

# IN PRACTICE

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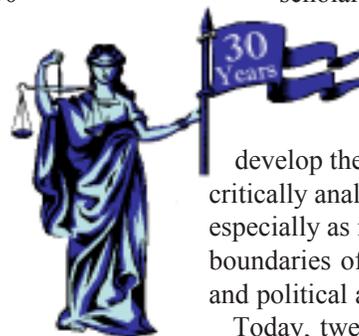
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## Experiential Education at the University of Maryland: 30 Years of Innovation

What now stands as one of the largest and most sophisticated “teaching law firms” in the country began 30 years ago, in 1973, as a then ground-breaking solo practice juvenile law clinic. Through its evolution to a national leader in linking legal theory and practice, the University of Maryland School of Law has been a pedagogical, social policy and legal services delivery laboratory, developing both new instructional models and new models of providing access to legal services for the poor. Like the



country’s biggest and best “teaching hospitals,” the work in this laboratory has led to critical developments in scholarship, policy and practice. Most importantly, more than a generation of lawyers has begun to develop the tools needed to critically analyze law in practice, especially as it operates along the boundaries of poverty, class, race, and political and economic power. Today, twenty-five faculty teach in a variety of experience-related models including now-traditional clinics, clinical seminars, and legal

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## From the Director

This academic year marks the 30<sup>th</sup> anniversary of the University of Maryland School of Law Clinical Law Program. In this special anniversary issue of *In Practice* we celebrate the evolution of the program from a small solo practice juvenile law clinic begun in 1973 to one of the largest and most sophisticated “teaching law firms” in the country. In examining this history, we identify several of the benchmarks of quality clinical education set by the Maryland program: *diversity* in substance and pedagogy, *integration* of experiential education into the general law school curriculum, and *interdisciplinary* study. Inside we highlight the work of several of the experiential programs, focusing on their contributions to pedagogy and course development, to social policy and to the development of new models of legal service delivery. Join us as we celebrate 30 years of innovation.

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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There are a number of law school faculty, attorneys and staff who contribute to the diversity and strength of experiential education at the law school through their teaching, scholarship and service.

**Faculty 2003 – 2004**

Paul Alpuche, LL.M., JD  
Barbara Bezdek, LL.M., JD  
Richard Boldt, JD  
Rebecca Bowman-Rivas, LCSW-C  
Mark Charmatz, JD  
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Karen Czapanskiy, JD  
Kathleen Hoke Dacheille, JD  
Jerome Deise, JD  
Terry Hickey, JD  
Sherrilyn Ifill, JD  
Susan Leviton, JD  
Michael Millemann, JD  
Denis Murphy, JD  
Helen Norton, JD  
Thomas Pérez, JD  
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Rena Steinzor, JD  
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Ellen Weber, JD  
Mary Webster, JD  
Deborah Weimer, JD  
Roger Wolf, JD

**Administrative Assistants**

Jeff Harris  
Linda Whaley Johnson  
Loris Moore  
Pearl Wallace



*Comments and letters should be  
forwarded to the above address.*

**Experiential Education  
Cont. from page 1**

theory and practice courses. These courses are supplemented by a wide array of faculty-supervised externships, practica, internships and clerkships. Experience-based learning forms a critical component of Maryland's nationally-ranked specialty programs in Law & Health Care, Environmental Law and in its developing programs in Business Law and Intellectual Property. Maryland's experiential programs are consistently ranked among the best in the country.

The lessons learned through the growth of Maryland's programs from that initial solo practice to the robust and diverse programs of today create important benchmarks for clinical education generally. These benchmarks are (1) *diversity* in substance and pedagogy, (2) *integration* of experiential learning in mainstream legal education, and (3) *interdisciplinary* training to address complex social problems.

The *pedagogical* diversity of the program results, in part, from the Law School's innovative response to pressing educational needs identified by the bar and larger legal community. In 1988, the Advisory Council of the Maryland Legal Services Corporation made a comprehensive set of recommendations to provide low-income people and communities with more effective access to justice. In that package, it proposed that the state's law schools require law school clinical experience in providing civil legal assistance to the poor as a condition of graduation and that it increase the emphasis in law school education on the attorney's professional responsibility to serve the poor and other underrepresented groups. With the leadership of Congressman Benjamin Cardin and Richard O. Berndt, Chairman and Vice-Chairman of the Advisory Council, then Governor William Donald Schaefer asked

the Maryland General Assembly to appropriate \$500,000 to help the school implement the Council's recommendations. With these new funds, the school created its Legal Theory and Practice Program. The Legal Theory and Practice (LTP) Program began, not so much as a new kind of clinical offering, but as a new kind of way to teach beginning law students core legal content areas. Through combined case work, study and classroom meetings, students exploring the intersection of practice, legal doctrine, legal theory and the non-doctrinal social and political context in which law operates. The Legal Theory and Practice courses are now a critical component of the continuum of experiential education at Maryland. In LTP the focus is not so much on developing law practice and client relationship skills as on the development of conceptual skills for analyzing law in operation. This pedagogical range adds to the richness that makes Maryland's experiential programs unique.

The *substantive* diversity of the experience-related curriculum results, in part, from the School of Law's commitment to making these programs part of its regular operating budget when they address issues that are critical to the School's educational and public service mission. Throughout its history, the University of Maryland has moved programs piloted on grant funding "in-house" to be funded through core operating funds. For example, in the mid and late 1970s the Law School developed, through grant funding, clinical programs in juvenile justice and developmental disability law. Then, through an association with the Maryland law firm now known as Piper Rudnick, the Law School created the Legal Services Clinic, a civil litigation clinic that represented indigent clients in a variety of individual and reform cases. Piper Rudnick provided the majority of

the operating funds for the clinic, paid for an associate professor, and channeled 25-30 associates a year through the clinic as co-counsel with, and supervisors of, law students. Clinical offerings of this nature grew and by the 1980s the School of Law operated a Juvenile Law Clinic, a General Practice Clinic, a Legal Services Clinic, an Attorney General's Consumer Protection Clinic, a Bankruptcy Clinic, and a Developmental Disabilities Clinic. Then, in the early 1980s, the Law School worked to bring these programs onto operating funds and create a coherent and unified program, housing all clinics in the Law School building. During this period the Law School developed one of the first AIDs Clinics in the country. A similar path led to the development of the Law School's nationally recognized Environmental Law Clinic. In the last decade the Community and Economic Development Clinic as well as an Intellectual Property Clinic, Tobacco Control Clinic and Drug Policy Clinic have enabled the Law School to offer a wide array of experiential work to complement and supplement its ever expanding curriculum.

Another benchmark for clinical education evidenced by the Maryland program is the *integration* of experiential work into mainstream legal education. The Cardin Requirement forms the heart of the Law School's commitment to making experiential education a critical part of the curriculum. As a requirement of graduation, all students entering the full time day program must complete the Cardin requirement. Courses that satisfy the Cardin Requirement combine the study of the substance and operation of law and legal systems in a way that encourages students to develop a professional identity valuing service to the poor and other under-represented persons and communities. Clinics, LTP courses and certain externship programs satisfy the requirement. Because experiential offerings are part of the core curricular

requirements, students receive opportunities to evaluate the same substantive materials from doctrinal, theoretical and practice perspectives. Moreover, clinical professors are full and valued educational partners and

get a holistic look at the challenges faced by clients.

The school is nationally distinctive for the breadth and diversity of its clinical courses, the experience and national reputations of its clinical



*From left: Clinic Director Brenda Bratton Blom and Managing Director Teresa LaMaster discuss practice management policies.*

colleagues on the faculty, helping to eradicate the sharp lines between "clinical" and "classroom" education. In fact, many courses include both methods of instruction, and both clinical and non-clinical faculty teach in both experience-based and traditional classroom settings.

*Interdisciplinary* work on obstinate social and legal problems is a final benchmark set by the Maryland program. A key example of this interdisciplinary training is Maryland's collaboration with the University of Maryland School of Social Work. A licensed clinical social worker is resident in Maryland's Clinical Law Program offices. Social work students take referrals from clinic clients to provide social service linkages. Social work students and law students work together to address client needs. In this way, students from both fields

faculty; the creativity and innovation of its clinical courses and the contributions its clinical courses make to the delivery of legal services to the poor and law reform. Over thirty years of innovation have led to a rich and varied program with a range of opportunities for students.

## The Experiential Seminar Paper: Making the Theory-Practice Spiral Spin

Two of Maryland’s core graduation requirements—the Cardin requirement and the Advanced Writing Requirement—can be linked to provide an architecture for in-depth analysis of the integration of legal theory and practice. Maryland’s Cardin Requirement is designed to give students an integrated learning experience, with both practice and classroom components, that critically examines the links between legal theory, legal doctrine, and the provision of legal assistance to poor and legally marginalized people. Maryland students must also satisfy the advanced writing requirement, by preparing a substantial paper containing original research and analysis under the supervision of a faculty member. The Legal Theory and Practice Community Development Seminar, taught by Associate Professor of Law Barbara Bezdek, requires both experiential work with clients, and a substantial paper. It allows students to combine these two requirements by producing substantial original written analysis that grows out of work with clients. In this way, the LTP: Community Development Seminar provides students the opportunity to forge the links of the theory-practice ‘loop.’

For students in the LTP: Community Development Seminar, their experiential work is often a first experience to put legal theory into practice, locating and analyzing law and facts in ways that address clients’ problems. Using that analytic process and practical experience as the basis for the seminar paper is an important opportunity to engage in the further disciplined, rigorous reflection and research that may lead to practice-informing theory, theory-informing practice, or both. Generally, the paper must present a statement of the community partner’s problem, extended legal

analysis of legal and systemic barriers to achievement of the community’s goals, and a proposed problem solution, with appropriate support and argument. The paper requirement extends the cognitive dimension of learning the relevant law, by calling for critical thinking about a context known more fully by the LTP student as a result of his or her legal work. Contextualizing the paper in this way further invites the student into the constructive task of lawyers to name deficiencies in existing laws and systems and to propose positive change.

*Barbara L. Bezdek, JD, is Associate Professor of Law. Her scholarly interests center around community-building development, including affordable housing. In her practice work, she and her students have represented low-income tenant and neighborhood associations in an effort to preserve and develop affordable housing, community facilities, and increased resident control of and benefit from revitalization policies.*

The LTP: Community Development Seminar is offered as a five-credit, one semester course with both field and seminar components. It is designed to augment the Law School’s Economic, Housing and Community Development Clinic through the provision of “predevelopment” legal services to Baltimore communities. Each term, LTP students concentrate on the legal aspects of a practical matter of concern to neighborhoods—who may be existing clients of the EHCD clinic or similar groups which lack access to needed legal services. The specific topic of the legal work each term is one that has become apparent through faculty members’ work with low-income communities, but for which legal strategies or policies are not yet sufficiently developed to make an effective allocation of legal services by the clinic or for referral to pro bono counsel. Students’

work includes careful research, analysis, and theory development, in symbiosis with on-the-ground fact investigation conducted with community participants, to bring a potential revitalization strategy to the point where a community can retain specific legal services to pursue its objectives. The seminar is an opportunity for students to integrate legal theory with their fieldwork as they develop technical legal assistance that supports community-directed revitalization efforts.

In the Spring 2002 term, the LTP course focus was Community Greening in Baltimore. Interior-block community greens foster community development because they can create a stronger sense of community, greater safety and security on a block, play space for children, and environmental benefits. Students worked with four community partners

in different quadrants of Baltimore City. Law went to the streets as students sought to solve the issues of common ownership, use rights and title-holding entities presented by each local group’s attempts to create a shared community green. The principal legal work produced by each student team was its strategic analysis of the client’s core objectives, the land-use and other legal impediments presented, and proposals for structuring the acquisition, operation and ownership of the anticipated community green. Each team made a formal presentation of its analysis to the seminar, the community and invited guests.

Students’ seminar papers were prepared individually, and while they were permitted to draw extensively from the shared problem analysis, the legal approaches developed in each were

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## Where to Begin?: Reflections and Perspectives on Developing an Ex-Offender Reentry Course

Since 1999, advocates and grassroots organizations across the country have increasingly focused their attention on the obstacles ex-offenders face as they are released from correctional facilities and re-enter various neighborhoods and communities. Much of this attention has been spurred by the dramatic numbers of individuals released from correctional facilities each year, as well as fairly recent federal and state statutory provisions that have increased the number of collateral consequences that accompany various criminal convictions. Depending on the nature of the criminal conviction, ex-offenders can be prohibited—temporarily or permanently—from voting, receiving federal welfare benefits, public housing, educational loans and from entering the military. In addition, ex-offenders are often barred from many forms of employment, both legally and practically.

These issues are particularly resonant in Baltimore, as a disproportionate number of individuals from Baltimore are incarcerated in Maryland's various correctional facilities. As a result, significant numbers of individuals released from these facilities each year return to Baltimore. Of the approximately 9500 ex-offenders released from Maryland's correctional facilities in 2001, 4,411—fifty-nine percent—returned to Baltimore.<sup>1</sup> Moreover, a disproportionate number of these particular individuals returned to six neighborhoods in Baltimore City.<sup>2</sup>

Because of the myriad issues that are behind these statistics, Maryland has become an important locus for the study of reentry issues. For instance, in 1999, the Enterprise Foundation, the

Maryland Division of Correction and other organizations formed the Maryland Re-Entry Partnership Initiative to create transitional services for prisoners returning to Baltimore.<sup>3</sup> In addition, the U.S. Department of Justice has recently awarded a three-year, \$2 million grant to the Maryland Department of Public Safety and Correctional Services



*Professor Michael Pinard discusses a point of law with his students.*

as part of a Justice Department program that supports reentry initiatives.<sup>4</sup> Also, organizations such as the Abell Foundation and the Baltimore office of the Open Society Institute have awarded grants and convened roundtable discussions centered on reentry issues.<sup>5</sup>

### The Course

As a result of these various issues affecting the city within which the University of Maryland School of Law is located, Professors Sherilyn Ifill and Michael Pinard decided to develop a course that examines both the various obstacles to reentry that ex-offenders face upon release from correctional facilities, as well as the effect their return has on the various communities to which they return. They structured the course as part of the Law School's Legal Theory and Practice ("LTP") curriculum. The goal of LTP courses is to bridge the theoretical/experiential

divide by supplementing theoretical discussions with experience and reflection.

While both Professor Ifill and Professor Pinard had engaged over the years in issues related to race, civil rights and criminal justice, they had not previously dealt with the particular issues of ex-offender re-entry and collateral consequences. As a result, their overarching goal for the first semester was to become immersed critically in these issues and to brainstorm with their students about possible directions for the course and for their involvement in the relevant communities.

The course was offered for the first time in the spring 2003 semester. The theoretical component of the course sought to introduce students to the various elements of the criminal justice system, and to explore issues of crime and punishment with a critical lens from historical, contemporary and comparative perspectives.

Accordingly, students analyzed various aspects of the criminal justice system, including: historical and contemporary overviews of theories and forms of punishment as applied to both adults and juveniles; a comparative analysis of western and non-western punishment philosophies; the increased use of imprisonment as a form of punishment; the racial, socioeconomic and gendered aspects of the criminal justice system; and the collateral consequences of criminal convictions. Each student wrote two papers, the second building on the first, on issues related to these various topics. Some of these paper topics included an analysis of applying restorative justice principles to

### Where to Begin Cont. from page 5

domestic violence cases, the use of expungements as a tool to ease the re-entry process, a critique of a particular faith-based prison rehabilitation/reentry program, an analysis of litigation and legislative based approaches to felon disenfranchisement laws, and an in-depth study of the relationship between a particular Baltimore community, crime and hurdles to reentry.

The experiential component of the course required students to attend workshops conducted for ex-offenders and to observe court proceedings to witness the extent to which criminal defendants were informed of the various collateral consequences that might follow their convictions. In addition, guest speakers visited the course seminars to discuss various legislative, litigation, and outreach projects they were undertaking in attempts to address some of the myriad issues related to collateral consequences and reentry. Professors Ifill and Pinard concluded the course by having a group of female ex-offenders educate the class about the scope of reentry issues they faced. The class learned that re-entry issues begin *at the moment* offenders become incarcerated, and *continue* with the manner in which they are released from correctional facilities. These challenges *culminate* after release in their inability to access certain social services that would have aided their transitions back into their respective communities.

Enrollment in the course was deliberately kept low, and it paid off in allowing a level of intimacy that permitted students and faculty to grapple with complex, contradictory and often personally challenging ideas about crime and punishment. Professors Ifill and Pinard used a wide range of non-traditional teaching materials, including memoirs of prisoners, poetry, oral ar-

gument transcripts, essays and film. They found that film was a particularly effective tool in sparking lively discussion and debate, and in eliciting student responses to the most difficult issues in the course.

#### Reflections and Directions

In designing and implementing the course for the future, Professors Ifill

*Sherrilyn Ifill, JD, is Associate Professor of Law. Her scholarship and teaching interests focus on issues of race and civil rights, including significant work on the importance of racial diversity to judicial decisionmaking. She is a leading contributor to the current national discussions about affirmative action and about racial reconciliation.*

*Michael Pinard, JD, is Assistant Professor of Law. His scholarship and teaching interests center on issues relating to criminal procedure and process, juvenile justice, clinical legal education and legal ethics. Prior to law teaching, he was a staff attorney with the Neighborhood Defender Service of Harlem and the Office of the Appellate Defender.*

and Pinard recognize that the most productive use of their time at the outset is to educate themselves regarding the various issues related to ex-offender reentry. Specifically, they aim to explore how these various issues impact the various communities in Baltimore, since the services they and their students provide in the future will be directed towards these communities.

As a result of the work of this course, Professors Ifill and Pinard—and their students—understand that reentry issues cannot be addressed as a separate component from the prison conditions issues, or even from issues related to the social, economic and political conditions in the communities from which ex-offenders come. Instead, reentry work is simply one part of a continuum of holistic services and issues related to criminal justice.

#### The Immediate Future

Professors Ifill and Pinard are teaching this LTP course again in the fall 2003 semester, and turning the course into a clinic in the spring 2004 semester. Based on several conversations they have had with various organiza-

tions, they envision their initial role as providing a forum in which various constituencies—most critically, institutional actors in the local criminal justice system—can become informed of the various collateral consequences that attach to criminal convictions. Moreover, they plan to collaborate with some established local and national organizations that are brainstorming legislative and litigation strategies around several issues relating to collateral consequences and reentry. In addition, they will draw on the students' experiences and insights to foster ways in which they can productively engage in these very critical issues.

However, their main frame of reference will be the ex-offender population. Professors Ifill and Pinard aim to maintain ongoing communication with the community of ex-offenders and those who serve them directly so that they can provide a forum where lawyers, judges, parole officers, legislators and other concerned community members can think through how to remove legal impediments to the effective and successful reentry of ex-offenders into their communities.

<sup>1</sup>NANCY G. LA VIGNE ET AL., A PORTRAIT OF PRISONER REENTRY IN MARYLAND 51 (Mar. 2003), available at [http://www.urban.org/UploadedPDF/410655\\_MDPortraitReentry.pdf](http://www.urban.org/UploadedPDF/410655_MDPortraitReentry.pdf).

<sup>2</sup> *Id.* at 53.

<sup>3</sup> *Id.* at 4.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

# State Senator Releases Clinic Audit Report of Maryland Environment

Like many other states, Maryland is at a crossroads politically. After eight years under the leadership of Democrat Parris Glendening, the state elected a new governor, Republican Robert Ehrlich. Deepening the implications of a political change in the governor's office is a deficit estimated to be at least \$1 billion. Clearly, Maryland's new governor and General Assembly will have to do more with less to fulfill their routine campaign promises.

Viewing the shift in leadership as a golden opportunity to take stock and determine priorities, State Senator Brian Frosh asked Maryland's Environmental Law Clinic to investigate the status of efforts to address the three central environmental problems that confront the state. Under the direction of Rena Steinzor, Professor of Law and Director of the Environmental Law Clinic, the audit considered (1) bad air quality, as exemplified by the categorization of the Baltimore/Washington metropolis as a "severe" non-attainment area under the Clean Air Act; (2) water pollution, especially nutrient loading, threatening one of the world's greatest natural resources, the Chesapeake Bay; and (3) land use in a state that can barely keep up with its rapidly growing population, especially in the Washington suburbs.

The Clinic has served as special legislative counsel to state Senator Brian Frosh for many years. The Clinic has supported Senator Frosh's efforts to craft legislation on a wide range of topics, including the cleanup

of urban brownfields; the prevention and remediation of nutrient loading in the Chesapeake Bay; expansion of community right-to-know laws;



Clinic students at work in one of the Law School's six practice rooms.

environmental enforcement; and citizen standing to sue in environmental cases. Senator Frosh is the former chair of the Environment Subcommittee of the Senate Economic Affairs Committee and now chairs the entire Judicial Proceedings Committee, one of the most active and powerful committees in the General Assembly.

The Clinic began the audit by compiling an inventory of available data regarding the

quality of Maryland's environment and identifying which programs are designed to address those problems. Student attorneys then developed objective criteria for evaluating those

programs. With the help of crucial stakeholders (regulated industries and environmental and neighborhood groups), the Clinic assessed the

effectiveness of those programs. In the last phase of the project, students attorneys wrote a report for the General Assembly's consideration explaining the results of the audit and making recommendations for future action.

Despite his traditional focus on legislative solutions to environmental problems, Senator Frosh instructed the Clinic to make recommendations across the broadest possible spectrum of available options. Where legislation is warranted, he asked the Clinic to explain its substantive content, and where administrative reforms are adequate to correct poor performance, he encouraged the Clinic to place those approaches on the table.

The Clinic completed the report, *Keeping Pace: An Evaluation of Maryland's Environmental Problems and What We Can Do to Solve Them*, in December. Senator Frosh released it to the legislature and the public as Maryland's new Governor began his first legislative session. The report concluded that "Maryland's efforts are a mixed picture of success, failure, and perhaps most important of all, lost opportunities. We aren't losing ground

*Rena Steinzor, JD, is Director, Environmental Law Clinic and Professor of Law. Professor Steinzor joined the Law School after an extensive career in private practice and government service. Her research and teaching interests focus on unfunded mandates and environmental federalism, and efforts to reinvent the EPA in preparation for the 21st century.*

**Audit Report of Maryland Environment**  
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in most areas, but we aren't moving forward either, and our worst problems continue to grow." The report said that Maryland had no chance of achieving attainment with Clean Air Act ozone standards by 2005, risking the loss of millions in federal highway funding. It also found that the Chesapeake Bay is "no healthier than it was ten years ago" primarily because of nutrient loading from posing and non-point (run-off) sources.

The Maryland legislature meets three months of the year, from mid-January through mid-April, and has limited professional staff. The Clinic's involvement, which can best be compared to the services provided to Congress by the General Accounting Office and to federal agencies by their inspector generals, is an important public service offered by the School of Law to the taxpayers who support us.

*To obtain a copy of Keeping the Pace: An Evaluation of Maryland's Environmental Problems and What We Can Do to Solve Them, visit the University of Maryland School of Law Environmental webpage at [www.law.umaryland.edu/environment](http://www.law.umaryland.edu/environment) or send a check for \$35.00 payable to the University of Maryland to Carole Marshall, Environmental Law Program, University of Maryland School of Law, 500 W. Baltimore Street, Baltimore, Maryland 21201.*

## Maryland and the Law School Consortium Project: Leading in New Models for Access to Justice

As early as 1994, faculty at the University of Maryland School of Law were engaged in discussions about how solo and small firm practitioners could be supported to extend the delivery of justice services to those who were underserved. Michael Milleman, the Law School's Jacob A. France Professor of Public Interest Law, acted

School of Law (in Texas). The schools committed time, money and intellectual rigor, in addition to great heart, to build a national group that is growing and dynamic. The mission of the Consortium is to increase access to justice by supporting law schools to expand their educational and institutional mission beyond graduation to include support and service to solo and small-firm practitioners who are committed to serving low and moderate-income individuals and communities.

The Consortium recognizes that a great many lawyers practice in a small and solo environment, and that, despite the financial challenges of a small or

solo practice, many practitioners are committed to wanting to both do good *and* do well.

Brenda Bratton Blom, Director, Clinical Law Program and Law School Associate Professor serves as a Co-Chair of the Consortium. The goals of the program are:

1. to increase access of low/low-middle income communities to law as a resource for advancing community interest;
2. to help make community-based law practices more sustainable economically, professionally and spiritually;
3. to change the mission of law schools to include extending legal education and providing resources to communities and practitioners serving communities;
4. to establish relationships between the practitioners networks established by each member

*Brenda Bratton Blom, JD, PhD, is Director, Clinical Law Program and Law School Associate Professor. Her teaching and research interests include community oriented lawyering and the role of lawyers and legal policies in community and economic development. In her practice work, she and her students have represented a wide range of not-for-profit and community organizations.*

as the reporter for the Maryland Moderate Income Access to Justice Project. Two of the resolutions that emerged from that task force were that: (a) there should be a "practice laboratory to evaluate new practice approaches" to the delivery of legal services to the poor and moderate-income clients, and (b) there should be a Justice Resource Center to support small firm practitioners who wish to provide more legal services to poor and moderate-income clients. While there have been several efforts institutionalizing responses to these findings none has been more far reaching in its effect than the Law School Consortium Project.

Funded by the Open Society Institute in 1998, the original members of the Law School Consortium Project included the University of Maryland School of Law, the City University of New York (CUNY), Northeastern Law School, and St. Mary's University

school and their respective law schools – integrate the networks into their law schools; and

5. to redefine the role of lawyers.

Through the Consortium, the Law School is working on the national level to support law schools forge new and creative ways to guarantee that America's dream of democracy is a reality for all its citizens.

When the University of Maryland School of Law began to look at implementation of the Consortium mission, it decided to create an independent, but affiliated, organization, Civil Justice, Inc. Civil Justice is now five years old, has over 40 members and was awarded the 2002 Louis M. Brown Award for Legal Access by the American Bar

Association. With Denis J. Murphy as the Executive Director, this organization of like-minded solo and small firm practitioners step up to the plate to shoulder more than their share of pro-bono and low-bono matters in Maryland. They participate in a list-serve, and provide moral support for each other, as they strive to meet their mission of increasing the delivery of legal services to Maryland and D.C. clients of low and moderate income through a network of lawyers who share a common commitment to increasing access to justice through traditional and non-traditional means.

There are now 10 member schools in the Law School Consortium, including the University of Michigan School of Law, the University of New Mexico School of Law, New York

Law School, Rutgers University School of Law-Newark, Syracuse Law School, Thomas E. Colley School of Law and Touro Law School. The Bay Area law schools are poised to kick off a regional model, and others are exploring new and interesting models. A southern law school is expected to join the consortium this fall reflecting both the interest and need of every region of our country. Maryland is proud to be at the forefront of this exciting development in both legal education and the delivery of legal services.

*To learn more about the Law School Consortium Project visit [www.lawschoolconsortium.net](http://www.lawschoolconsortium.net). To find out about the Civil Justice Network, Inc. visit [www.civiljusticenetwork.org](http://www.civiljusticenetwork.org).*

## New Tobacco Control Clinic Contributes to Local and State Efforts

The Legal Resource Center for Tobacco Regulation, Litigation and Advocacy was established in 2001 to provide legal support to local governments in their tobacco control efforts. Led by Center Director and Law School Associate Professor Kathleen Hoke Dachille, the Center is a joint initiative of the Law School's nationally recognized Health Care and Environmental Law Programs and the first of its kind in the nation to be supported by state tobacco settlement monies. The Center works to develop model regulations and ordinances, to assist local governments in the development of tobacco prevention programs, to advocate for changes in state and local laws and enforcement policies, to act as an information clearinghouse for the tobacco control community and to work with community health coalitions on initiatives in their communities.

The Center also provides an important new curricular opportunity for students. In conjunction with the Center the Law School established a Tobacco Control Clinic in which students provide legal assistance to

*Kathleen Hoke Dachille, JD, is Director, Legal Resource Center for Tobacco Regulation, Litigation & Advocacy and Associate Law School Professor. Professor Dachille 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.*

local governments, community groups, and state and federal agencies pursuing tobacco control efforts. The 2002 – 2003 academic year marked the inaugural clinic offering.

Because of the specialized nature of tobacco control law, the clinic started

with in-depth substantive presentations on various aspects of local government and legislative law. For example, Dan Friedman, a University of Maryland School of Law alumnus and associate with Saul Ewing, provided an in-depth and entertaining explanation of local government structure and authority in Maryland. Mark Pertschuk, Executive Director of the Marin Institute, led a dynamic discussion of the history of tobacco control and how it compares with other public health initiatives. Preparing students for the 2003 session of the Maryland General Assembly, Kristin Jones, Legislative Assistant to Speaker of the House, and Hank Greenberg, Assistant Attorney General, taught students about how a bill is drafted and shepherded through the legislative process. Other classroom subjects included the Master

Tobacco Settlement Agreement, internet tobacco sales, and best practices for local enforcement programs.

Outside the classroom students contributed significantly to local government efforts in tobacco control through several special projects. Students created a manual to educate trial judges and administrative bodies on why the law prohibits youth tobacco sales and how local governments enforce the law. The template manual is designed to make judges aware of how devastating youth tobacco sales can be so that enforcement cases are taken seriously and significant penalties will be imposed. Another student prepared a paper in support of a comprehensive clean indoor air ordinance on behalf of a local health department. The comprehensive and persuasive document will likely be used in the near future when the department introduces the ordinance to their legislative body. A third student successfully represented Montgomery County in a civil prosecution of a retail clerk who was cited for selling cigarettes to a minor.

For the 2003 session of the General Assembly, students drafted legislation for several legislators, drafted written testimony, and provided oral testimony at bill hearings. One student drafted and testified with sponsor, Delegate Jon Cardin, in support of House Bill 886, which would have raised the cost of licenses held by tobacco retailers, increasing funds for the Comptroller to use in regulating those retailers. In cooperation with Senator Ida Ruben, another student drafted and testified in support of Senate Bill 325, which would have allowed the Comptroller, or his designee, to seal tobacco product vending machines that do not comply with existing laws designed to prevent youth access to the machines. A third student supported Delegate Carol Petzold in testifying in support of House Bill

439 that would have required that retailers store tobacco products behind the counter, prohibiting customer access without clerk intervention.

Students were active on the national level as well. One student contributed to the Quarterly Conference Call of the Tobacco Control Legal Consortium (TCLC). He educated more than fifty participants on practical steps a tenant can take if exposed to drifting tobacco smoke from a neighboring apartment. He also outlined the causes of action such a tenant may have against a landlord or

smoking neighbor. Not only will this student's research assist the Center in advising tenants in Maryland, TCLC members across the country are better prepared to assist such tenants. Regardless of whether the Clinic students work in tobacco control in the future, they will no doubt be better prepared to handle governmental clients, bill drafting, testifying before government bodies, and public health policy development.

*Visit the Center website at [www.law.umaryland.edu/tobacco](http://www.law.umaryland.edu/tobacco).*

## C-DRUM Advances Use of ADR on Campus, in the Courts and Beyond

**T**he Center for Dispute Resolution at the University of Maryland School of Law (C-DRUM) is a major statewide resource advancing the use of ADR in employment, education, law and the courts. Led by Director and Law School Professor Roger Wolf, with the help of Deputy Director, Connie Beals, C-DRUM has made great strides during its initial year of operation. C-DRUM's focus has been toward implementing programs and forming relationships that will help to achieve the Center's goals. These activities range from micro to macro levels.

This year, C-DRUM selected a logo and developed a website. The website, which will be on line by the fall, has been the work of several students in the Mediation Clinic. It will, eventually, include written work by the students on conflict resolution topics. Within the law school, C-DRUM developed a list of current courses from which students can choose a concentration in Conflict Resolution.

As a research project, C-DRUM collected information from law schools across the country, that has conflict resolution programs. This information includes their curricula, and whether they provide mediation services to students and/or staff at these schools. This

information is being used in conjunction with the Human Resource Department for the University of Maryland Baltimore (UMB) campus to look at the existing employee grievance process with the goal to incorporate mediation as an option in a system that provides early opportunities to address issues of conflict and appropriate ADR options.

With a grant from the University Student Graduate Association (USGA), the students in the School of Law Mediation Clinic planned and presented two campus-wide mediation awareness events for the faculty, staff and students at both UMB, and the University of Maryland at College Park (UMCP). As a result of the presentation at UMB, C-DRUM and the Mediation Clinic established a working relationship with the Office of Student Affairs and the Campus Counseling Office. C-DRUM is now included in the Student handbook for the 2003-2004 academic year as a resource for students. The Campus Counseling Center has also listed C-DRUM as a resource for students whose issues are more appropriate to mediation than counseling. Through a collaborative effort between C-DRUM and the campus compliance officer in the Office of Human Relations at UMCP, a

course on conflict resolution will be offered this coming year that will train student mediators and put in place a campus peer mediation program at the University of Maryland, College Park campus. In addition, C-DRUM is working in collaboration with this office to develop a peer mediation program for that campus.

A relationship between C-DRUM, the Law School, the Medical School, and the Nursing School initiated during a collaborative conference, [MEDispute, held in September of 2001] has led to a course entitled

“Conflicts in Health Care.” This course will be co-taught this fall by faculty from the three schools with students drawn from each of the three schools. The goal of this course is to address the conflicts these students will encounter when they begin practice and teach them new and creative ways to resolve those conflicts.

Additionally, on October 28, 2003, C-DRUM in collaboration with the above three schools, will be co-sponsoring a one-day conference on the medical malpractice crisis in Maryland. This Roundtable Workshop, funded by The Maryland Mediation and Conflict Resolution Office (MACRO),

will address the problems in Maryland and explore, among other solutions, alternative processes to settle medical malpractice conflicts, like binding

arbitration, ombuds, and mediation.

This fall, in a collaborative effort with the Maryland Legal Assistance Network (MLAN), an Online Directory of Dispute Resolution Practitioners will be operational. This website will have a searchable directory for Maryland mediators and space for articles relating to ADR topics. The site has many other exciting possibilities such as an “ethics corner” column, as

well as offering a place where notices for regional meetings or guild gatherings of mediators can be posted. Recent court decisions that are relevant to ADR will also be recorded.

In June, a collaborative project between C-DRUM, MACRO, and the Maryland State Department of Education (MSDE) awarded grants to 10 Maryland public schools for creative conflict resolution programs to be implemented in their schools. C-Drum assisted in creating the guidelines, developing the materials, advertising the program, working with the applicants on the first round of applications, preparing the materials for the grant

review committee, and selecting and notifying the recipients. In the coming school year, students from the Mediation Clinic will be working with each of the grant recipients to provide support in implementing the grants.

C-DRUM also co-hosted several meetings with other mediation organizations to promote the use of ADR. One such meeting was with the newly created Maryland Circuit Court Business and Technology Case Management Program and MACRO to develop criteria for mediators, who will be referred cases.

C-DRUM is becoming a major mediation resource that will provide mediation services, promote the use of mediation, and provide mediation training to the educational, business, medical, and legal communities in Maryland . . . and beyond.

*Roger Wolf, JD, is Law School Professor and Director, C-DRUM. Professor Wolf is the past Director of the Clinical Law Program and currently directs the mediation clinic and teaches courses in dispute resolution. He is chair of the Professional Responsibility Committee of the Maryland Mediation and Conflict Resolution Organization (MACRO) and a member of its executive committee.*

*Connie Beals, JD, is a 2002 graduate of the Law School and Deputy Director of C-DRUM. She joins the Center with a Certification in Health Law and extensive experience in health care.*

# Social Work Program Creates Opportunities for Interdisciplinary Service and Learning

The Social Work Program at the University of Maryland School of Law is a “clinic within a clinic” run by Rebecca Bowman-Rivas, Clinical Instructor and Social Work Supervisor from the University of Maryland School of Social Work. The program provides an integrated social work/legal service delivery model by identifying clients in the Law School clinic who need social work services. Ms. Bowman-Rivas maintains an office in the Law School clinical space and serves as an instructor there. She supervises masters-level social work students who are placed in the Law School clinical program for their field practicum and internships. Clients who need case management and referral services are referred to the social work students by student-lawyers and faculty members in the Law Clinic. Over the past several years, many of these referrals have involved Law Clinic clients who are involved with the criminal justice system and seek assistance in accessing treatment in lieu of incarceration or other states of the process including post-release.

Eight students participated in the social work clinic this year, providing services to 40 individuals and families. The clients ranged in age from 3-79. Twenty percent were homeless or living in sub-standard housing at the time of referral. Over half of the individuals served were HIV+ and 40% were diagnosed with mental health

problems. Five individuals were over the age of 60 years. Most clients had legal issues in the civil arena, but approximately a quarter were being represented in juvenile justice or adult criminal matters. Services provided by social work students included but were not limited to: case management, linkage to treatment resources,

*Rebecca Bowman-Rivas, LCSW-C, is Clinical Instructor and Social Work Supervisor. Ms. Bowman-Rivas's brings extensive experience in forensic mental health, joining the Law School after several years at the Baltimore Office of the Public Defender*

housing, employment and entitlements, individual and family counseling, mitigation and jail diversion.

Students also participated in three group projects, serving many additional individuals in various partner agencies or within the University system. In cooperation with the Law School's Community Law In Action Clinic (CLIA), social work students worked with a law school fellow and student on developing and facilitating a court-ordered conflict resolution group for juvenile offenders who took weapons to school. Other projects included the co-facilitation of an ongoing support group for HIV+ adolescents in care at the University of Maryland Medical Center, and a leadership development group for 7<sup>th</sup> & 8<sup>th</sup> grade girls in a west Baltimore public school.

The Social Work program in the Law Clinic fosters interdisciplinary service and learning in several ways. Law students and social work students formally meet together in several “bridge” classes that take an interdisciplinary look at the needs of the population the students are serving. Ms. Bowman-Rivas regularly collaborates with Law Clinic faculty to identify and address the needs of clients. Law students learn to look at their client's legal challenges in a total social context, to identify when they can be helped by other professionals, and to understand the range of community resources available to their clients .

## The Changing Face of AIDS Moves Clinic to New Legal Service Models

Created in 1987, the University of Maryland School of Law AIDS Legal Clinic was one of the first in the country. Directed by Law School Professor Deborah Weimer, the AIDS Legal Clinic gives students an

opportunity to work closely with medical providers and social workers at the adult and pediatric HIV medical clinics to provide integrated legal services to people with HIV illness. Professor Weimer and

her students also provide advice and assistance to lawyers and health care providers around the state, and receive referrals of cases of first impression from various sources.

The changing face of AIDS has led the Clinic to develop new models of legal service delivery. In the early years, the AIDS legal clinic largely served the adult populations first affected by the epidemic. Students worked on cutting edge civil rights litigation including discrimination by employers and health care providers and forced HIV testing by both employers and even local government agencies. These cases arose largely from fear and ignorance, and as the epidemic continued, education and experience alleviated much of the insensitive and hostile treatment that originally greeted people diagnosed with AIDS.

Today, discrimination has not disappeared, but is usually more subtle. For example, in the employment arena, people with AIDS who attempt to exercise their rights under the Family Medical Leave Act are sometimes fired

by employers who do not wish to accommodate them. More importantly, however, the population effected by the disease is both much younger and more vulnerable. Adolescents with HIV, for example, are a

growing part of the Clinic's client base. These teenagers are often incredible survivors of multiple losses—one or both parents have died of AIDS,

relatives are unable or unwilling to care for them, or have abandoned them to the system out of frustration. Teenagers with HIV often end up in the foster care system, where they are often treated with callous disregard, and frequently run away. And, for the family member who does step forward to help—typically aunts or grandmothers—there is very little support for their efforts.

The rise in children at risk has led to new projects for the Clinic. For example, one project focuses on the support of children and their grandparent caregivers. The goal of this interdisciplinary

project is to identify and provide the support these grandparent families need to survive and flourish. Students in the Clinic provide legal support to grandparent families in collaboration with the University of Maryland School of Social Work and School of Nursing in child welfare, custody, public

benefits, and school enrollment cases. Grandparent families typically have an overwhelming number of legal issues with which they could use assistance. Student attorneys work with the interdisciplinary team and the family in determining what legal intervention would be most beneficial to the family.

Students have also represented caregivers regarding issues of medication compliance. The Clinic is working with providers to develop new models to address the question of medical neglect in a way that fosters medication compliance and prevents removal of the child from the home. Students also work directly with adolescents with HIV to help them hold the foster care system accountable to meet their needs. They advise the youth and health care providers on legal issues in medical decision-making for teenage patients who are HIV+ or at risk for HIV, including for example questions of consent to enrollment in clinical trials. Clinic service is integrated and holistic, providing interdisciplinary expertise to identify and resolve problems, and serving the complete grandparent family unit with legal, social work and medical support services.



Student attorneys consult with a client.

*Deborah Weimer, JD, is a Law School Professor and joined the University of Maryland after many years as in public interest practice. She has written extensively on employment law, and AIDS especially as it presents the need for integrated legal, medical and social service support for children and families*

Today, the AIDS Clinic forms an important element of the Law Schools nationally recognized Law and Health Care Programs, as one of several clinical offerings students can elect in meeting the requirements the

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## Law Students Learn by Teaching in the Community Law in Action Clinic

Community Law In Action (CLIA) is a law and policy-related youth empowerment organization specializing in “advocacy education” and the development of youth/adult partnerships for positive social change. Under the leadership of Executive Director and Adjunct Professor Terry Hickey, it has developed into a nationally recognized program that combines the best aspects of high school project-based learning and civic engagement with law school clinical legal education and community lawyering strategies. The CLIA Clinic is co-taught by Professor Hickey and Michael Millemann, the Jacob A. France Professor of Public Interest Law. At its core, the CLIA Clinic is an opportunity for law students to learn – and then teach – critical legal concepts and skills to young people working for change in their communities.

The forerunner of CLIA was a clinic in the Park Heights community established by Michael Millemann in 1995. As part of that initial clinic, 25 juniors from Northwestern High School met weekly at the Law School to work on community-based legal projects under the supervision of clinical law students. The law students helped (with the high school students) to plan the projects, and the law students then learned and taught the essential elements of the relevant law and process to the high school students, while supervising their work. This structure has become the core of CLIA’s unique collaborative problem solving model.

One example of a CLIA clinical semester is representative. A community organization asked the clinic to analyze housing problems, and suggest reforms

in a troubled area in Northwest Baltimore. The high school and law students, working in teams, gathered information about the property owners, the conditions of the houses (vacant or occupied, housing code violations or not), the assessed values of the properties, the profiles of occupants (tenant or owner), and the encumbrances on the properties.

The law students first learned, and then taught the high school students to obtain housing and property information on-line (by using LEXIS-NEXIS

*Michael Millemann, JD, is the Jacob A. France Professor of Public Interest Law. Professor Millemann has spent his career dedicated to public service, first as a legal aid attorney, in the Attorney General’s office, and as Director of the Clinical Law Program at the Law School.*

*Terry Hickey, JD, is Executive Director of CLIA and an adjunct professor in the Law School. Mr. Hickey is a 1998 alumnus. While a student, he was the recipient of the Clinical Law Program’s Hoffberger Prize for outstanding clinical advocacy.*

and Westlaw); to interview neighborhood residents, government officials, courthouse employees, and nonprofit service providers; and to find and obtain documents, including through land-records office searches, governmental agencies, on-line and in-person library research, and use of public information laws.

Under the law students’ supervision, the high school students “charted” the results of their investigation, compiling and preparing data-filled and color-coded maps and other exhibits. The teams of students identified potential remedies for illegal and substandard housing, and then synthesized the data and the legal and other research in a written report. After numerous rehearsals (“moots”) by the law students, the nervous high school students pre-

sented their findings to an audience of community leaders, city officials and foundation executives, at a public meeting. The presentation was extraordinary (and was very well received). It was the basis for several housing reform initiatives in the area.

While the clinic lends itself to youth enrichment and social change, the law students gain invaluable insight into the community and the importance of community lawyering. The law student are taught advocacy in its purest form through the CLIA model of charging the “student lawyer” with the challenge of teaching the high school student advocacy.

In 1999, at the request of the Baltimore City Public Schools System, CLIA created a more comprehensive program within Northwestern High School. With a current enrollment of more than 130, high school students have the opportunity to take law-related classes (including the Community Advocacy Clinic described above) and to participate in work-related programs and extracurricular activities over three years. CLIA also has expanded into other high schools, middle schools and community-based youth centers, and developed a strong technical assistance component to its offerings.

Among its current initiatives is the *Baltimore Youth Congress*. The Congress is a youth-run organization for participants between the ages of 12 and 25 that develops youth-relevant social and legal reforms and gives the public a positive example of urban youth as a counterweight to current negative stereotypes. Additionally, CLIA is currently leading the development of a social action-oriented curriculum for the *Baltimore Freedom Academy*, a new

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# Intellectual Property Clinic at Home in Technology Incubator

In a unique collaboration between the School of Law and the Montgomery County Department of Economic Development (MCDED), Maryland high-tech and bio-tech startup companies have ready access to intellectual property legal services and to educational resources on emerging ethical, legal and policy issues in the field of high-technology and intellectual property. Under the direction of Assistant Professor Mary Webster, the Maryland Intellectual Property Legal Resource Center is housed in an incubator for bioscience and information technology start-up companies established by MCDED. The Center is part of a network of technical and business support services designed to help new technology enterprises grow in the technology-rich Washington/Baltimore corridor.

The Intellectual Property Clinic is an important part of the overall mission of the Center. Recognizing the critical importance of intellectual property assets to high technology companies a practice component was part of the Center's plan from the start. Students in the IP Clinic provide legal services under the supervision Professor Webster, a licensed patent attorney, as well as affiliated faculty and area specialists. Tenants of the incubator are eligible to receive legal services from the Center. These services include general counseling about all areas of intellectual property, such as patents, trade secrets, copyrights, trademarks and service marks. Students and faculty in the Center provide advice regarding, for example, the requirements for patenting, trademark and copyright registration, domain names, USPTO procedure, foreign patent protection, laboratory notebook keeping, invention

disclosure, trade secret maintenance, the impact of public disclosure, foreign patent protection, inventorship issues, the need for and requirements of invalidity and non-infringement opinions. The Center will also assist in the preparation, filing, and prosecution of copyright registrations, trademark and service mark applications, and assist in the preparation of agreements such as confidentiality and material transfer agreements. The Center will also provide guidance regarding when and how to use outside counsel, maintaining a list of area law firms with whom it is affiliated.

The location of the Center offices on site at the incubator – right down the

*Mary Webster, JD, is Assistant Professor of Law and Director, Maryland Intellectual Property Legal Resource Center. Professor Webster has eighteen years combined experience in microbiology and patent law. Beginning with a career as a molecular virologist, she has specialized in biotech patent law for the past ten years. Her law career has included work in private practice, a clerkship at the Federal Circuit, and in-house counsel in commercial and not-for-profit settings.*

hall from the “corporate headquarters” of the startups – provides an invaluable advantage to the entrepreneurs. As issues emerge and change rapidly during the early days of development, regular contact with Center faculty and student-attorneys helps entrepreneurs learn basic business law and intellectual property concepts at a critical stage in their development. This learning, coupled with exposure to key public policy and emergent ethical issues through a monthly seminar series and national conferences, helps build their capacity not just to succeed in business, but to lead in the bio-tech and high-tech industries.

You can learn more about the Center at [www.law.umaryland.edu/miplrc](http://www.law.umaryland.edu/miplrc).

# Drug Policy Students Conduct Legal Needs Assessment in Baltimore City

The University of Maryland Clinical Law Program offered a new clinical practice in 2002-03 academic year – perhaps the first of its kind in the country – the Drug Policy and Public Health Strategies Clinic. Taught by Assistant Professor of Law Ellen Weber, the Drug Policy and Public Health Strategies Clinic took a new approach to clinical teaching around drug dependency issues. Many clinical practices represent clients whose untreated drug or alcohol problems lie at the heart of their legal problem. The Drug Policy clinic was designed to look at the public health strategies that would address the underlying health problem and the civil rights protections that would help those with addiction histories achieve self-sufficiency. Baltimore, with its record-setting rates of drug dependence and firm commitment to expand treatment services, offered many opportunities to address drug dependence as a public health problem.

The Clinic's first task was to define the scope of the “practice.” Professor Weber did this by interviewing over fifty treatment and other health care providers, state and local officials, legal services providers, community organizers and others who worked with persons having drug and alcohol problems to identify their priorities. One issue highlighted by those responsible for the city's publicly-funded treatment system was their desire to enhance the effectiveness of drug treatment by linking clients with civil legal services. A barrier to doing this, however, was the dearth of information about what the civil legal needs of this population

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### Drug Policy Students Cont. from page 15

are. No one knew whether their legal problems mirrored those of others low-income individuals or whether their drug and alcohol dependence frequently coupled with criminal justice involvement resulted in unique legal problems.

The Clinic decided to answer that question by conducting a civil legal needs assessment of two hundred (200) individuals who participate in alcohol and drug programs in Baltimore. Students had an opportunity to conduct human subject research – a unique experience for most law students — and learn first-hand about drug treatment and the lives of individuals who are struggling to overcome drug dependence. The civil legal needs assessment was supported by a \$5000 grant from the Abell Foundation in Baltimore.

A two student team developed a 200 question survey that probes legal problems in eighteen different areas and access to legal services to resolve identified problems. While the survey covers many of the same areas as needs assessments conducted by legal services organizations, it also sought to determine whether this community was affected by federal policies that bar many individuals with drug histories from receiving public benefits and health services, public housing, higher education loans and jobs. An equally important educational component was the development and

submission of the research proposal to the University's Institutional Review Board (IRB). As part of this process, the student team crafted informed consent materials, health disclosure forms that implemented the new Health Insurance Portability and Accountability Act (HIPAA) requirements, and protocols that would ensure confidentiality of sensitive information.



*Law student Fiona Davis ('05) reviews one of many files compiled from a case she is working on.*

Upon receiving IRB approval, the team trained seventeen students to conduct the survey through face-to-face interviews, and recruited fifteen alcohol and drug treatment programs throughout the City to serve as the study sites.

The interview process provided an invaluable learning opportunity for students. While most had formed impressions about drug treatment and those with addictions, many had never set foot in a treatment program or talked to a person openly engaged in the recovery process. The experience led some to re-examine their views on the effectiveness and value of treatment services and to get beyond the stereotypical images of individuals with drug dependence. All identified ways to extend legal services to this

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

group of individuals, and one student came away from the project agreeing to help a group of men renovate a house that will become their permanent home upon leaving treatment.

While this project differed from the traditional client-centered representation, it fits into a long tradition of identifying legal needs of underrepresented individuals and filling gaps in services. One goal of the project is to help the city's treatment system begin to address the unmet legal needs of individuals with histories of alcohol and drug problems, whether through expansion of pro bono legal services, better linkages to existed services for low-income individuals or through referrals to the law school's clinical program. While the data analysis has not yet been completed, Professor Weber expects the results will help guide the future work of the Drug Policy Clinic, pave the way for greater collaboration among the various clinical programs that "share" these clients, and assist in identifying areas in which the overall clinical program may wish to expand.

## Clinic Inaugurates New Management Model

The University of Maryland School of Law announced two new appointments to the Clinical Law Program this fall. Brenda Bratton Blom has been named Director, Clinical Law Program and Teresa K. LaMaster has been named Managing Director, Clinical Law Program.

This new leadership model recognizes the increasing complexity and sophistication of the practice in the Law School's teaching law firm. It signals the need for both programmatic and practice management leadership in the clinic. With twenty-five faculty and over 160 student-attorneys enrolled per semester, the Clinical Law Program is faced with many of the same challenges in client service, knowledge management, and law practice management as many law firms.

Professor Blom operates as the firm CEO and is responsible for the Clinic's overall practice direction, academic plan and faculty development. She holds a JD from the University of

Baltimore and a PhD in Policy Science from the University of Maryland, Baltimore County. Professor Blom has worked in public interest law firms since graduating from law school, first, as a staff attorney for the Community Law Center, then as Executive Director of Empowerment Legal Services Program. Her teaching, scholarship and practice interests include nonprofit and community organization activity in community and economic development, as well as the legal policies which promote and prohibit such activities.

Ms. LaMaster joins the Clinical Law Program in the newly created position of Managing Director. She functions as the firm COO, responsible for overall practice, operational, financial and staff management of the firm, with special responsibility for technology, communications and fundraising. Ms. LaMaster holds an MA from the University of Chicago and a JD with honors, from the University of Maryland where she was

Editor in Chief of the *Maryland Law Review* and was elected to the Order of the Coif. Prior to joining the Law School, Ms. LaMaster spent eight years in private practice litigating business and intellectual property cases both in trial and appellate courts. Her teaching and research interests are in the impact of technology on substantive law and law practice.

Both Blom and LaMaster are excited about the opportunities for the Clinical Law Program. "This is a moment of opportunity for us," said Blom. "Our students are entering the practice of law in a time when the need for services to those without access to justice is tremendous, and the opportunities presented through new technologies and partnerships with the Bar, both private and non-profit, are tremendous. We will be reaching out to better serve our clients, our students and the profession."

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### The Experiential Seminar Paper Cont. from page 4

markedly different, reflecting students' insights and ideas as galvanized by their experiences trying to make sometimes inflexible property doctrines meet their clients' needs. One student brought to bear considerations of community policing and 'defensible space' principles to argue for the inclusion of gated community greens as a crime-fighting, community-building feature of a neighborhood better known for drug trafficking. Others analyzed the benefits and risks of different forms of joint ownership to meet their clients' specific concerns: a limited liability company, for a group that hopes to create multiple greens; a homeowner's asso-

ciation under the Maryland statute; and cooperatives. Still another paper compared the difficulties posed by Baltimore's land use regime with European models to achieve shared green space. Another student, whose client was a handful of contiguous neighbors in a single city block, sought to articulate the implicit legal dimensions of the informal system of shared uses desired by his client group. His partner's paper sought to distill and apply liability insurance issues to the larger policy proposal to create greens in Baltimore.

A year later, in Spring 2003, the LTP: Community Development Seminar focused primarily on community-based strategies to expand affordable housing, and related land uses. As a result, clients' concerns varied consid-

erably. Students did amazing work with their clients, including for example: a local coalition advocating for a city-wide affordable housing trust; a community development corporation considering the potential of community land trusts for housing and non-housing purposes; a coalition of non-profits investigating the federal tax and securities implications of models of housing equity partnership; a group seeking to form as an organization and obtain tax-exempt status for preservationist land-use advocacy in a development-heavy jurisdiction; and others. They also wrote a splendid array of thoughtfully researched and considered papers that probed the contours of the legal work.

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# Faculty Notes

## Barbara L. Bezdek

*Language Matters: Designing State and County Contracts for Services Under Temporary Assistance for Needy Families*, 35 *Clearinghouse Review* 508-515 (2002) (with co-authors Cary LaCheen, Carol Medaris, Sharon Parrott and Eileen Sweeney) [adapted for advocates from Barbara L. Bezdek, *Contractual Welfare: Non-Accountability and Diminished Democracy in Local Government Contracts for Welfare-to-Work Services*, 27 *Fordham Urban L. J.* 1559 (2001)]

*Community Reinvestment through a Faith-Based Community Development Financial Institution*, presentation at the Central Maryland Ecumenical Council, Leadership Group (May 2002, Baltimore MD)

## Brenda Bratton Blom

*Community Development: Community Greens: A New Tool for Strengthening Urban Neighborhoods*, *Journal of Affordable Housing and Community Development*, Winter 2002 (with Robert B. Inerfeld)

## Rebecca Bowman-Rivas

*Interdisciplinary Training: Social Workers and Law Students in a Public Interest Law Clinic Setting*, presentation at National Association of Forensic Social Work's 20th Annual Conference (May 2003)

## Douglas Colbert

*Broadening Scholarship: Embracing Law Reform and Justice*, 52 *J. Legal Ed.* 540 (Winter 2002)

*Do Attorneys Really Matter? The Empirical and Legal Case For The Right to Counsel at Bail*, 23 *Cardozo L. Rev.* 1721 (May, 2002)

*The Professional Rewards of Public Interest Lawyering: Defending the Accused at the Pretrial Stage*, presentation at the Eric Neiser Public Interest Colloquium, Rutgers School of Law (February 2003, Newark, New Jersey)

Dedication: In Memory of Stanley Sholom Herr 1945-2001, Gostin, Koh, and Herr, *Different But Equal: The Rights of Persons With Intellectual Disability* (2003)

## Kathleen Hoke Dachille

Organized and led conference, *Special Topics in Tobacco Control: Reducing Youth Access to Tobacco at Retail Stores: What Works and How to Get There in Your Jurisdiction*. (June 2003), attended by health department enforcement officials and local police involved in youth access programs or considering such programs.

## Jerome E. Deise, Jr.

Principal presenter at the *Evidence in Civil Litigation Seminar* held at the Department of Justice National Advocacy Center (May 2002, Columbia, South Carolina)

## Sherrilyn A. Ifill

*Do Appearances Matter?: Judicial Impartiality and the Supreme Court in Bush v. Gore*, 61 *Maryland Law Review* 606 (2002)

*Judicial Speech—Free?*, presentation at the 2003 Pennsylvania State Trial Judges Conference (February 2003, Pittsburgh, PA)

## Susan P. Leviton

*Two Case Studies: How to Create Social Change*, presentation for the MacArthur Foundation Research Network on Adolescent Development & Juvenile Justice (November 2002, Baltimore, MD)

Appointed to the Baltimore Board of Directors, Open Society Institute

## Denis Murphy

*Law School Consortium Project*, presentation at the Annual American Bar Association/National Legal Aid & Defender Association Pro Bono Conference (April 2003, Portland, OR)

## Helen Norton

*What Bush v. Gore Means for Elections in the 21<sup>st</sup> Century*, 2 *Wyo. L. Rev.* 419 (2002)

*Diversity in Law Practice Management*, presentation at American Bar Association Annual Meeting (August 2002, Washington DC)

*Do Our Differences Make a Difference? Diversity Issues in Law Practice*, presentation at the American Bar Association Annual Meeting (2002, Washington, DC)

*What Gruttinger v. Bollinger Means for Employers' Affirmative Action Programs*, presentation at American Bar Association Annual Meeting (August 2003, San Francisco)

# Faculty Notes cont.

*You Can't Ask (or Say) That: The First Amendment Implications of Civil Rights Restrictions on Decisionmaker Speech*, 11 Wm. & Mary Bill Rts. J. — (forthcoming 2003)

## Michael Pinard

*From the Classroom to the Courtroom: Reassessing Fourth Amendment Standards in Public School Searches Involving Law Enforcement Authorities*, 45 Ariz. L. Rev. (forthcoming, Winter 2003)

*The Voice of Experience*, Society of American Law Teachers, presentation at AALS (January 2003)

*Working with Defense Investigators*, presentation at Deborah T. Creek Criminal Practice (November 2002)

*Autonomy/Client Centered Lawyering Revisited*, presentation and Session Leader AALS Conference on Clinical Legal Education (May 2002)

## Rena Steinzor

*You Just Understand!—The Right and Left in Conversation*, 32 Env'tl. L. Rep. 11109 (September 2002)

*Toward Better Bubbles and Future Lives: A Progressive Response to the Conservative Agenda for Reforming Environmental Law*, 32 Env'tl. L. Rep. 11421 (December 2002)

*The Unplanned Obsolescence of American Legal Education* with Alan Hornstein, 75 Temple Law Review 447 (2002)

*Book Review: Pragmatic Regulation in Dangerous Times*, 20 Yale Journal on Regulation 407 (2003)

*Democracies Die Behind Closed Doors: The Homeland Security Act and Corporate Accountability*, XII Kansas Journal of Law & Public Policy 641 (2003)

## Ellen Weber

*Title II of the Americans With Disabilities Act*, presentation at the Section 1983: Civil Rights Litigation Conference, Georgetown University Law Center (May 2003) and Chicago-Kent College of Law (March 2003)

*Teaching Disability Law Issues in a Clinical Setting* moderated and

participated in panel at the Stanley S. Herr Memorial Conference on Disability Rights and Social Justice (October 2002)

Appointed Member, The National Academies of Science/Institute of Medicine Committee on Vaccines Against Drugs of Addiction (July 2002)

## Deborah Weimer

*Medical Treatment of Children with HIV Illness and the Need for Supportive Intervention: the Challenges for Medical Providers, Families and the State*, 54 Juvenile and Family Court Journal 1 (Winter 2001)

*Ethical Judgment and Interdisciplinary Collaboration in Custody and Child Welfare Cases*, 68 Tenn. L.Rev. 881 (2001)

## Roger Wolf

*The Gray Zone: Mediation and the Unauthorized Practice of Law*, Maryland Bar Journal, p. 40 (July/August 2003)

## **The Changing Face of AIDS** Cont. from page 12

Certificate in Health Care Law. This specialty program attracts a cadre of capable students, many of whom have worked in medical fields before entering Law School. This past year, for example, students enrolled in the AIDS clinic included a pharmacist, an immunologist, several bio-medical researchers, and a speech and hearing teacher. Through exposure to the AIDS Clinics interdisciplinary service delivery model, these students learn the importance of integrated service delivery to serve the complex needs of families dealing with AIDS and HIV.

## **Law Students Learn by Teaching** Cont. from page 13

small high school in Baltimore, which CLIA and its leadership played an important role in creating.

In sum, CLIA and the Law School have developed an extraordinary relationship through which clinical law students, clinical and traditional faculty members, school administrators, judges, lawyers, and others are working to help empower youth and develop their full potential as informed community leaders and educated participants in civic life.

## **The Experiential Seminar Paper** Cont. from page 17

A student who worked on the Affordable Housing Trust proposal was able to examine the objectives and compromises of the coalition's ultimate proposal in light of the successes of an alternative strategy in a neighboring jurisdiction. Other papers analyzed legislation introduced in Maryland to prohibit

housing discrimination based on source of income/Section 8 vouchers, in light of federal constitutional and statutory provisions, and other states' laws; pernicious instances of NIMBYism in preventing the siting of scattered public housing units, and the opportunity presented by housing equity partnerships to avoid that fate; and, the potential for such equity partnerships to be abused by 'predatory lenders' in the absence of state regulation.

In Maryland's continuum of course types, the LTP clinical seminar incorporates law, theory, and the non-didactical elements of human decision and social context that give power and meaning to law. The reassembly of the basic elements of legal education—doctrine, policy, procedures, lawyer role—occurs in two directions, by bringing the legal doctrine and theory of the classroom into the real world of students' legal work, and by making that real work a key part of the material students must synthesize as part of the clinical seminar paper.

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