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From the Los Angeles Times

UC Irvine chancellor says he 'bungled' Chemerinsky firing

In an interview, Michael V. Drake insists that his reversal was not prompted by outside pressure.

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Los Angeles Times Staff Writers

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Embattled UC Irvine Chancellor Michael V. Drake acknowledged that he had "bungled" last week in firing Erwin Chemerinsky as dean of the university's new law school and said he regretted the way he handled the matter.

In an interview with The Times, Drake said he would not discuss why he rescinded his offer to Chemerinsky, an outspoken Duke University law professor and constitutional scholar, because it was a personnel matter that must be kept private.

But the chancellor insisted that his reversal was not prompted by pressure from the UC Board of Regents or anyone else.

"This is certainly something that I bungled, and I regret it completely and totally," he said. "I am always trying to do what I can to enhance the institution and have it move forward. It's awful that all this has blown up like this. I couldn't regret it more."

After Chemerinsky's firing prompted a national uproar, Drake flew to the professor's home in North Carolina over the weekend, talked through his differences with the professor and rehired him Monday.

But the chancellor acknowledged that his incomplete explanation of why he soured on Chemerinsky last week is not likely to mollify his critics.

"The why of it is straightforward, but I think it's going to be unsatisfactory," Drake said. "It was a personnel issue and there are a lot of things that go into that. We as a university have a policy that we don't talk about personnel decisions.

"First, I don't want to talk about it," he added, "but second, it wouldn't be appropriate to do that."

The regents on Thursday approved Chemerinsky's \$350,000 salary. Chairman Richard C. Blum called the professor a legal "superstar" and said that recruiting him was a "coup" that could greatly accelerate the creation of an excellent law school at UCI.

Drake's comments to The Times came shortly after he addressed the regents Wednesday behind

closed doors during their meeting at UC Davis. He agreed to the interview on the condition that his remarks not be made public until after he met Thursday before an emergency meeting of the UCI Academic Senate.

At that meeting, Drake apologized for not "consulting senior faculty early enough or often enough" in the Chemerinsky matter and for the subsequent fallout. He vowed to establish "a small group of faculty" to advise him on major decisions.

"I have learned a painful lesson. . . . I have to mend bridges damaged by my actions and work to build bridges to the future," Drake told several hundred faculty members who packed a lecture hall. "I am eager to begin, to put this all behind us, and with your help, get back on the road to the brilliant future that awaits us."

Drake then left the meeting to vigorous applause.

His apology, which was followed by the reading of a letter of support for Drake from Chemerinsky, turned the tide of a meeting that some had speculated might lead to a vote of censure.

"Frankly, I never would have even considered accepting [Drake's] offer if not for my great admiration, affection and respect for him," Chemerinsky wrote. "I believe that he and I have formed a very special bond through these difficulties which will help us in going forward."

The two statements led to an hourlong discussion over Drake's leadership.

"Anyone is entitled to make a mistake -- even an egregious mistake," said Ronald Miller, former director of UCI's medical ethics program.

Added psychology professor Elizabeth Loftus, who was on the search committee for the law school dean: "I was impressed by the courage of that apology. If only our national leaders could do something like that."

Others, though, said they won't be satisfied until Drake details how he came to reject Chemerinsky.

"We don't know exactly what happened," said history professor Kenneth Pomeranz. "There is a default story out there. . . . Many of us believe that is not the full story."

The Academic Senate later voted to form a committee to meet with Drake to discuss how his decisions were made and to report back before Dec. 15.

Drake would not discuss what he told the regents. But regents said afterward that the chancellor explained he became "uncomfortable" with his decision to hire Chemerinsky and grew concerned that the independent-minded professor would be "unmanageable."

"There was no single event or reason, but rather several reasons, some subtle, that increased my uncertainty," Drake told faculty members Thursday.

Some regents expressed their displeasure that Drake had dragged the board into the controversy by claiming that some regents would fight the appointment, which was not the case.

Chemerinsky said that when Drake rescinded his offer last week, the chancellor told him he was too politically controversial and that his candidacy would provoke a "bloody battle" before the

regents.

Regents say there is no indication that any of the 26 board members sought to interfere in the hiring. Under UC's bylaws, they say, responsibility for hiring deans rests with the 10 UC chancellors.

But several regents have noted that it is not uncommon for UC administrators to blame the regents for unpleasant decisions or to use the possibility of board action as an excuse, even when the board is not involved in an issue.

One UC official said Drake was trying to make Chemerinsky feel better by referring to the possibility of a political battle when he rescinded his offer. Another said Drake never expected the comment to become public.

One regent called it "a little white lie."

The controversy seemed to be taking a toll on the chancellor, who appeared tense and drawn during the brief interview.

At a dinner attended by top UC officials, one of the diners suggested to Drake that he stop talking and eat. Drake replied that he hadn't eaten in three days.

"This has been an awful period," Drake said during the interview. "I would have wished that I could have avoided it." Drake has been slow to acknowledge publicly that he had mishandled the situation, but he said that was because his blunder was apparent for everyone to see.

"I'm not reluctant to say I made a mistake," Drake added. "Forgive me if I didn't say that. I certainly did make a mistake. Once you've made a mistake and find yourself in the wrong place, the thing to do is to try to correct that and get yourself back on the right path, and I did my best to do that."

Drake declined to comment on allegations that he faced pressure to dump Chemerinsky from well-connected Orange County conservatives and potential donors to the law school.

"There's a lot of information out there that doesn't come from me, and I have no comment on that," he said. "No one pressured me. That's all I can say."

Chemerinsky, in an interview Wednesday, added, "Michael Drake has never shared with me, who, if anyone, called him."

Drake agreed, in part: "It would be easy to say here's what happened. What we need to do is do it right going forward. We have come to an agreement, and I think it's an exciting agreement for a really outstanding law school."

"There's no particular smoking gun," he added. "I just don't know what to say."

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UC Irvine chancellor apologizes to faculty

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IRVINE - The embattled chancellor of the University of California, Irvine, avoided a public rebuke from faculty Thursday as he apologized for withdrawing an offer to make a liberal legal scholar the founding dean of the university's new law school.

"I have learned a very painful lesson this week. I made a series of difficult decisions without consulting senior faculty early enough or often enough," Chancellor Michael V. Drake said at the emergency meeting of the Academic Senate.

"I'm sorry for this and I apologize sincerely for the problems that it caused."

Drake ignited a nationwide debate about academic freedom last week when he abruptly withdrew the offer from legal scholar Erwin Chemerinsky. Chemerinsky, an international expert on constitutional law who represented exposed CIA agent Valerie Plame, said Drake told him the offer was being withdrawn because he was "too politically controversial."

The chancellor denied that he had been pressured to release Chemerinsky. He re-extended the offer - which Chemerinsky accepted - on Monday after a private weekend meeting.

On Thursday, faculty met in a 400-seat lecture hall to decide whether to censure Drake for his actions, wavering between adopting two resolutions - one that some called a harsh censure, and another that was less critical of the chancellor. In the end, the 43-member voting body of the larger Academic Senate voted to table both resolutions for further study.

The decision came after Drake reiterated that he had made both decisions on his own. He added that he had felt "uncertain" about Chemerinsky for the post of founding dean, despite his faith in the scholar's impressive credentials. He did not offer any explanation of why that was, but said he now was reassured and felt Chemerinsky was the best choice.