

# IN PRACTICE

A NEWSLETTER OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW

Volume V, No. 2

Spring 2005

## Inside this issue

Policy-Oriented Clinics— Champions for Changes in Access to Justice .....	1
Post-Conviction Clinic Celebrates Release .....	2
<i>Focus on:</i> Tobacco Control Clinic .....	3
Re-Entry of Ex-Offenders Clinic ..	4
The Drug Policy Clinic .....	6
Student Reflections .....	7
Clinic Hosts Technology Symposium .....	9
Clinic Initiates City-Wide Community Justice Program .....	10
Faculty Publications— Spring 2005 .....	10
Focus on Faculty .....	11

## POLICY-ORIENTED CLINICS— CHAMPIONS FOR CHANGES IN ACCESS TO JUSTICE

**I**t's the start of a new calendar year and with it comes the start of a new legislative session of Maryland's General Assembly. While representatives and senators meet in Annapolis to hear and vote on all kinds of legislation, the focus of some of our clinics shifts from casework to legislation that involves varied issues affecting our clients and their objectives.

Professor Kathleen Dachille's students in the Tobacco Control Clinic will be heavily involved in the General Assembly this session, with legislation being introduced that deals with fire-safe cigarettes and mandatory insurance coverage for smoking cessation. Professor Michael Pinard's students in the Re-Entry of Ex-Offenders Clinic have been actively working with the American Bar Association in establishing a program

on educating defendants about collateral consequences of a criminal conviction and will be involved in upcoming legislation that would restore voting rights for ex-offenders. Professor Ellen Weber's students have been working on an initiative to amend Baltimore City's discriminatory zoning standards for drug treatment services. Professor Mike Millemann's Post-Conviction Clinic students celebrated a victory last semester when the Governor of Maryland reversed the long-standing policy of "life means life" of the previous administration and freed Walter Arvinger, a man imprisoned for 36 years for a crime he didn't commit.

We realize that for some issues, change comes fastest through a change in the law, or basic education for lawmakers about the policy choices that the current law or policy reflects.

*Cont. on page 3*

## FROM THE DIRECTOR...

**T**his issue of *In Practice* focuses on our clinics that expressly include work that directly engages public policy. Sometimes this includes working within the legislative systems of Maryland to effect changes to existing law and policy. Sometimes it is about engaging practices or interpretations of policies by government agents. Inside you will find clinics that cross the spectrum of legal specialties, and a variety of ways that they are addressing issues unique to their practice area.

Brenda Bratton Blom, JD, PhD,  
Director, Clinical Law Program

*A Newsletter of Programs Integrating  
Theory and Practice  
at the University of Maryland  
School of Law*

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## POST-CONVICTION CLINIC CELEBRATES RELEASE



*Walter Arvinger (seated, left) with Dean Karen H. Rothenberg (behind Mr. Arvinger) and members of the Walter Arvinger Legal Defense Team*

On November 26, 2004, 18 months of intense work by students in Professor Michael Millemann's Post-Conviction clinic was rewarded with the commutation of the life sentence of Walter Henry Arvinger by Maryland Governor Robert L. Ehrlich, Jr.

Mr. Arvinger was imprisoned for his participation in a robbery that turned into a murder in 1968. Even though he did not participate in the robbery nor hold the weapon that was used in the murder, Mr. Arvinger was serving more time than the man who actually killed the victim. Mr. Arvinger spent a total of 36 years in prison.

In a reception held at the Law School on December 2, 2004, Mr. Arvinger thanked the students, as well as Professor Millemann and Professor Steve Schwinn for their hard work and dedication to his case. "I'm overwhelmed with joy and I don't have too many words to say right now, but in the future, you'll get to know me," he said. Mr. Arvinger's brother Steven related a story of the first time Mr. Arvinger had told him that someone had finally come to see him. "It was then that we began to hope" for his brother's release, he said. Steven also thanked Governor Ehrlich, even though he was not present at the reception.

Professor Schwinn, in turn, thanked Mr. Arvinger for giving the students the opportunity to work with him on such an important issue. In his comments, Professor Schwinn said, "It's not often that students have the opportunity to be a part of something bigger than themselves." Brian Furlong ('05) and Elisabeth Carmichael ('05), two of the students who worked on the case, also spoke and thanked Mr. Arvinger for the opportunity. Ms. Carmichael described the work that she did on his case as "truly one of my life's most rewarding experiences." Mr. Furlong emphasized that the Clinical Program is a unique situation for students in that "people desperately need our help and we are able to help."

Students involved in the case were able to reflect on the work that was done over the past year and a half in a radio interview with National Public Radio. Brian Furlong, Elisabeth Carmichael, Julie Reddig ('05) and Brendan Hurson ('05) all spoke with Robert Siegel on December 15<sup>th</sup>. A transcript of their reflections is available at <http://www.npr.org/templates/story/story.php?storyId=4229734>. Other law students involved in this case include Joal Barbehenn ('05), Anthony D. Briggs ('05), Chantelle Green ('05), April Hitzelberger ('05), Amanda Just ('05), Phillip Pierson ('05), Alex Tanouye ('05), Matthew Warner ('05),

Jongjit Wongsrikasem ('05), Robert Daniels ('05), Cristina Dugan ('05), John Lennon ('05), Francis McCormick ('05), Andrea K.

Rambarose ('05), Meighan Griffin ('05), Minh-Tam Lien ('05), Joshua Hantman ('05), Sarah Keogh ('05), Marisa Tanphaichitr ('05), Nathan Gardner Andrews ('05), Shoshana Wolf ('05), Lawrence Bullard ('05), Edward Hsieh ('05), Sajeed Popat ('06), Sara A. Reamer ('06), Emily Malarkey ('05), William A. Logan ('06), Jennifer L. Curry ('06), Marc DeSimone ('04), Paul Dillbeck ('04), Erik Arena ('04), and Ryan Easley ('04). A number of the students have continued to work with Mr. Arvinger upon his release, and with his family, to help Mr. Arvinger successfully adjust to a free world that was very different in 1968, when he was last free.

Because of their tireless work on the Arvinger case, these students, along with Professors Millemann, Schwinn and Hutchins, were the recipients of the University of Maryland, Baltimore's 2005 Martin Luther King, Jr. Diversity Recognition Award on February 2, 2005. Mr. Millemann was a law student in the southern civil rights movement during 1967, working in Louisiana, and states that he "saw first hand the wonderful leadership and inspiring work of Dr. King." He says that "the Arvinger project, and the students who worked on it, are very much in that tradition."

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### Policy-Oriented Clinics

Cont. from p. 1

As Clinical education continues to grow and change, faculty and students remain committed to the idea that we are making a difference in Maryland in the pursuit of justice. We remain committed to teaching students that client representation is about solving problems. The best solution is not always in the confines of a courtroom or a settlement conference. Sometimes, the best solution happens in a larger political context.

## FOCUS ON: TOBACCO CONTROL CLINIC

Students enrolled in the tobacco Control Clinic or LTP spend the majority of their time developing and seeking implementation of public policy initiatives under the direction of Kathleen Dacheille, Assistant Professor and Director of the Center for Tobacco Regulation, Litigation and Advocacy. Whether the project involves drafting and advocating for legislation, working with State agencies to promulgate and enforce regulations or educating the public about a tobacco control matter, students must employ creative thinking, precise drafting and persuasive oral advocacy skills to achieve success. During the Fall 2004 semester, students considered fire-safe cigarettes, mandated insurance coverage for tobacco cessation, candy-flavored cigarettes, and foster care regulations to protect children from secondhand smoke.

**Fire Safe Cigarettes** Sarah Brull (3D) and Scott Chutka (3D) tackled the question of whether Maryland should mandate that all cigarettes sold in the State be "fire safe." The students gathered data from the State Fire Marshal on the costs—injuries, deaths and property damage—of fires caused by cigarettes. Researching public health and safety literature and tobacco industry documents, the students learned about the lethality of fires started by cigarettes and how certain design changes could reduce the likelihood that an unattended cigarette would cause a fire. After consulting with the New York agency responsible for promulgating and enforcing that state's fire safe cigarette regulations, the students drafted legislation and a significant policy paper in support of that legislation. Having satisfied themselves, and Professor Dacheille, that fire safe cigarette legislation is necessary and appropriate, the

students began to identify likely supporters and opponents of proposed legislation and testified in a mock legislative hearing in support of the proposal. The students' work will contribute significantly to the effort to

*Kathleen Hoke Dacheille, JD, is Director, Legal Resource Center for Tobacco Regulation, Litigation & Advocacy and Assistant Law School Professor. Professor Dacheille joined the Center after eight years with the Office of the Attorney General where she designed and launched the Attorney General's Program to Reduce Youth Access to Cigarettes and worked with state and local officials on tobacco control matters.*

pass fire safe cigarette legislation during the 2005 session of the Maryland General Assembly.

**Mandate Insurance Coverage for Cessation** Joal Barbehenn (3D) and Zara Friedman (3D) also worked on a policy project that will be presented to the Maryland General Assembly in 2005. Joal and Zara wrote a policy paper explaining why Maryland should mandate that health insurance policies cover certain expenses associated with tobacco use cessation. The report describes the resources available to those who want to quit smoking as well as the efficacy of each method, concluding that comprehensive coverage will increase the number of Marylanders who try to quit and, most importantly, enhance their likelihood of success. The students explain why, in the long term, the investment from insurance companies and employers will result in net savings as well as a

Cont. on page 4

## Focus on Tobacco Control Clinic

Cont. from p. 3

healthier community. State Delegate Dan Morhaim, M.D., was pleased with the students' work and submitted their draft bill to the Department of Legislative Services during the first week of the new session. The Center will continue to support Delegate Morhaim in his efforts.

**Candy Flavored Cigarettes** Twista Lime, Midnight Berry, Cherries Jubilee, and Sunrise Strawberry are not the newest craze in bubble gum or lollipops, though these flavors could easily translate into success for such products. These flavors belong, however, to the newest craze in tobacco—candy-flavored cigarettes and chew tobacco. Students Brooke Courtney (2D) and Gabby DiFabbio (3D) researched the impact of this trend, concluding that the marketing is targeted at kids, the demographic most important to the continued viability of the tobacco industry. Having prepared a comprehensive report on their

research and findings, the students recommended a ban on the sale of candy-flavored tobacco products in Maryland, a legislative proposal that is presently being considered in Massachusetts and California. The report that Gabby and Brooke prepared was shared with advocates in those states, who unanimously praised the content, writing and recommendations in the report.

**Foster Child Exposure to Secondhand Smoke** When the State takes custody of a child and places the child in foster care, the State is obligated to care for and protect the child. Students Lane Hodes (3D) and Caroline Hecker (3D) examined the issue of the State's obligation to protect a child from secondhand smoke when in foster care as a natural extension of the State's existing obligations. After thoroughly researching public health and scientific literature on the health effects of secondhand smoke and analyzing the Maryland Department of

Human Resources, Social Services Administration's regulatory authority, the students recommended that the agency promulgate regulations to forbid foster parents from smoking in the home or car when a foster child is present. Having drafted a set of regulations to accomplish this goal, the students handed the project off to Spring 2005 Clinic students to carry the idea to the State agency.

All of these projects required law students to not only research legal issues, but also to understand the public health and scientific literature relevant to the project. Students employed critical analysis and writing skills, but also employed their creative thinking to problem solve in the public policy realm. As work on these projects continue, a new class of students will seek to have the ideas become law or agency policy in Maryland, having a positive impact on the health of the community.

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## FOCUS ON: RE-ENTRY OF EX-OFFENDERS CLINIC

The Reentry of Ex-Offenders Clinic began at the University of Maryland Law School in the Spring 2004 semester. Originally a Legal Theory and Practice course taught by Professors Sherrilyn Ifill and Michael Pinard in 2003, the clinic was formed as a result of the dramatically increasing numbers of individuals exiting correctional facilities each year, and the particular issues this trend poses in Baltimore City. The clinic has two main goals: (1) to educate students about the myriad legal and non-legal obstacles that individuals with criminal records face upon their release from correctional facilities, as well as the community-based effects of their return, and (2) to contribute

meaningfully to local and state-wide efforts to brainstorm and implement measures that incorporate re-entry issues into the criminal and civil justice systems. While still in its infancy, the clinic has developed projects and partnered with existing community-based organizations engaged in legal, policy, advocacy and/or community education work.

The clinic has developed a project related to the collateral consequences of criminal convictions. Collateral consequences are the indirect penalties that result from criminal convictions. Some of the most pertinent of these include temporary or permanent ineligibility for federal welfare benefits, educational grants, public housing, voting, and military

services, prohibitions from various forms of employment, and, for non-citizens, deportation. Collateral consequences are not currently considered to be part of the criminal process, and as a result, defendants are not made aware of their existence as part of the guilty plea or sentencing processes.

Recognizing that these consequences impose substantial legal obstacles to reintegration and, as such, long outlast the formal criminal sentence, the American Bar Association, in 2003, adopted standards recommending their inclusion into the criminal process. As part of the initial step toward inclusion, the American Bar Association recommended that each

jurisdiction implement mechanisms to inform criminal defendants of these consequences as part of the guilty plea process, and to require courts to consider these consequences as part of the sentencing process.

Based on the ABA's recommendations, Chief Judge Robert Bell of the Maryland Court of Appeals asked the clinic to begin the process of collecting the various collateral consequences of criminal convictions in Maryland. Clinic students drafted a preliminary report in the spring 2004 semester that detailed several of these consequences, including consequences pertaining to public benefits, housing, employment, civic disabilities and sex offender registration. The clinic presented the report to the Maryland Judicial Institute in March 2004. Subsequent clinic students are in the process of updating the report and have added additional sections pertaining to family-based consequences of incarceration, such as divorce, termination of parental rights and child support arrearages. The overall goal of this report is to inform the various community stakeholders about the existence and breadth of collateral consequences

*Michael Pinard, JD, is an Assistant Professor of Law and co-instructor of the Re-Entry of Ex-Offenders Clinic. His scholarship and research interests focus on the criminal process, criminal defense lawyering and issues related to the interconnections between the reentry of individuals with criminal records and the collateral consequences of criminal convictions.*

and to urge these stakeholders to brainstorm ways to incorporate these consequences into the formal conviction and sentencing process.

The clinic has engaged in a related project that seeks to educate various community stakeholders about these consequences. Last semester, the clinic partnered with Community Law in Action, Inc. (CLIA), a youth development organization affiliated with the University of Maryland School of Law. CLIA's purpose is to assist emerging youth leaders to become self-empowered problem solving advocates for social and political change. Through this project, clinic students present workshops on collateral consequences to high school and middle school students in Baltimore City. The goals of these workshops are both to educate students about the myriad consequences of criminal convictions, and to urge those students to pass the information along to their colleagues and communities.

Another reform effort that the clinic has engaged pertains to voting rights, both of those convicted of felonies and those who are detained pending trial. With regard to individuals with criminal convictions, clinic students worked with a coalition of advocacy groups during the 2004 legislative session on a bill that sought to restore voting rights to individuals immediately upon their release from correctional facilities, rather than their having to wait either for their sentences to expire, or for a specified time thereafter to regain eligibility to vote. Students in the fall 2004 clinic worked on a project aimed to ensure that pretrial detainees were able to vote in the presidential election.

*Sherrilyn Ifill, JD, is an Associate Professor of Law and co-instructor of the Re-Entry of Ex-Offenders Clinic. She is nationally recognized as an advocate in the areas of civil rights, voting rights, judicial diversity and judicial decision-making.*

While pretrial detainees technically have the right to vote, they had not been afforded the opportunity to do so. The clinic engaged the Department of Corrections to provide ballot access to pretrial detainees in Baltimore, with clinic students and other volunteers assisting in registering these individuals to vote.

Clinic students also work directly with individuals who are within six months of release to refer and coordinate various services upon return to their respective communities in Maryland. These individuals are referred to the clinic through the Maryland Justice Coalition, an organization which strives to marry the strengths of legal professionals and policy advocates with the strengths of grassroots activists, community leaders and the people most affected by the injustices in the criminal system. To best assist these individuals, the clinic partners with the University of Maryland School of Social Work to provide services ranging from providing information to inmates about specific services to coordinating holistic re-entry plans. Another project involves students working with Alternative Directions, Inc. to help inmates with pending child support orders complete and file motions to modify

*Cont. on page 12*

## FOCUS ON : THE DRUG POLICY CLINIC

The Drug Policy Clinic works on a number of policy projects to expand access to drug treatment services in Baltimore and protect individuals with histories of drug dependence from discrimination. One project that focuses on both goals is a legislative initiative to amend Baltimore City's discriminatory zoning standards for drug treatment services. Over the past two years, students have drafted proposed legislation, convinced city officials to support the proposal and worked with community-based organizations to win support for the legislation. They have also faced the challenge of advocating for individuals who many would like to exclude from their neighborhoods.

The zoning issue presents a classic case of local land use standards that have not kept pace with federal civil rights protections for individuals with disabilities. Under Baltimore's forty-year old zoning statute, all treatment programs that want to operate in the city must win community approval and have legislation enacted that authorizes them to locate at a particular site. The policy prevents many treatment programs from opening and expanding services and undermines the city's goal of increasing drug treatment services for its citizens. City officials have been slow to address the problem even though Baltimore's standard violates the Americans With Disabilities Act and Fair Housing Act. The clinic agreed to represent a coalition of publicly-funded drug treatment programs to resolve the problem.

The Clinic faced the initial decision of selecting the best strategy — litigation or legislation. Guided by the client's goal to work with city officials and communities to implement a workable zoning standard, the clinic adopted a legislative strategy that focused first on education. Clinic students worked with treatment programs and other community-based organizations to educate concerned citizens about the value and need for drug treatment services in their neighborhoods and craft "good neighbor" practices to help build trust between programs and their neighbors. They also educated city planning officials about why the current zoning standard violates federal civil rights laws and drafted proposed legislation to bring the zoning standard into compliance with federal law.

Those efforts paid off. The Mayor agreed to introduce the treatment coalition's proposal as the administration's bill and support its passage in the City Council. Winning City Council support, however, proved more difficult. The legislation became a lightning rod for community concerns about the expansion of group homes for individuals with drug histories and the perceived failure of city officials to address complaints about problematic group homes. Sensing the need to address this issue before pressing for passage of the legislation, city officials and the treatment coalition agreed to convene a task force to study the problem and recommend solutions.

The Clinic, as a member of the task force, is now working with city officials, group home providers, community associations and housing experts to ensure that group homes are available to those who need a drug-free, supportive residence and function like other homes in the neighborhood. Clinic students have stepped in again to provide legal advice on building, safety, and health code standards that regulate the operation of group homes and guidance on how federal civil rights standards affect the application of those codes. Upon completion of the task force's work, the Clinic will resume its effort to win passage of the zoning legislation.

This policy project has exposed students to legislative practice and the inner workings of a city government. It has allowed them to enforce civil rights laws while grappling with the complex issues related to expanding access to drug treatment.

*Ellen Weber, JD, is an Assistant Professor of Law. Professor Weber was previously Senior Vice President for the Legal Action Center in New York and Washington, D.C. Her teaching and scholarship interests center around drug policy, disability rights and public health.*

## FOCUS ON: STUDENT REFLECTIONS—VISIT TO MARYLAND COURTS

*Inana Blankson (3D)*

I looked outside the window from the fifth floor of the Federal Courthouse and watched the wind wrestle with the American flag. I watched lawyers trudge toward the courthouse weighed down with files and briefcases, struggling to get the doors of the courthouse open. As I walked down the sobering, silent, white halls to the courtroom, I wondered if justice would be found here. I took a seat in the courtroom and observed the rich, dark wood, the leather jury chairs, and the three flat-screen computer monitors that stood in front of the jury box. Although just an observer, I felt chills from the cold solemnity. Yet, the attorneys seemed quite comfortable. While the defendant sat worried, wild-eyed with wild hair at the defense table waiting for the judge to decide his fate, the U.S. attorney and the defense attorneys laughed and joked about their own lives, their spouses and their children's latest antics. I noticed that the defendant's family members and friends were missing from the courtroom. He was alone in a terrifying courtroom, with people he didn't even know deciding whether he goes home or goes back behind bars. I couldn't even imagine what that felt like.

It was clear that the judge had already decided the outcome of this detention hearing before the lawyers were even heard. Before the defense attorney could even make his argument, the judge decided that ruling in the defendant's favor would most certainly be reversed in the 4<sup>th</sup> circuit, thus, it was not worth reversing the ruling now. He encouraged the defendant to appeal because it would be an excellent

opportunity to "encourage the growth of the law..." The defense attorney was very formal and ingeniously wove cases together and created a convincing argument. It was readily apparent that he was extremely prepared and knew the state of the law in his sleep. However, the judge said that even if he ruled in the defendant's favor, he wouldn't release him anyway. The defense attorney fought, using direct quotes from favorable cases and distinguishing unfavorable ones but to no avail. With the American flag at his side, the judge made jokes about how the defense attorney lost this case. The attorneys who were watching laughed.

The defendant looked confused and worriedly whispered to his lawyer who probably couldn't begin to explain to him the politics of the law. The judge also noted that if we were in a different circuit, then he would probably reverse. It seemed almost nonsensical that if the defendant were arrested in a different jurisdiction, the defendant would be free! While the judge and the defense attorney argued back and forth, the U.S. attorney sat still, very quiet. He wisely let the judge make his arguments for him. When the defense attorney's argument stumped the judge, he finally asked the U.S. attorney to respond. When he did, he was not as formal or effective as the defense attorney; however, he was likeable, kind of bumbling, and ingratiating to the judge.

Everyone seemed to agree that the federal statute that the government was trying to detain the defendant under was a tool used by prosecutors to prosecute people they want. However, the judge seemed afraid to change the law and be reversed later.



*Inana Blankson*

The judge noted that U.S. attorneys were embarrassed to bring charges under the felon-in-possession statute against defendants who were "good people" who had a prior felony 20 years ago and decided one day to go duck hunting. I imagined who the "good people" were and who society thought the "bad people" were. The unfairness of it all was unsettling and I left a little disheartened with the justice system.

In Circuit Court, it was sad to see all of the young, black men led into the courtroom in shackles and lined up on benches. Defense attorneys called out names to identify their clients and huddled over them, whispering. However, there was really no privacy and I saw defendants eavesdropping on each other's private conversations with their lawyers. The judge was visibly irritated and tried to hurry things along. Attorneys stood before the judge and asked for postponements. Once the judge gave them new trial dates, sometimes a considerable amount of time in the future, I could see that the defendants were visibly upset and I could not help but feel

*Cont. on page 8*

## Focus on Student Reflections

Cont. from p. 7

compassion towards them. I knew that the ones who were incarcerated probably wanted to go to trial and resolve their cases as quickly as possible.

During the direct examination of a police officer in a drug case, the state's attorney stayed seated. This was not very effective at all. However, I did find that his direct was conversational and I found it easy to follow. During this trial, the police officer did not read from any notes. He seemed to recite conclusory

*Inana Blankson is a third year day student who is interested in litigation, with a concentration in criminal defense. Her reflections were part of the coursework for Professor Jerry Deise's Fall 2004 Criminal Defense Clinic.*

answers like “we observed drug activity” and “due to my training, knowledge, and expertise...” During cross, the defense attorney kept saying “CDS,” referring to the drugs that were allegedly found in a stash near the defendant. Even though the term was defined during the police officer's direct, I wondered if this term was confusing to the jury. The defendant didn't take the stand, perhaps because he had some prior convictions that he could be impeached with. Even though the judge included in his jury instruction that the defendant's failure to testify did not indicate guilt, I felt as if I wanted to hear from the defendant and surely the jury did too. The jury probably didn't know anything about the rules of evidence and impeachable offenses and other reasons why the defendant might not have testified. The defendant could have had something to say in defense

of the charges against him, but the jury might only make the inference that he is indeed guilty and did not want to face his accusers.

In District Court, I watched a flurry of trials that lasted only a few minutes each. District court was less formal and more chaotic than federal court or circuit court. Police officers took the stand, relying solely on their police reports to give their account of the various incidents. From the trials that I observed, it seemed as though the police officers' statement of probable cause was extremely powerful. The police officers relied on them and the judges relied on the police officers. In a trespassing case, the defendant raised his hand during the police officers direct examination, wanting to say something, but was snubbed by the judge. I felt a sense of dread as the defendant defended himself (pro se). I thought that he had no chance of an acquittal with a state's attorney and a police officer against him. However, he surprised me because his cross-examination of the police officer was quite good. He used leading questions but was visibly nervous. While the defendant took the stand himself and gave his account of the day he was confronted by the officer, the judge wasn't even listening. Instead, she spoke to the clerk while the defendant testified, as if his story was worthless. Here, it seemed like she had already decided her ruling in this case. In a prostitution case, I overheard the defendant's lawyer advising his client to take a plea bargain that involved incarceration. He said something like, “It's your decision but if I were you I would take it.” I suppose it is much easier to make difficult decisions like accepting a plea bargain or going to trial when you are not the one who will personally face the consequences.

The judge advised the defendant to hurry up and decide if she was going to take the plea bargain because she had a meeting to go to. Defense counsel was not at all effective. He half-heartedly read from his notes to describe the defendant's story, as if he didn't really believe it himself. There was some confusion in calculating the amount of time served, and the judge just stated that she trusted whatever the defense attorney came up with. I realized that even doing sentencing calculations, as defense counsel, you are still advocating for your client. As the defendant left the courtroom, I overheard her attorney ask her if she understood what just went on in the courtroom. I recognized how unfamiliar the justice system is to non-lawyers. I also realized that it is so easy to be accused of a crime by being in the wrong place at the wrong time. I also saw how unforgiving the justice system is with people accused of petty offenses.

In the next case, during a Not Criminally Responsible (NCR) plea, the defense attorney asked a homeless man if he understood what the lawyers and judges were saying, and he said “some of it.” I felt that if he only understood some of what was going on then his defense attorney should have gone over the proceeding with him more thoroughly. He was, in fact, taking an NCR plea and although he would not go to jail, he would be confined in a mental health facility. When asked if he agrees to give up his right to a trial he responded, “I just want what's best for me.” His lawyer said, “We all want what's best for you.” I wasn't convinced that this was the truth. With all that I had observed, it seemed more true that the sides of the scale were tipped heavily in favor of the state.

# CLINIC HOSTS TECHNOLOGY SYMPOSIUM

On January 13, 2005, the Clinical Law Program was pleased to host a discussion exploring the impact of technology and the pursuit of justice. Moderated by Teresa K. LaMaster, Assistant Dean for Technology Affairs and Chief Information Officer, the program included Professor Ronald W. Staudt, Associate Vice President of Law, Business and Technology for Chicago-Kent College of Law delivering a keynote address entitled “Justice Web Collaboratory: Technologies for Justice Customers.” Respondents to Professor Staudt’s comments were Professor Michael Millemann, Jacob A. France Professor of Public Interest Law, University of Maryland School of Law, and Mr. Richard Granat, Founder of The Granat Self Help Law Center, P.C.

In his presentation, Professor Staudt detailed his work with the Justice Web Collaboratory. The two main projects that the Collaboratory has been working on are (1) an Access to Justice Project, which includes a study of self-represented litigations and court redesign, and (2) the Illinois Legal Aid Clinic, which includes building statewide websites to be used for legal resources. Professor Staudt emphasized the importance of having a consumer-based approach in putting together any access to justice program using technology. In studies conducted in the first two years of the

Collaboratory, surveyors found that even though consumers respected the legal system and wanted to go before a judge to get resolution, the amount of service provided by the clerks of the court and the clerk’s office was slim to none. Besides handing a litigant a bunch of forms to fill out, other assistance was not given. By utilizing new technologies, Professor Staudt reasoned, “the Court system can be made more accessible.”

Professor Staudt also launched a discussion about the different issues and problems that confront lawyers when they use technology in their access to justice efforts. Issues including the “inertia” of courts, clerks and judges, to the use of technology as a resource and the possibility of the unauthorized practice of law are current problems facing practitioners.

Mr. Granat responded to Professor Staudt by talking about “The Latent Market for Legal Services.” People generally prefer not to use lawyers because of high fees and large retainers. As a result, the number of pro se litigants amounts to about 50% of all filings in state courts. Included in this number are the low- to moderate-income families who do not meet Legal Aid requirements,

but cannot afford a lawyer. In response to this need, Mr. Granat is involved in the ELawyering Task Force of the Law Practice Management Section of the American Bar Association, which is concerned with developing new methods of delivering legal services to people of moderate means. He also presented ideas for a “digital law firm” where the lawyers’ office is actually a home page on the internet and each lawyer has access to digital tools and research as well as their own communication center. Through this digital law firm, the lawyer provides unbundled legal services to a variety of clients.

Professor Millemann asked “where is the role for human and professional judgment” amid all of the technological innovations that are coming into the practice of law. “There are some people who cannot use these systems...period.” He emphasized that there are different levels of capacity for technology in the pursuit of access to justice, but the influence of the lawyer should not be removed completely. “We must have professional human judgment...this is what distinguishes us from the forms.” To watch streaming video of this presentation, please go to [www.law.umaryland.edu](http://www.law.umaryland.edu) and click on the "News and Events" link on the homepage.

## CLINIC INITIATES CITY-WIDE COMMUNITY JUSTICE PROGRAM

For years, different clinics at the University of Maryland School of Law have worked with community and clients to reduce crime and violence, teach alternative dispute resolution and help high school students advocate for changes that make them more effective voices for positive change in their neighborhood. Charles Crane, a 1933 alumnus of the School of Law, also believed in programs that seek to prevent and provide alternatives to violence. Working with funds provided by the Charles Crane Family Foundation, the clinic will now have the opportunity to coordinate these efforts and work with city leaders and organizations to implement a more comprehensive community justice program.

The Law School will work in partnership with community groups, schools and organizations such as the Baltimore Safe and Sound Program, The House of Ruth and the Baltimore City Teen Court, in addition to the Baltimore State's Attorney's Office and the Office of the Public Defender to organize, plan and implement a Community Justice Program. The Law School will receive \$500,000 over the next three years. The program will be

comprised of (1) a comprehensive body of research on anti-violence projects, reforms and ideas, (2) a series of interrelated projects undertaken in a variety of experiential law courses, (3) a statewide convening and a national symposium (and the published and disseminated results of those proceedings), (4) model curricula, and (5) three program reports, issued periodically.

The Program will respond to a number of problems, including the need for new and creative dispute-resolution models that prevent and reduce violence, rehabilitative and restorative justice reforms that remove legal impediments to services to at-risk and in-trouble children and adults. The Crane Foundation's commitment is essential to expand and evaluate our pioneering work and partnership in community prosecution, providing a community service sanction, and assessments and referrals of offenders for appropriate services to prevent and punish a variety of public nuisance crimes that otherwise would not be prosecuted. It is also essential to develop, test, and evaluate a comprehensive dispute-resolution high-school curriculum, as well as develop, test and evaluate experimental projects that add mediation to community and traditional criminal prosecutions.

## FACULTY PUBLICATIONS— SPRING 2005

### **BRENDA BRATTON BLOM** –

*Walking the Clinical Tightrope: Celebrating 30 Years of Clinical Education at the University of Maryland School of Law*, 4 UNIVERSITY OF MARYLAND LAW JOURNAL OF RACE, RELIGION, GENDER AND CLASS, No. 2 (2004) (in print).

*From the Reading Room: Can the Working Poor Afford Decent Housing*, J. AFFORDABLE HOUSING & COMMUNITY DEVELOPMENT LAW, Winter 2005, 14:2 (in print).

### **KAREN CZAPANSKIY** –

*Why Does It Matter Where I Live? Welfare Reform, Equal Protection, and the Maryland Constitution*, MARYLAND LAW REVIEW (forthcoming 2005).

*Unemployment Insurance Reform for Moms*, 44 SANTA CLARA LAW REVIEW 1093 (2004).

### **MICHAEL PINARD** –

*Broadening the Holistic Mindset: Incorporating Collateral Consequences and Reentry into Criminal Defense Lawyering*, 31 FORDHAM URBAN LAW JOURNAL 1067 (2004).

### **RENA STEINZOR** –

*The New Progressive Agenda for Protecting Public Health and the Environment* (Christopher Schroeder and Rena Steinzor, eds., 2004)

### **ELLEN WEBER** –

*Civil Legal Needs of Individuals in Drug Treatment*, JOURNAL OF SUBSTANCE ABUSE TREATMENT (forthcoming 2005).

## FACULTY IN FOCUS

### RENA STEINZOR CO-EDITS LANDMARK ENVIRONMENTAL TEXT

Professor Rena Steinzor, Director of the Environmental Law Clinic, along with Christopher H. Schroeder, Charles S. Murphy



Professor of Law & Public Policy Studies at Duke University School of Law, celebrated the release of the co-edited book, *A New Progressive*

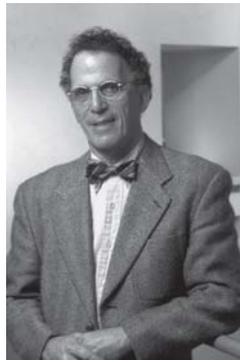
*Agenda for Public Health and the Environment*. Published by the Center for Progressive Regulation, of which Professor Steinzor is a founder and executive committee member, the book focuses on the problems and breakdowns of the federal regulatory process and proposes practical solutions for the 21<sup>st</sup> Century. It also brings to light the shifts in federal regulatory policy from protecting the consumer to protecting corporate interests. More information on the book can be found on the Center for Progressive Regulation's website, [www.progressiveregulation.org](http://www.progressiveregulation.org).

Professor Steinzor was also recently selected as the School of Law's Jacob A. France Research Professor. The research professorship is a new program approved by the faculty council to phase in several rotating research professorships over a three-year period.

### ROGER WOLF RECEIVES LEADERSHIP IN LAW AWARD

Professor Roger Wolf was one of 24 recipients of the 2004 Maryland Leadership in Law Award from *The Daily Record*, a legal publication in Maryland. The award recognizes those individuals whose leadership in the legal profession and in the community has made a positive impact on the State of Maryland. Recipients of this award demonstrate outstanding achievement in these key areas: achievement in law; involvement in the profession; support of the community; and mentoring.

Professor Wolf currently directs the mediation clinic, teaches courses in dispute resolution, and directs the law school's Center for Dispute Resolution (C-DRUM). He has also been at the forefront of the alternative dispute resolution movement in Maryland through his work with the Maryland State Bar, the Baltimore City Bar and the Maryland Mediation and Conflict Resolution Organization (MACRO).



### TERESA LAMASTER ACCEPTS NEW APPOINTMENT

Dean Karen Rothenberg is pleased to announce that Teresa LaMaster has been appointed to the newly created position of Assistant Dean for Technology Affairs and Chief Information Officer of the School of Law. Originally joining the School of Law in 2003 as Managing Director of the Clinic, Dean LaMaster was a driving force in the implementation of new technologies for students and faculty in clinical practice.

Prior to joining the School of Law, Dean LaMaster spent 8 years in private practice. She concentrated in business and intellectual property litigation, developing an expertise in the implications of technology for law and law practice. She has been a member of the School's adjunct faculty since 2000, teaching intellectual property and cyberspace law. Prior to attending law school, Dean LaMaster worked in arts and museum management for ten years at the Field Museum of Natural History in Chicago and the Smithsonian Institution in Washington, D.C.

In her new position, Dean LaMaster has the responsibility of overseeing all technology-based operations for students and faculty and all public information, both print and electronic. A critical component of her new position will be the research and implementation of new technologies in the clinical program to increase student understanding of technology issues in practice and expand access to justice.

**Re-Entry of Ex-Offenders Clinic  
Cont. from page 5**

those orders because of their incarceration.

Through these experiences and relationships, clinic students have been exposed to numerous re-entry-related issues directly affecting Maryland inmates and former inmates, from various perspectives in the industry, including current inmates, individuals both recently and long released from correctional

facilities (who are frequent guest lecturers in the clinic's seminar component), as well as legal services providers, judges and policy analysts who serve the population at large. Through their work, they have discovered potential ways to alleviate some of the barriers faced by individuals leaving correctional facilities upon their return, as well as some of the concerns voiced by

the communities that must disproportionately absorb this influx. As a result, rather than focusing on individual representation, the clinic aims and will continue to address the broader systemic issues that cut across both different areas of law and different methods of lawyering.

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**THE CLINICAL LAW PROGRAM  
SCHOOL OF LAW  
UNIVERSITY OF MARYLAND BALTIMORE  
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BALTIMORE, MD 21201**

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*Access to Justice Clinic ♦ Access to Health Care Clinic ♦ Appellate Advocacy Clinic ♦ Civil Rights of Persons with Disabilities Clinic ♦ Community Law in Action Clinic ♦ Community Development Seminar: LTP ♦ Criminal Defense Clinic ♦ Drug Policy and Public Health Clinic ♦ Economic and Community Development Clinic ♦ Environmental Law Clinic ♦ General Practice Clinic ♦ Health and Welfare for Children with AIDS Clinic ♦ Immigration: LTP ♦ Intellectual Property Law Clinic ♦ Juvenile Justice and Legislative Advocacy Clinic ♦ Law & Education Reform: LTP ♦ Low Income Tax Payer Clinic ♦ Mediation Clinic ♦ Re-Entry of Ex-Offenders: LTP and Clinic ♦ Tobacco Control Clinic ♦ Post-Trial Criminal Process Clinic*