the press about it. One exception was that the op-ed page editor of the *Los Angeles Times*, Nick Goldberg, called and asked me to write an op-ed. I initially refused, but when I could not sleep that night, I got up and wrote a piece expressing my dismay at being fired and my hope that UCI would go forward and create a great law school. Most of all, I wanted to express why I thought it so important that law faculty use their expertise to take public positions and educate the public, even on controversial matters. Erwin Chemerinsky, *Chemerinskygate: Academic Freedom Matters, as My Case Proves. Professors Must Be Free to Speak out on Vital Issues*, L.A. TIMES, Sept. 13, 2007, at A23.

6. Jane Stancill, *Professor Will Be Dean After All*, RALEIGH NEWS & OBSERVER, Sept. 18, 2007, at A1.

II. GETTING STARTED

There were two key steps in getting started: recruiting terrific top-level administrators and hiring an outstanding founding faculty. I had been in legal academia long enough to know the critical importance of the assistant and associate deans who manage every aspect of the school. And my plan for creating a top law school from the outset was to recruit a founding faculty of eight to ten stars from top-twenty law schools. This would send a message of who we intended to be and help recruit great students and faculty. Drake and Gottfredson agreed to this approach of hiring eight to ten founding faculty to arrive a year before any students and to spend that year (2008–09) planning the law school.

I was committed to teaching at Duke Law School during the 2007–08 school year, and actually was teaching a significant overload of four classes in the law school plus an undergraduate political science class of two hundred and fifty students. It was an exciting, though crazy, year. I came to Orange County from Durham once every week from late September through mid-March. I never missed a class at Duke, but often did it by taking a six a.m. flight from the East Coast and a redeye back that night. But there was no other way to do the recruiting and hiring, and other tasks such as planning the initial offices, without being there.

I set out to hire five senior level administrators: an Assistant Dean for Administration and Finance to oversee the building, the budget, and personnel; an Assistant Dean for Communications to handle internal and external communications; an Assistant Dean for External Affairs and Development, obviously to oversee fundraising; an Associate Dean for the Library and Information Technology; and an Assistant Dean for Student Affairs and Director of Admissions. Since we would not have students in 2008–09, we did not need a dean for student affairs yet, but we would need a director of admissions immediately and combining the positions for the first years made sense.

Although it will never appear in any rankings, I think the law school's greatest strength is the quality of these administrators and their staffs. Each of the hirings has its own story. In some instances, it was a personal contact, such as hiring Rebecca Ávila to be the Assistant Dean of Administration and Finance. I knew Becky from her time at the City Ethics Commission when I had served as a member of the Elected Los Angeles Charter Reform Commission. Subsequently, she was the Senior Associate Dean at the Annenberg School of Communications at USC for eight years and I heard that she might be interested in making a change. By December 2007, Becky had accepted my offer and has done a spectacular job of overseeing the hiring of staff in all areas, developing our facilities, and planning our budget.

I had known Rex Bossert for decades from when he was a reporter for the *Daily Journal* and more recently as editor-in-chief of the *National Law Journal*, the preeminent national legal newspaper. Rex has a Ph.D. in English from Stanford

and a J.D. from Northwestern and is qualified to be a faculty member in any law school. We began talking in the fall of 2007 of his joining us as Assistant Dean for Communications and by the following June we reached an agreement. The tremendous extensive publicity surrounding the law school is a credit to his hard work and contacts. One dean from a neighboring law school, upon meeting me for the first time, remarked, "I am so sick of reading about your school. What public relations firm do you use?" "Rex Bossert," I replied.

Other administrators were the result of searches and I hired individuals that I had not known previously. Before I signed on as dean, the University had wisely conducted a search for an Assistant Dean of Development and External Affairs. They presented me three candidates to interview. From my first phone call, I knew that Charles Cannon was the ideal person. He had been at UCLA Law School for nineteen years. In addition to the obvious credentials—extensive experience in development at a University of California law school and in Southern California—I could tell from the outset that we would work well together. A very experienced director of development at another school told me that the key was to have an assistant dean for development who I'd feel comfortable with in a six-hour ride in a small car. I had met far too many development people who reminded me of a used car sales person and Charles was the opposite. He has the sincerity and class that were perfect for the position. I have now been at hundreds of meetings with him and never once has he said the wrong thing or been other than sincere in helping to sell the law school. Charles accepted my offer in the fall of 2007 and began work, as the first employee of the law school, in January 2008.

We did a national search for an Assistant Dean of Student Services and Director of Admissions. Victoria Ortiz was the Assistant Dean at the University of California, Berkeley, and again I knew that she was the right person from our first phone interview. She immediately projects enormous energy and enthusiasm and I knew she would be great at recruiting students. As I gathered information, I learned that she was beloved by students at Berkeley and was a fierce advocate for them within the law school. She proved the perfect fit for us and was instrumental in recruiting our first two classes.

The final senior administrative position was for the Associate Dean and Director of the Library and Information Services. We formed a separate committee to hire for this position. Beatrice Tice, who was the director of the law library at the University of Toronto and before that Associate Director at the University of Michigan, had grown up in Newport Beach and applied for the position. One need only walk into our magnificent library or meet our terrific librarians and library staff to see how fortunate we are that Beatrice joined us.

My description makes the hiring of these individuals sound much smoother than it was. More than once, I had to persuade higher-ups at UCI that not every senior administrator needed UC experience. More than once, I had to fight to get

approval for a higher salary than UCI was used to paying senior administrators and recognition that salaries in law schools are sometimes higher than in other places on campus. But ultimately each of these individuals was hired.

When I arrived in late June 2008, Charles, Becky, and Beatrice were already present and Rex and Viki arrived soon after. At that point, there were ten newly completed faculty offices, but the administrative suite would not be ready for another eight months. We moved into temporary offices with scrounged, used furniture. We had no assistants to answer phones or get supplies or help in any way. We seemed a very long way from being a law school.

We immediately began to hire staff in each area. This, of course, was a process that continued throughout the year and continues even now; as the law school expands, more staff are needed in every area. I truly believe that we have the best administrators and staff of any law school in the country.

Recruiting the founding faculty was an enormous effort with many highs and lows along the way, but ultimately with a happy ending. The first faculty member to sign on was my wife, Catherine Fisk, who was a chaired professor at Duke Law School and before that a professor at USC Law School and at Loyola Law School. I have often remarked, with total sincerity, that the best thing that UCI got by hiring me was having Catherine join the faculty.

Even before I formally accepted the deanship, I asked my former colleague at USC, Carrie Hempel, if she would come be the Associate Dean for Clinical Education and Service Learning. Carrie had spent fifteen years as a clinical professor at USC and was the best clinical teacher that I had ever seen. I knew that clinics would be a centerpiece of the law school I wanted to help create and thought that Carrie would be the ideal person.

Mike Gottfredson created an appointments committee to recruit the founding faculty. It was comprised of Catherine and me, who were in Durham, and five members of the UCI faculty who did law-related work (Linda Cohen, Joseph DiMento, Beth Loftus, Michael Clark, and Kerry Vandell). I immediately put together a wish list of potential faculty and asked for suggestions from colleagues and friends. My criteria were simple: I wanted stars at the peak of their career from top-twenty law schools who were outstanding scholars and teachers, and who were nice people. I was emphatic that we should pay no attention to field or area of expertise. I repeatedly said that my goal was a founding faculty that would produce a “wow” reaction from the academy and the profession. It was important that the faculty be diverse in every way, demographically and ideologically.

I decided that the key was to have no shame and that I should not hesitate to ask people if they were interested. I figured that most would be flattered to be asked even if they had no interest. I probably contacted about two hundred top faculty across the country. With one exception, they all were very gracious and expressed appreciation to be asked. To my surprise, about fifty said that they'd at

least think about it and about twenty-five showed serious interest.

I quickly discovered that there was a collective action problem: all wanted to know who else was interested, but none wanted me to disclose their identities to the others. They were clear that their signing on depended on who else was coming, but that made it a circular problem. Many strategies were developed to deal with this. I asked for permission to share the names confidentially with others who were interested and most agreed. We held a lunch at the AALS annual conference in January 2008 for the faculty who had expressed serious interest. We did so at a restaurant far from the convention site where we could get a private room. In February 2008, we offered to fly all who were interested, and their families, to UCI for a weekend together, including a dinner at Michael and Brenda Drake's house. Southern California in February is a wonderful recruiting tool, especially for those coming from cold climates.

Altogether we made about twenty-two offers. Each of the candidates came to Irvine and spent a day on campus, meeting members of the hiring committee and the administration, seeing the campus, and looking at housing. One of the great recruiting advantages for UCI is a large neighborhood of faculty housing on campus, University Hills. I tried to be present whenever I could for the day-long visits, but my teaching schedule at Duke often made this impossible. Also, the faculty candidates met with the supporters from the community who had been instrumental in creating UCI School of Law. This group of volunteers—including Joe Dunn, Judge Andy Guilford, Tom Malcolm, Mark Robinson, Justice David Sills, Gary Singer, and Jim Swinden—were always available to help sell the new law school and Orange County.

I had never negotiated with law faculty before and it was an amazing experience. In thirty years as a law professor, I had never once negotiated for anything, always accepting the contract I was offered. Some of those to whom I made offers responded in exactly this way. Others engaged in protracted negotiations about everything from office size and location to type of house to salary and research money. I found myself discussing things like software packages and distance from offices to bathrooms. (Through it all, Mike Gottfredson showed amazing patience and support in helping to recruit the founding faculty.)

I constantly found that individuals were reluctant to commit until they heard who else was coming. Some who said that they were going to accept changed their minds. There was one discouraging day when five people declined offers. But over the course of a couple of months a fabulous founding faculty accepted. They were (with prior institutions): Dan Burk (University of Minnesota), Catherine Fisk (Duke), Carrie Hempel (USC), Trina Jones (Duke), Carrie Menkel-Meadow (Georgetown), Rachel Moran (University of California, Berkeley), Ann Southworth (Case Western), Grace Tonner (University of Michigan), Beatrice Tice (University of Toronto), and Henry Weinstein (a thirty-year reporter at the *Los Angeles Times* and previously an adjunct professor at USC). We also had on our

founding faculty four members of the UCI faculty who did law-related work and had been integrally involved in the planning of the law school: Joseph DiMento (international and environmental law), Linda Cohen (law and economics), Beth Loftus (law and psychology), and Kerry Vandell (law and business). The plan was for the founding faculty to arrive in the summer of 2008 and spend the following year hiring more faculty and planning the curriculum and other aspects of the school.

During the 2008–09 school year, a major focus was on faculty recruitment and we made twelve offers with the hope of adding six more faculty before the students arrived in August 2009. We had the entire founding faculty serve as the appointments committee with Catherine Fisk and Trina Jones serving as co-chairs. We discovered that tensions are inevitable in faculty hiring as there were, at times, disagreements over particular candidates. I had naively thought that having a dozen offers to make, with dozens more in the years to come, would lessen tensions. So often fights over faculty appointments seem to be based on battling over scarce resources. But all of the founding faculty members were deeply invested in the school; they had all made sacrifices and taken risks to come and felt passionately about who we should and shouldn't hire. In the end, an exhausting process led to seven wonderful new members of our faculty: Mario Barnes (University of Miami), Alejandro Camacho (Notre Dame), Jennifer Chacón (University of California, Davis), Stephen Lee (our first entry-level hire who was coming from a fellowship at Stanford Law School), Christopher Leslie (Chicago-Kent), Tony Reese (University of Texas), and Chris Tomlins (American Bar Foundation).

Our goal was to hire four additional faculty during the 2009–10 school year and we succeeded in hiring three, but with two offers still outstanding as the individuals had commitments that made coming for 2010–11 impossible. Our next group of hires, who joined us in 2010, were Sarah Lawsky (George Washington University), Michael Robinson-Dorn (University of Washington), and Christopher Whytock (University of Utah).

The plan is to gradually expand the faculty to about fifty-five, with forty academic tenure-track faculty, ten clinical faculty, and five lawyering skills faculty. It means that we will be doing substantial hiring for a number of years to come.

The final initial challenge was recruiting our inaugural class. I worried constantly over how we could get outstanding students to come to a new, unaccredited law school. I had studied the history of other new law schools and knew that none had begun with what we wanted: students of the caliber of a top-twenty law school. In fact, in December 2008, I went to Chicago to meet with officials at the American Bar Association who oversee the accrediting of law schools and they told me that the kind of faculty that I was trying to recruit would have to get used to dealing with far less qualified students than they were accustomed to at a new school. I said nothing, but was determined that would not

be the case.

Perhaps the single most important choice was an agreement with Michael Drake and Mike Gottfredson that we would begin with an inaugural class of sixty students. I thought that we could get sixty excellent students to come, but not two hundred. We had much to offer: a great founding faculty, a spectacular student-faculty ratio, and the excitement of being part of creating a new law school. To help begin the recruiting process, in the spring of 2008, I hired Karen Lash as a consultant. Karen had been an Associate Dean at USC before moving to Washington, D.C. to take a top-level position at Equal Justice Works. I had hoped that Karen might come to UCI as a senior administrator, but her family situation made a move back to the West Coast impossible. But Karen agreed to oversee the creation of our website to be ready with the arrival of the founding faculty in July 2008. I realized that one concern of prospective students would be over employment possibilities. Karen received promises from about seventy-five law firms, government offices, and public interest organizations that they would come interview on campus and seriously consider hiring our students. This was then prominently displayed on our website to provide reassurance to those applying to law school.

Still, I constantly worried whether this would be enough to bring great students to a new law school. After moving to Irvine, I spent the summer of 2008 going around to law firms and giving lunch talks. In the midst of one of these speeches, it occurred to me that we needed to raise enough money to offer every student in our inaugural class a full scholarship for three years of law school. I initially floated the idea past Charles Cannon, who responded enthusiastically. Undoubtedly, the scholarships were crucial in attracting our inaugural class. Our announcement of the plan for full scholarships for all students attracted national media attention.

Viki Ortiz traveled the country recruiting prospective students. We created an admissions committee, chaired by Carrie Hempel. Every admitted student received a phone call from Viki notifying him or her of the decision and then a phone call from me. We had no idea how many students to accept to achieve our goal of sixty; we had no track record and no other new law school had ever done this. We received 2,743 applications and accepted 110 students and were stunned when 68 accepted our offer of admission. There was a moment of worry because the largest room we would have for 2009–10 would seat sixty-two. But slowly and predictably, we lost some students; amazingly our inaugural class ended up with our target of exactly sixty students. Most importantly, they were terrific. By the numbers traditionally used to measure entering classes, LSAT and GPA, they were of the caliber of a top-twenty school, with a median LSAT of 167 and a median GPA of 3.61. But that does not begin to describe them. They are the best students that I have had in thirty years of teaching and have shown incredible energy and initiative in creating the institutions of the law school.

Our goal was to expand to eighty students for 2010–11. Unfortunately, it was not realistic to offer full scholarships to all students. But I knew that as a new law school, we still needed something dramatic. In December 2009, we announced that all students in the second class would receive at least a fifty percent scholarship. Once more, we did not have an idea of how many to accept to yield our target of eighty students. We accepted about 165 students and have 83 in our second entering class, a truly amazing yield exceeded by only Yale and Harvard. Most importantly, we were able to expand the class while maintaining the high quality of the students. By the numbers, the second class is virtually identical to the inaugural class. The top twenty-five percent LSAT is a point higher and the seventy-fifth percentile is a point lower, but those are not statistically significant differences.

The goal is to slowly expand to 200 students a class. Drake and Gottfredson have been emphatic that the class should be expanded only as the quality of the students allows. The hope is to add about twenty students a year. Also, beginning in 2011–12, it is expected that we will have transfer students.

One last aspect of getting started is worth mentioning: our facilities. Long before I got involved, it was decided that the law school would be primarily located in Berkeley Place, a two-building complex on the corner of the campus. It was ideally located for a law school. It was next to the business school and near the schools of social science and social ecology, which would facilitate interdisciplinary work and joint appointments. It was close to graduate student housing. (It should be mentioned that UCI helped our student recruiting enormously by promising that there would be space for every interested student to rent an apartment on campus.) Berkeley Place was next to a large parking lot which could be the eventual location of a new law school building.

But Berkeley Place also had many limitations. It was initially built as a 24 Hour Fitness center and private office space. It was never meant to house classrooms or a law library. One of the shocks upon arrival was learning that the upper floors could not hold the weight of library books; law library books weigh 150 pounds per square foot and the upper floors could hold only 100 pounds per square foot. The solution was to put compact shelving on the first floor and seating, with only minimal shelving, on the second floor.

The law school was initially allocated all four floors of one side of Berkeley Place and half of the first floor of the other. It was quickly realized that this was grossly inadequate space. I learned that despite all of the careful planning for the law school, no one had determined the space required for a law school or whether Berkeley Place was adequate. Upon arriving in 2008, a great deal of time was spent on planning space. After explaining our needs, we were allocated the rest of the first floor of the north side of Berkeley Place to build large tiered classrooms (the only place where the floor and ceiling were far enough apart to permit this) and a significant amount of space in a building directly across from Berkeley Place, a

multipurpose classroom and administration building. Detailed plans were developed to account for every inch of space. The choice was made to develop the facilities as if this would be the permanent home of the law school. It was essential from the outset to have facilities comparable to other top law schools around the country.

Construction was to occur in phases. The first phase was ten faculty offices and a conference room to be ready in July 2008 for the arrival of the faculty. Next came construction of the administrative suite and then the library, some classrooms, more faculty offices, and an outdoor student lounge to be done by the opening of classes in August 2009. The next phase, ready for August 2010, included six new classrooms, eighteen more faculty offices, space for the clinics, and an indoor student lounge and offices for student organizations such as law review, moot court, student bar association, and others. It has turned out wonderfully and credit for the huge effort goes to individuals such as Becky Ávila, Darryl Brown, Lisa Rehbaum, Pam Parham, and Dave Tomcheck.

Additional construction will provide a trial courtroom and a large classroom (completed in January 2011), expansion of the library, and additional faculty offices and classrooms on the fourth floor of the Law Building. The result is that by 2012, we will have fifty-five faculty offices, fifteen classrooms, and space for all else the law school needs to house. It will initially feel spacious, then comfortable, then crowded, and then over-crowded. Ultimately, the plan is to build a new law school building within about ten years. But the wonderful facilities that have been created for the law school have reduced the pressure to do this and have allowed development efforts to focus on student scholarships, faculty chairs, clinics, and centers rather than a capital campaign.

III. THE VISION

I felt from the outset that if we simply replicated other law schools we will have failed. There is not a need for another law school like all of the others that already exist.⁷ At our first meeting of the founding faculty in August 2008, I began by saying that we had the chance to create the ideal law school and in all of our choices we should be guided by that objective. I have repeated that at the first faculty meeting at the beginning of each year.

My central vision is that I want us to do the best possible job of preparing students for the practice of law at the highest levels of the profession. I certainly did not graduate from law school ready to practice law. On my first day at my first job after graduating from law school, as a trial attorney at the United States Department of Justice, my supervising lawyer told me that an answer to a

7. I am often asked whether there was a need for a new law school. I am never quite sure how to answer. Ultimately, my answer is that there is always a need for more terrific lawyers and I believe that we have the ability to do something different and better in training lawyers.

particular question could be found in the local rules of the federal district court. I did not know that there were local rules of the federal district.

Law schools do many things well, including teaching students skills such as the ability to read cases and construct legal arguments, and instructing students on the doctrines in many areas of law. But as many reports have noted, law schools are far less successful in preparing students for the practice of law.⁸ There are many reasons for this. I believe that elite law schools have long eschewed this as a primary objective. Long ago, they adopted the mantra that they teach students to think like lawyers and leave practical training for after graduation.

Also, the nature of most law school classes, a single instructor in front of a large number of students, does not lend itself to training in skills. This format of instruction works for conveying information, but skills cannot be learned in this way. No one would learn how to be a tennis player or a play a musical instrument by exclusively or primarily sitting in a classroom; that is true of any skill. More subtly, having a single instructor in front of a large number of students limits most evaluations in law school to the grade from a single final examination. No skills are taught by this experience; there is not even good instruction on the skill of taking law school exams because generally students receive no feedback other than a grade about their performance.

I also fear that the lack of skills training in most law schools is, in part, because most law school faculty are not equipped or oriented towards doing this. The trend over the last couple of decades, especially in elite schools, is to hire individuals with Ph.D.s, but with no practice experience. Even those who have practiced before going into teaching generally have done so for only a very short time. I have observed that very few faculty at elite law schools are actively engaged in the practice of law. My impression is that this has decreased over the thirty years that I have been an academic, partially because publication and other demands have increased and partially because those being hired are less oriented towards doing so.

Certainly, adjunct faculty, lawyers who are engaged in practice, are equipped to offer such skills training and every law school has a number of these individuals teaching in the upper-level curriculum. Also, some law schools now have “professors of the practice,” experienced lawyers who are hired full-time precisely because of the experience they bring to the school.

I also do not mean to overstate. There are law professors at many law schools very actively engaged in the practice of law. Throughout my career, I have handled both criminal and civil appeals, and I have served several times on government commissions.⁹ This is true of other faculty members, though my

8. See, e.g., WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 28 (2007) (often referred to as the “Carnegie Commission Report”).

9. I served as chair of the Elected Los Angeles Charter Reform Commission, as a member of

sense is that at most elite schools there are only a few such individuals.

All of this has combined to the quite valid criticism that law schools do not adequately prepare students for the practice of law. My vision of UCI School of Law is that we can do much better.¹⁰ One of the important things that we are doing to accomplish this is to require a clinical experience of all students as a condition for graduation. There are only a handful of law schools in the country which do this. I often have remarked that it would be unimaginable for a medical school to graduate doctors who had never interacted with patients or to say that it is just going to teach its students to “think like doctors.”

I strongly believe in the value of live-client clinics. Undoubtedly, I am influenced by my own experience in law school where by far my best experience was the two years I spent working at the Harvard Legal Aid Bureau. I repeatedly had the chance to meet with clients, to counsel them about their legal problems, and to represent them in court, including arguing a case in the Massachusetts Appeals Court.

Handling real cases gives a sense of law practice that can never be provided by a simulation. Real-world situations come with ambiguities and problems and unexpected developments that no classroom experience or simulation can offer. Most importantly, having a real client, with all of the responsibilities that entails, is an experience that no simulation can provide. Clinics allow students to develop practice skills under close supervision. Clinics allow students to see how doctrine and theory come together with practice.

Although most law schools now have clinics, few require a clinical experience because of the costs of clinical education. Supervising students handling legal matters requires a small student-faculty ratio. As mentioned above, our plan is to have at least ten clinical faculty. If each supervises eight students a semester, we will be able to handle 160 students a year in in-house clinics. We can boost this somewhat by using fellows, academic tenure-track faculty, and adjuncts to teach in clinics. For example, academic tenure-track faculty and adjuncts can be very successful in supervising appellate litigation clinics, where students brief and argue cases in courts of appeals. Additionally, there are some experiences—such as prosecuting misdemeanors—that a law school clinic cannot provide. By supplementing in-house clinics with a few carefully chosen external opportunities, we will be able to provide a clinical experience for all students.

the Governor’s Task Force on Diversity in State Government, and as chair of the Mayor’s Task Force on Government Contracting.

10. I recognize a tension in the objectives for the school that I have described. Having a faculty recognized as among the top twenty in the country requires hiring individuals who are prolific scholars with a national reputation in their fields. This, though, is not the same group of people who necessarily will be best suited towards the training in practical skills. My answer is to have a big tent; a law school faculty should be large enough to have faculty who are engaged in cutting-edge theoretical work and to have faculty with substantial practice experience.

The goal is to create clinics that provide students a sophisticated legal experience like that which they will have once they enter full-time practice. The cases must be ones which the students can handle; the students must be the ones who interact with the clients, who handle the negotiations, who do the drafting, and who argue the matters in court. It is important that the school offer a mix of litigation and transactional clinics. Our first clinic was an environmental law clinic, in part because of a \$2 million gift we received for this. It is expected that our next clinics, to be in existence for our inaugural class's third year, will be an immigration law clinic, an appellate litigation clinic, and a small business/community economic development clinic. Additional clinics will be created in subsequent years.

One other aspect of the clinics needed to be addressed. I have observed at most law schools that clinical faculty are essentially second-class citizens—or worse. For example, at most elite law schools, clinical faculty members are not eligible for tenure; they work on renewable contracts. At many schools clinical faculty members cannot vote on faculty appointments. If we were going to make clinical education a central part of the law school, we needed to handle this differently. Our clinical faculty members are eligible for tenure and, in fact, our first two clinical faculty members were hired with tenure.¹¹

The faculty at UCI unanimously approved a requirement that all students participate in a clinic in order to graduate. I think it will be one of our most distinctive and most important features.

We also sought to develop a first-year curriculum that reflected our vision about preparing students for the practice of law at the highest levels of the profession. During the year before students arrived, the entire founding faculty served as the curriculum committee. Before our initial meeting to discuss the first-year curriculum, a faculty member circulated a proposal that was very traditional: all the standard courses for the usual number of units. I felt that if we uncritically adopted this we would have squandered the opportunity offered by a blank slate. I suggested to the faculty that we begin by identifying the skills which we wanted our students to learn, and from that, reason to the curriculum we wanted to implement. Perhaps we would decide that the standard curriculum is best, but

11. As with so many things at the University of California, this proved more of a challenge than expected. Academic tenure requires substantial publication. Clinical faculty who meet this requirement certainly can be awarded academic tenure. But many clinical faculty members, owing to the demands of the position, do not have such publications. There is within the University of California an official designation for "Lecturers with Security of Employment" or "Lecturers with Potential for Security of Employment." Security of employment is functionally the same as tenure; it requires "good cause" for termination and a procedural hearing. Our clinical faculty members thus receive the "working title" of "Clinical Professor of Law," and they have either security of employment (in every way the same as tenure) or the possibility of security of employment, depending on their experience level. We have adopted the same approach for our Lawyering Skills faculty.

even then we would have a better sense of why we were doing this.

Over the course of many months, we had extensive discussions at faculty meetings over the content of the first-year curriculum. Frankly, they were the best faculty meetings that I had ever experienced. Everyone present shared a common objective and eagerly participated in the collaborative experience. I do not recall a single instance in which tempers flared or conflict arose during these discussions, though there were many disagreements and divergent views about what we should do. Our central challenge was to be sufficiently traditional to be credible, but sufficiently innovative to justify why we exist.

One of our first choices was to have a significant course on lawyering skills during the first year. All law schools have some type of legal writing and research course; unquestionably these are among the most important skills students need to learn. My sense is that these courses vary tremendously in quality. My own course in law school was taught by a teaching fellow and had remarkably little content or feedback. I have observed such classes at other law schools and have the impression that the grade in many of these courses turns on how well students do with citation form and knowing *The Bluebook*. I have written hundreds of briefs and have never once heard a judge criticize my “bluebooking” even though I only vaguely know these rules and often guess.

The hope is that we can do a better job of teaching writing and research, but the objective is also to teach other skills that lawyers use. For example, all lawyers must negotiate; so we should teach negotiation skills as part of the first-year class. All lawyers must do fact investigations; so we should teach about this in the first-year class. All lawyers must do interviews, such as of clients and prospective witnesses; so this, too, should be taught in the first year. In fact, we arranged with local legal aid and public defenders offices to allow our first-year students in their second semester to do intake interviews of actual clients. Initially, the students must watch an experienced lawyer do this and then the students are required to do the interviews. I think we may be the only law school in the country that has first-year students interacting with real clients.

We spent a great deal of time at our faculty meetings discussing how to integrate interdisciplinary perspectives into the first-year curriculum. As discussed below, I felt strongly from the outset—and the faculty agreed—that we should be extensively interdisciplinary. UCI has many faculty on campus doing superb work in law-related areas and this provides us a wonderful and unique resource. We considered many proposals: a separate class in the first year on interdisciplinary perspectives; having week-long courses in the middle of the semester to focus on specific fields; asking each professor to integrate interdisciplinary materials in his or her course. Each of these has virtues, but also serious drawbacks. A separate course, during the semester or in the midst of it, would remove interdisciplinary studies from the rest of the study of law. We looked at schools that tried this and the results were not encouraging. Asking everyone to do this likely would mean

great inconsistencies among faculty; some would do so extensively, others likely hardly at all.

Ultimately, the solution we came to was to identify one course during the first year as the portal for teaching some interdisciplinary perspectives. All who would teach it would agree to give some instruction in law and economics, in law and psychology, and in law and society. After discussion, we settled upon a year-long first-year course in the Legal Profession as a way to accomplish this.¹² It was attractive to put this in the first year as a way of teaching ethics and professionalism from the beginning of law school. But it also was a wonderful way of teaching interdisciplinary perspectives as there is a rich literature about the economics of the profession, the psychology of being a lawyer, and the legal profession from a law and society perspective.

Quite importantly, the Legal Profession course also fit as a way to implement the vision of preparing students for the practice of law. Every first-year student was assigned to an experienced lawyer mentor and required to spend at least twenty-five hours following the lawyer around. This would help give students a sense of what lawyers really do. As part of the Legal Profession course, each student was required to do an extensive interview with an attorney and write a paper about it; many students did this with their mentors. Also, the Legal Profession course brought in panels of lawyers from many different practice areas. I have the sense that law students, especially at elite schools, have a very narrow sense of the opportunities available as lawyers. These panels provide the students a much broader sense of possibilities and of career paths. I have heard many students say that the speakers from this class and from a speakers' series put together by Professor Henry Weinstein were the best part of their first-year experience.

We also had extensive discussions about the rest of the first-year curriculum, including what courses to teach and whether there should be an elective. A key moment occurred when a faculty member observed that, more than anything else, we are teaching analytical methods in the first year. I then suggested that we could organize the first-year curriculum around these methods of analysis. As our discussion developed, we agreed that analysis depends on the source of law; statutory analysis is different from common law analysis and both are different from constitutional analysis.

We decided to organize the remainder of the first-year curriculum, in addition to Lawyering Skills and Legal Profession, around these methods of analysis. Students would take courses in common law analysis, in statutory analysis, in procedural analysis, in constitutional analysis, and in international legal analysis. Substantive law would be used to teach about the methods of analysis so

12. Ann Southworth & Catherine Fisk, *Our Institutional Commitment to Teach about the Legal Profession*, 1 U.C. IRVINE L. REV. 73, 81–83 (2011).

that students also would gain the traditional doctrinal knowledge. We decided to use contracts and torts to teach common law analysis and to leave property as an upper-level elective. In the fall, students would have a course on Common Law Analysis: Private Ordering, which would be primarily about the common law of contracts; in the spring, they would have a course on Common Law Analysis: Public Ordering, which would focus on torts. In the fall, there would be a course on Statutory Analysis, which would use criminal law as the basis for teaching about reading and arguing over statutes. The fall also would include a course on Procedural Analysis, which would focus on civil procedure, but ideally also teach about procedural rules generally and use examples from other areas as well. In the spring, there would be a class on Constitutional Analysis.

After months of discussion, a consensus developed to structure the curriculum in this way. That left one final decision and there was substantial disagreement over whether to teach international legal analysis in the spring or to have an elective that semester. Each side of this debate made persuasive arguments and ultimately the vote was not close: the choice was made to have a required class on International Legal Analysis in the second semester of the first year. The faculty was persuaded that analyzing international law issues is different from handling matters under others kinds of law and that globalization meant that a significant percentage of our students would have to deal in their careers with transnational legal issues.

It is too soon to assess the success of this curriculum. I think that the crucial question will be the extent to which we changed more than just the labels. My sense is that in some areas we have succeeded more than in others. Having read all of the student evaluations from the first year of classes and having talked to many of the students, it seems that both the Lawyering Skills and Legal Profession classes were tremendously successful and unlike anything that I have heard of at other law schools. It will be important after a couple of years to assess the first-year curriculum to see what has worked and to be sure that we are succeeding in a different approach.

During the 2008–09 school year, the attention on curriculum was almost entirely focused on the first year. Since we were beginning with sixty first year students in August 2009, it was less necessary to plan the upper-level curriculum. We set out to do that during the following year and found it to be more challenging than we expected.

We quickly decided that everything in the upper-level curriculum should be electives except for two requirements: a major paper to fulfill an upper-level writing requirement (as mandated by the ABA and as is common at all law schools) and a clinical experience. We decided to have no other upper-level requirements beyond the number of units needed for graduation.¹³ There were

13. The ABA also requires that students take a course in professional responsibility and a

arguments made for various courses being required—Property, Evidence, Business Associations, Administrative Law, and so on. I have been a law professor long enough to know that an impassioned argument can be made for countless courses being a requirement. But in the end we felt that students should be able to choose their classes based on their interests and that we would do our best to provide advice and guidance in course selection.

The challenge for the faculty was how to talk about the upper-level curriculum if everything is an elective. We decided on a few things. One is to encourage the incorporation of skills training into traditional doctrinal courses. For example, while at Duke, I taught a course on civil rights litigation and had all students draft a complaint, engage in a negotiations exercise, and do a discovery plan. The reaction of the students was overwhelmingly positive. I know that some of my colleagues have revamped their upper-level courses to include more simulations and more opportunities for exercises throughout the semester.

Another choice was to create capstone courses for the third year. These will be classes based on actual problems or simulations that allow students to integrate what they have learned in diverse classes and to apply the material as they will need to do as lawyers. We surveyed capstone courses across the country and discovered that the phrase has no consistent meaning. In some schools, a major, in-depth paper can be labeled a “capstone experience”; in other schools, it requires a practice experience.

We have agreed that “capstone” will have a more definite meaning at UCI. The goal is to allow students to take what they have learned in several classes in a field and apply this to a complex problem. These might be based on actual ongoing issues so their work might be of benefit to those handling the matter. Or a capstone might be built around a carefully constructed simulation. But the common goals of all of the capstones should be synthesis and application; they should allow the students to synthesize material learned in separate classes and to apply it to a new situation. A committee will be working during the 2010–11 school year to have these ready for the inaugural class in its third year, 2011–12.

Although my central vision for the school was preparing students for the practice of law at the highest levels of the profession, there are other core aspects of my vision as well. One is that there should be a tremendous emphasis on interdisciplinary study and understanding. I think that the most important development since I was in law school in the mid-1970s has been the realization that law is inherently interdisciplinary; it is informed by disciplines such as economics, psychology, sociology, and anthropology, and these disciplines in turn study law and offer tools for understanding it. In this sense, I applaud the increase

skills class. We did not need to require these in the upper-level curriculum because professional responsibility already is in the first year as part of the Legal Profession course and skills instruction is a part of the Lawyering Skills class and the clinical requirement.

in the number of law faculty with degrees in other disciplines and the great rise in interdisciplinary scholarship. At the same time, I realize that law schools exist preeminently for training students to be lawyers and a faculty must be a big tent, with room for faculty deeply engaged in the practice of law and for faculty who have never practiced law at all.

One challenge for law schools has been that interdisciplinary study had to be accomplished through existing structures; we had the advantage of being able to create structures from the outset to facilitate interdisciplinary research and teaching. Most law schools have accomplished this by hiring within the law school experts in fields such as economics and psychology and history. Although we, too, will do this, we also want to take more advantage than at other schools of the faculty already at UCI in other schools and departments. We began with four faculty from other departments as part of the law school faculty and now have added four others. The hope is that they, at times, will teach for us and often participate in faculty workshops and discussions.

We are working to create dual degree programs in many areas, ranging from M.B.A.s to M.D.s to Ph.D.s in various fields. Also, we want to strongly encourage our students not in dual degree programs to take courses in other departments and students in other departments to take courses in the law school. For instance, in addition to students in the J.D./M.B.A. program, many law students would benefit from taking classes in the business school and many business students would benefit from taking courses in the law school.

We hope, too, that our programs and centers will have a strong interdisciplinary focus. Thanks to a gift from the John and Marilyn Long Foundation, we have created, along with the business school, a joint U.S.-China Institute for Business and Law. We are in the process of creating an interdisciplinary Center on Race, Equality and the Law. Our hope is that our clinics might involve graduate and professional students from other disciplines.

Another key aspect of the vision for the school is an emphasis on public service. I went to law school because I wanted to be a civil rights lawyer. But ever since I was a law student, I have been dismayed at how little most law schools do to help students who want to pursue careers in public interest law. At many law schools, students hear about the importance of public service in the dean's welcoming address at orientation and at the commencement speech at graduation, but rarely in between. I have witnessed time and again the pressures, subtle and overt, that channel students away from work in government and public interest organizations.

To be clear, I want the UCI School of Law to help each student find his or her ideal job. Of course, we will do everything to place our students who want to work in firms in that setting. My hope is that these students will do pro bono work at these firms. We have worked hard to arrange for firms to interview at UCI and to help our students get these positions.

But at the same time, it is very important to do all we can to encourage and assist those students who don't want to go to a law firm and who want to pursue public service work. Some of the things are subtle in changing the message traditionally sent to first year students. The problem for first-year orientation is about access to justice. The problems for the Lawyering Skills course arise in a legal services context, not a corporate or business context. Throughout the first year, there are speakers, in the Lawyering Skills class and the student speaker series, who have pursued successful careers in public interest and government settings. As mentioned above, during the first year, all students must do intake interviews at a legal services or public defenders' office, and during their third year all students must participate in a legal clinic.

The faculty adopted a policy strongly encouraging pro bono work for students and faculty. After careful deliberation, it was decided not to make this mandatory, which could cause resentments against pro bono work, but to do all we could to encourage it. We hired a terrific director of pro bono programs, Anna Davis, and she set out to immediately provide opportunities for students. In the first year, 2009–10, fifty-six of our sixty students did pro bono work. Over thirty exceeded the recommended number of hours.

It is crucial that we have a Director of Career Services who has public interest experience and who puts great emphasis on assisting students who wish to pursue this career path. I have seen career services directors at other law schools who implicitly, or sometimes even explicitly, pushed students towards law firms and away from working at public interest settings. I thought it essential that we arrange for a significant number of public interest and legal services organizations to interview our students during "on-campus interviewing." One of the subtle pressures away from public interest is when all of the employers at on-campus interviewing come from law firms.

My goal is to provide a summer grant to every student who wishes to work at an unpaid government or public interest job during law school. The inaugural students created a Public Interest Law Fund to raise money for this and conducted a very successful auction. Also, we will fund these through the Al Meyerhoff Public Interest Fellowships, created in memory of a leading public interest lawyer with the assistance of his widow, Marcia Brandwynne. I am pleased that for our inaugural class we were able to provide a fellowship to every student needing one and hope that we will continue to do so in the future.

Before accepting the deanship, I received a promise from the Chancellor and the Provost that we could match the best loan forgiveness program that exists in the country. Although our inaugural class has full scholarships for all three years, after that such a program will be essential in facilitating students pursuing careers in public interest settings.

There is one final aspect of my vision for the school that is less tangible, but no less important. My hope is to create a law school that is a warm community.

Students, staff, and faculty all play different roles, but my hope is that we all will be united by our desire to develop a very special law school. I want us to be known among law schools as being unique in the community that we have created.

All institutions have cultures. I have realized it is so important from the outset to make conscious choices about the culture we want to create at UCI School of Law. Cultures are the product of countless small choices. For example, my contribution to the architecture of the law school was an insistence that there be comfortable chairs outside of all faculty offices so students waiting to see faculty members feel welcomed and don't have to sit on floors. We try to put candy out in these locations to make them seem warm and welcoming. There is a strong norm of faculty being accessible to students, through office hours and times for informal interactions.

I was insistent that there be both an outdoor and an indoor student lounge from the time students arrived so there were comfortable places for students to study, relax, and interact. The choice was made that there would be no competitions during the first year—not moot court or mock trial or client counseling. There are enough stresses in the first year and inherent competitive pressures; there is no need to institutionalize this.

We made the choice to have a traditional grading system (A+, A, A-, etc.), but to have no class rank. After talking to many prospective employers, we decided that we would be doing our students a serious disservice if we had no grades. The reality, we were told over and over again, is that employers depend on schools to sort students out through a grading system. We decided if there are going to be grades, a system with more gradations (such as with letter grades and pluses and minuses) is fairer and better than one with less (such as with the increasing trend towards systems using “High Honors,” “Honors,” “Pass,” and “Fail”). With fewer gradations, more inherently turns on smaller distinctions that have little meaning. The difference between the lowest “High Honors” and the highest “Honors” is inevitably negligible. But the difference in the weight for a grade point average is enormous. We also decided to create portfolios as a way to encourage students to keep work throughout law school in a form to show prospective employers so that they have more than grades to be evaluated on. It is too soon to know whether this will work.

Many other choices have been made in an effort to create a warm community. Once a semester, we have a joint meeting of all faculty and staff to go over matters of common interest, such as the budget for the year. Once each month we have a gathering of all faculty and staff to celebrate the birthdays during that month and have cake. We begin orientation with a picnic to which all students, staff, and faculty and their families are invited. We complete orientation with a dinner for all students at Catherine's and my house, and have another dinner for all students at our house on the last day of classes. There is a dinner at

our house for the faculty and their families at the start of the school year and a lunch for the staff just before the December holidays. Meetings and events, for faculty and students, are generally held at lunch and food is always provided. Breakfast is provided to the students each day of the exam period.

Many schools do some of these things and each individually is relatively minor. But together, I think that they are creating the warm, nurturing environment that we seek to establish.

CONCLUSION

Being the Founding Dean of the University of California, Irvine School of Law is the most thrilling opportunity that I have ever had. I am tremendously grateful to the faculty, staff, students, and volunteers who have taken a leap of faith and joined in trying to build a very special law school. Most of all, I am appreciative of Chancellor Michael Drake and Executive Vice Chancellor/Provost Michael Gottfredson for giving me this opportunity, for their desire to create a top law school, and for steadfastly working to make that a reality.

This is written in the fall of 2010, three years after I accepted the position of dean, two years after the arrival of the founding faculty, a year after the beginning of classes, and as the second year of classes is underway. Many challenges lie ahead: significantly expanding the size of the faculty and student body, while keeping and even increasing their quality; creating new clinics and programs; raising significant amounts of money to make all of this possible; and continuing to foster a warm community. I have often described my experience as Founding Dean as like a ride on a very fast moving roller coaster. The three years of my involvement have flown by. Every day, week, and month has highs and lows, joys and frustrations. But it is an amazing ride and one I look forward to continuing for many years to come.