IN PRACTICE

NEWSLETTER OF THE CLINICAL AND LEGAL THEORY AND PRACTICE PROGRAMS AT THE UNIVERSITY OF MARYLAND SCHOOL OF LAW

Volume II, No. 1 Fall 2001

Inside this issue

Disability Rights Symposium Celebrates the Life and Mourns the Death of Stan Herr 1
A Word From Our Director 2
New Clinic Director Hits the Ground Running 3
Environmental Clinic Students Argue Before Fourth Circuit Court of Appeals 4
The Environmental Clinic is Fighting to Create a Lead-Safe City 5
Youth of Today—Leaders of Tomorrow 6
The Pretrial Release Project Exposes Flaws in Maryland Bail System 7
Dispute Resolution Center to be Established Within Clinical Program 7
Gravel Hill 8
Fall Conferences 9
Lawyering and the Gift of Public Service 10
Clinic Collaboration Pays Dividends in Baltimore Emergency 11
Clinic Offerings 12
Faculty Notes 14

Disability Rights Symposium Celebrates the Life and Mourns the Death of Stan Herr

by Professor and Clinic Director Tom Pérez

Stan Herr

Literally until his death, Stan Herr was doing what he loved best: spending time with family and friends, and writing and advocating about the need to empower people with disabilities in America, and around the world. The day before his death, Professor Herr was receiving family and friends, planning the final details of a disability rights symposium at the school of law that was his brainchild, and fully intending to participate.

Unfortunately, he passed away on September 24th, hours before the symposium. It was with heavy hearts—but clear direction from Stan Herr, that the University of Maryland School of Law convened the symposium on disability rights, that was also a celebration of Professor Herr's rich life.

Disability rights was Professor Herr's passion. For nearly two decades, he taught civil rights, human rights, and clinical legal education. He was a beloved teacher, a renowned scholar, and a tireless practitioner on behalf of vulnerable people, especially people with disabilities. He came to the University of Maryland School of Law in 1983, and inspired a generation of civil rights lawyers.

In fact, many of his former students attended the symposium at the law school on September 24th. Despite his advancing illness, Professor Herr was the principal organizer of the symposium, which focused on the future of the disability rights movement, both in the United States and around the world. Scholars from as far away as Israel participated, as well as current and former high ranking federal and state government officials, and many of Professor Herr's colleagues at Maryland.

The participants used as a framework Professor Herr's soon to be published article, "*Reforming Disability Nondiscrimination Laws, A Comparative Perspective.*" There was a spirited debate-perhaps reflecting Professor's Herr presence in spirit-about how far the disability rights movement has come, and how far it needs to go. By the end, participants began the process of mapping out a blueprint for future action.

Sadly, Professor Herr will not be physically present to implement this blueprint. Fortunately, he leaves us with many writings that lay out his vision, and his spirit endures in all of us who were fortunate enough to have been touched by Stan Herr.

©2001, University of Maryland School of Law

Newsletter of the Clinical and Legal Theory and Practice Programs
at the

University of Maryland School of Law

Thomas Pérez, J.D., MPP
Director, Clinical Law Program
tperez@law.umaryland.edu

There are a number of law school faculty who contribute to the diversity of the experiential learning program through their teaching and scholarship. We share some of these faculty's selected publications, presentations and appointments in *Faculty Notes:*

Faculty 2001-2002

Paul Alpuche, LL.M., J.D.
Barbara Bezdek, LL.M., J.D.
Richard Boldt, J.D.
Brenda Bratten-Blom, M.P.S., J.D.
George Burns, J.D.
Marc Charmatz, J.D.
Doug Colbert, J.D.
Karen Czapanskiy, J.D.
Jerome Deise, J.D.
Stanley S. Herr, J.D., D.Phil.
Terry Hickey, J.D.
Sherrilyn Ifill, J.D.
Susan Leviton, J.D.
Michael Millemann, J.D.
Joan O'Sullivan, J.D.
Thomas Pérez, J.D., MPP
Andrew Reese, LCSW-C
Steve Solow, J.D.
Rena Steinzor, J.D.
Deborah Weimer, J.D.
Virgil Wiebe, LL.M, M.Phil., J.D.
Roger Wolf, J.D.

Clinton Bamberger, Jr.,
Emeritus Professor of Law

Program Administrator
Nancy Dennis

Administrative Assistants
Diane Freeland
Jeff Harris
Loris Moore
Vicki Murray
Linda Whaley
Denise Wyatt

Comments and letters should be forwarded to the above address.

A Word From Our Director

These are exciting times at the University of Maryland School of Law, and I feel quite honored and humbled to be on board as the new Director of Clinical Law Programs. I have several sets of very large shoes to fill, starting with Clinton Bamberger, and moving on through Mike Millemann, Roger Wolf, and Susan Leviton. Fortunately, all of them remain here or are close by and have been invaluable oracles to me as I attempt to get a lay of the land.

Opportunities abound here at law school. I am very fortunate to have a Dean, Karen Rothenberg, who has been unwavering in her support of clinical education and experiential learning. My colleagues, both within and outside the clinic, have been quite helpful, and share my view that while we have much to be proud of, we cannot and should not rest on our laurels. As a result, we are undertaking an ambitious strategic planning process here at the clinics.

We held a retreat for faculty and staff in August, in which we asked some important questions about where we want to go as a clinical law office. I am new to academia, but I am not new to the challenges of working with and attempting to lead organizations. I believe it is important for any organization to attempt to develop consensus on the values that should inform every important decision. At our retreat, we identified a set of values that will motivate and inform all future decision making and strategic planning. These values include (1) collaboration, both within the law school and with other disciplines; (2) excellence and innovation in teaching, and the integration of law reform into our teaching; (3) independence; (4) humane treatment of others; and (5) diversity among staff and faculty.

We are working to ensure that we live these values in decisions that we make, and in interactions we have with clients and the communities. It is not always easy, given the inherent tensions in some of the values.

In this newsletter, you will see many of these values at work. I am very enthused about the innovative new clinics that are being offered, and I am very impressed at longstanding clinics that continue to be oversubscribed because students vie for the opportunity to learn from masters like Jerry Deise and Roger Wolf. The clinical office is in the thick of a substantial number of exciting law reform projects, many of which are discussed in this newsletter. We are collaborating as a clinic more than ever. For instance, we are conducting a series of "bridge classes" this semester in which all clinic students will come together to discuss overlapping issues, such as cross cultural lawyering.

Recently, our excitement has been tempered by sadness at the loss of our friend and colleague, Stan Herr. Stan touched so many lives, and will be sorely missed.

Stan strongly believed and I agree, that lawyers should be problem solvers and community builders. This newsletter will provide you with a snapshot of the exciting activities we are undertaking to produce the next generation of problem solvers, and to assist communities across Maryland.

Thomas Pérez

P.S. Check out our new website at www.law.umaryland.edu/clinic

New Clinic Director Hits the Ground Running

by Nancy Dennis

"Welcome to Maryland's largest public interest law firm." This is a frequent greeting that comes from Tom Pérez, the new Director of clinical law programs at the law school. Following a lengthy national search, Mr. Pérez was tapped to lead the clinical law program, which was ranked fifth in the nation by *U.S. News and World Report* for clinical training.

Although new to the law school scene, Pérez is no stranger to the world of public interest lawyering that the clinics promote. A graduate of Brown University, Harvard Law School and the Kennedy School of Government, Pérez spent his entire career as a civil rights lawyer with the federal government.

He worked for almost a decade at the Civil Rights Division of the Department of Justice, where he began as a trial attorney prosecuting police misconduct and hate crimes cases. He ultimately worked his way up to Deputy Assistant Attorney General for Civil Rights, one of the highest ranking positions in the Division, where he was a senior advisor to Bill Lann Lee, Assistant Attorney General for Civil Rights.

He also served as chief civil rights advisor to Senator Edward M. Kennedy and, most recently, was Director of the Office for Civil Rights at the Department of Health and Human Services (HHS).

Tom Pérez

His civil rights work has caught the attention of many civil rights heavyweights. Peter Edelman, Professor of Law at Georgetown and a former high ranking official at HHS, said: "I think the university is very fortunate. Thomas is a superb lawyer and he has a deep commitment to the public interest. He'll be a star and the students are very fortunate he's doing this. He had a lot of options and they landed a prize."

Pérez has hit the ground running. In August, he convened a staff retreat in an effort to begin the process of identifying opportunities for further growth, improvement and collaboration. Under his direction, the clinical office is developing a strategic plan, which will provide a blueprint for future growth. He has initiated a consultation process wherein teams of outside experts and clinical and non-clinical faculty have been retained to analyze various clinical programs and make recommendations for future growth. He has also met with a host of stakeholders in the community to get a better sense of the unmet needs, and ideas about new clinics that can address these needs.

"I am very excited to be here," said Pérez. "My first clinical experience as a law student was the highlight of my law school education. I felt exhilarated and empowered by the opportunity to help vulnerable people, and I look forward to the challenge of educating and hopefully inspiring the next generation of public interest lawyers." Based on the initial activities, the clinic is in very good hands.

Environmental Clinic Students Argue Before Fourth Circuit Court of Appeals

by Jeffrey Herrema '01 and Wade Wilson '01

What began as a routine investigation into the practices of local transportation and air quality planning, culminated in a showdown last Spring between the Environmental Law Clinic and the Environmental Protection Agency (EPA) in the U.S. Court of Appeals for the Fourth Circuit in Richmond.

In a lively argument that lasted over an hour, third year clinicians Jeffrey Herrema and Wade Wilson sought to convince a three-judge panel that EPA violated the Clean Air Act when it approved a revision of Baltimore's air quality plan. The process to Richmond was protracted and deliberate. The clinic filed the Petition for Review of Agency Action last April 2000 on behalf of its clients 1000 Friends of Maryland, a local group that is concerned with the adverse impacts of highway building and urban sprawl on air quality.

The case that took a full year and a half to investigate, develop, and brief, tested the scope of a provision of the Clean Air Act that requires states to verify through a complex modeling process that their air quality plans will provide enough pollutant reductions for urban areas like Baltimore to comply with the National Ambient Air Quality Standard for ozone. The suit was the first of its kind in the country.

Two generations of Environmental Law students worked on the case under the leadership of Professor Rena Steinzor, Co-Director of the Environmental Law Clinic. Briefs were prepared by Herrema, Brian Higgins ('01), Margaret Clune ('02) and Mark Sullivan ('02).

Students and faculty gather outside the Fourth Circuit courthouse in Richmond after oral argument.

When asked how she felt about students representing 1000 Friends of Maryland before the Fourth Circuit, Dru Schmidt-Perkins, Executive Director of the organization, replied: "They're the ones who sniffed out the case, and they're the best ones to take it to the Fourth Circuit. At any time, we could have thrown it to a major firm. But the students worked on it full-time. They're a good group of students, and no one doing it pro-bono could have done the job."

Clinic Co-Director Rena Steinzor recognized that the clinic students' appearance before the court was "very, very daring."

"People say to me, 'Are you crazy? Why don't you do it yourself?'" Steinzor said. "But they're smart as whips and they work really hard. Both these guys are fabulous." Steinzor relished seeing her students take a case from start to finish under her tutelage.

Thanks to the many hours invested in researching and writing briefs and in participating in twelve moot courts before faculty, other students, and outside attorneys, Herrema and Wilson were quite well prepared. Although the Clinic did not prevail on the merits, it was not for lack of effort, preparation and ingenuity. For the students in the Environmental Law Clinic, it was the experience of a lifetime.

The Environmental Law Clinic is Fighting to Create A Lead-Safe City for all of Baltimore's Children

by Professor Steve Solow

There is no established safe level of lead in the human body, and even the smallest exposure has the potential to cause serious harm – especially in small children and pregnant women. 90% of the homes in Baltimore have lead paint on their walls, a condition that has lead to the lead poisoning of thousands of the City's children. The Maryland Environmental Law Clinic has joined with the City of Baltimore to fight the problem of lead paint in Baltimore's neighborhoods.

Lead poisoning can result from either inhaling dust from lead based paint or ingesting paint dust or chips. Children are especially vulnerable because of frequent hand-to-mouth contact.

Yet, less than 13% of Baltimore children aged 0-6 have been tested for blood lead levels. Just blocks from Baltimore's well-polished inner harbor, a lead-poisoning epidemic plagues the city. Lead paint poisoning affects 7,000 Baltimore children every year. The U.S. Department of Housing and Urban Development reports that children in Maryland, especially Baltimore City, are four times as likely to be exposed to lead versus the national average, and 15 times more likely to develop lead poisoning. 85% of the Maryland's lead poisoning cases come from Baltimore, with over half of those cases coming from three "hot zones" in the city.

The clinical law offices at Maryland have been attacking the lead paint problem for a generation, beginning with the actions of Professor Emeritus Clinton Bamberger, the founder of the clinics. Since 1994, the Environmental Law Clinic has been working to help abate lead paint in housing units in Baltimore city and the state of Maryland. Starting last year, Clinic Director Steve Solow had the Clinic join the enforcement efforts of the Baltimore City Health Department's (BCHD) Environmental Health Code and Enforcement Attorneys.

University of Maryland students working hard at keeping Baltimore City safe for children.

Environmental Health Code and Enforcement Attorneys bring civil and criminal enforcement proceedings against landlords who fail to comply with court orders to abate lead affected rental units. Clinic students, pursuant to the Maryland student practice rule, serve as Special Code Enforcement Attorneys in enforcement cases filed against recalcitrant landlords.

Since the beginning of the City's enforcement efforts in January 2000, Environmental Health Code and Enforcement Attorneys along with Maryland law students, have filed over 180 civil enforcement cases. In most cases the landlords enter into plea agreements to pay fines and get the lead abatement work done promptly, rather than face high fines and prison terms if they continued to ignore the City's abatement orders.

Approximately 40 abatements have already been completed as a result of the enforcement actions. In addition, the attorneys have collected thousands of dollars in civil penalties. The work of the City was also aided by other legal work by last year's clinic students, who helped draft the city's first administrative plan for lead enforcement. The administrative plan was crucial in stepping up enforcement efforts, because the plan enables the city to conduct administrative searches for lead paint and file contempt sanctions against non-compliant landlords. With nearly 1000 active lead paint violations in the city, the student attorneys are excited by the challenges that wait ahead.

The City's overall strategy calls for Maryland students to continue their enforcement work along with a series of other steps. These include a grant program to support lead abatement, a program of strategic demolition of vacant and distressed properties in target areas that contain lead-based paint, temporary and permanent relocation services to families affected by lead poisoning, and expansion of outreach, education and lead testing activity by the Baltimore City Health Department.

Many other organizations across Maryland have joined forces to address the lead paint challenge, and the Maryland clinical offices will remain involved in these efforts. Clinic students will continue to work to make Baltimore a city where *no* homes have lead paint, where *no* children are plagued by lead poisoning, and where landlords do not offer rental properties to families unless they are safe and habitable.

Youth of Today—Leaders of Tomorrow: A Professor's Perspective

by Professor Terry Hickey

The people filling the hard wooden benches were proud parents, jammed into the Baltimore's Circuit Courthouse to see their sons and daughters take center stage after weeks of hard work.

The faces in the jury boxes belonged to a group of thirty young men and women – leaders. These 12-18 year-old residents of Baltimore City and County had just taken the oath of office as delegates in the first Baltimore Youth Congress, an elected, youth-led advocacy organization supported by a clinical program at the Maryland School of Law.

The Baltimore Youth Congress began its journey eight months earlier at the first annual Youth Explosion Leadership Conference held at Morgan State University. Community Law In Action (CLIA), an advocacy-oriented youth leadership development program founded by Professor Terry Hickey, had agreed to sponsor a conference workshop on starting a youth government as a tool for establishing a youth voice on important policy issues affecting young people in the Baltimore area.

There were 200 applications for 30 available slots. Selected youth (delegate trainees) were required to attend an intensive six-week Leadership Training Institute at the School of Law over summer break. The Institute was based on CLIA's unique model of advocacy training, which includes law-related skills such as analytical thinking and collaborative problem solving. Law students formed a crucial part of this model because of their ability to instruct others in issue identification and problem solving strategies. CLIA staff was determined to create something new: a youth leadership-training program that encouraged its participants to identify real social issues, connect with applicable resources, develop appropriate skills, and plan effective response strategies.

CLIA youth delegates being interviewed at the State capital.

The delegate trainees were very diverse in age, background and personality. A great deal of time was spent on team building and developing strong communication skills. There were exercises designed to help delegates think about social issues and what they could do to create change.

The Delegate-trainees selected police/youth relations, gun violence, and education reform as primary areas of concern. They also considered child labor violations, the plight of international refugees, and youth access to abortion in a series of extraordinary group debates. Law students served as facilitators and advisors to the group.

Interactive group planning activities were only part of the mix. Trainees also spent a week shadowing elected state and local officials, judges, prosecutors, and police officers to see first-hand how adult leaders made difficult decisions on the job. A few lucky trainees rode in patrol cars, while others attended a press conference with Maryland's Lt. Governor.

Meanwhile, in a unique arrangement with Towson University, the Open Society Institute, and the United States Department of State, Institute delegate trainees -were able to attend a model congress program with youth from war-torn Balkan nations such as Serbia, Albania, and Macedonia. This program allowed American youth to examine our system of government alongside children just experiencing the basics of Western democracy. The sessions were planned and taught by a Maryland law student, and a visiting law student interning with CLIA as part of a national service-learning program.

The Baltimore Youth Congress is one of a number of programs that CLIA runs. Other programs include a "Law and Leadership" academy at a local high school, and five after school programs in Baltimore. The aims are to empower youth, and provide opportunities for law students to learn problem-solving skills.

The Pretrial Release Project Exposes Flaws in Maryland Bail System

by Professor Doug Colbert

Nearly 40 years ago, Congress transformed this nation's federal pretrial release system. Recognizing that the use of money bail and dependence on bail bondsmen disadvantaged lower-income people, Congress concluded:

"Proper respect for law and order is jeopardized when the disposition of justice turns upon the financial status of the accused." The new federal system relied extensively on a pretrial release agency's investigation and supervision and guaranteed legal representation to indigent defendants.

The federal system provided the model for legislating reform of Maryland's pretrial release system. But it is a model only in theory, not in practice. Like its federal model, Maryland's written pretrial release rules entitle most defendants to be released on the least onerous conditions. However, its practices do not follow its rules. Indigent defendants (most facing nonviolent District Court offenses) are usually un-represented by a lawyer at the bail stage. While Maryland judicial officers released half of arrestees on personal recognizance, they invariably ordered full financial bond for the remaining half.

About 75,000 detainees regained their liberty pending trial in 1998 and 1999 by paying bondsmen a nonrefundable 10% fee. Collectively, Maryland's annual bail bond revenue totaled between $42.5 million and $170 million and caused economic hardship to many families who paid bail with money designated for rent, food and utilities. Under Maryland's pretrial release rules, the majority of these detainees should have been offered less onerous alternatives and released without bondsmen. This would not include individuals who pose a threat to public safety or who represent a flight risk.

The Abell Foundation funded the Pretrial Release Project (PRP) after the Maryland State Bar Association requested that the Maryland Court of Appeals authorize "a study be undertaken to evaluate the entire bail review process." Chief Judge Robert M. Bell agreed and suggested that "a comparative analysis [of Baltimore City] with other representative jurisdictions would be . . helpful in that its findings would be more likely to lead to substantive changes in the bail and pretrial release system statewide." Thereafter, the Abell Foundation made funding available, launching the two-year Pretrial Release Project (PRP).

The PRP Study is the culmination of this project. This study is of an outgrowth of two years of work by students in the Access to Justice and Bail Clinic. Students represented arrestees at bail and habeas corpus hearings. They have assisted hundreds of people accused of nonviolent crimes in gaining release. They have also built an extensive record documenting the need to reform Maryland's unjust bail laws.

Dispute Resolution Center to be Established Within Clinical Program

The clinical law program is in the final stages of a planning process that will result in the establishment of an interdisciplinary Dispute Resolution Center to be led by Professor Roger Wolf. This Center will be housed within the clinical law office, and the Center's mission is to encourage the use of alternative dispute resolution processes throughout the State of Maryland, and to meet the growing demand for skilled practitioners.

Professor Wolf has been a pioneer in ADR for over a decade. He is a past President of the mediation section of the State bar association, teaches the mediation clinic, and is one of Maryland's leaders in ADR. The Center will (1) work within the Law School to develop a Certificate program in Conflict Resolution; (2) provide seminars and training to practitioners across Maryland; (3) convene conferences and other events addressing conflict resolution issues, such as the recent conference on ADR in the health care context (see page 9); (4) develop partnerships with other institutions across the Maryland campus interested in conflict resolution; (5) assist courts and state agencies in implementing dispute resolution systems; and (6) conduct research on dispute resolution processes and issues relating to ADR.

"Lawyers are problem solvers," said Professor Wolf, and "effective problem solvers must have many tools at their disposal. The Dispute Resolution Center will ensure that we continue to focus heavily on alternative methods of problem solving."

This expansion is part of the broader effort on the part of the clinical law program to review and expand the scope of its programs. It also reflects recognition of the need to provide viable alternatives to litigation.

Gravel Hill - A Fight for Environmental Justice

by Diane Freeland

Gravel Hill is a small, close-knit, historic community located in Harford County, Maryland, which dates back to the Civil War period. Many of the families have lived for generations in this community. In 1989, Maryland Reclamation Associates (MRA) sought approval from Harford County to open a rubblefill in this community.

The construction landfill would be located less than 25 feet from the historic 150 year-old St. James AME Church which is the center of this community. The landfill is also immediately adjacent to the Church graveyard which contains the graves of at least seven African American civil war veterans. The construction of this rubblefill could also ultimately destroy the quality of life of the residents as well as their safety. The continued operation of a rubblefill can cause health problems from dust, oppressive noise, rodents and vermin, safety problems on the road and a possible asbestos hazard.

For the past twelve years, with the dedicated representation of Professor Sherrilyn Ifill and her LTP Civil Procedure students, this community has been fighting for the return of their safe, peaceful and clean quality of life, by opposing the developer's efforts to open the landfill.

Professor Ifill and her students have worked diligently preparing documents, interviewing witnesses, participating in zoning meetings and hearings to help protect the safety and livelihood of their clients. At a recent set of hearings, community and expert witnesses testified that the developer's efforts run contrary to Harford County's desire to protect citizens from the negative effects of rubble landfills. Hearings continued in Belair on October 1st and 3rd.

Historic site of church and graves of Civil War veterans

It is unclear when the case will conclude. What is clear, however, is that Professor Ifill and her students will be there for this community in need.

Welfare Reform Ends: What's Next?

The University of Maryland School of Law is sponsoring a two-day conference on October 19 and 20 entitled **Welfare Reform Ends in 2002: What's Ahead for Low- and No-Income Families?**

Professors Karen Czapanskiy and Barbara Bezdek are coordinating this conference. They are teaching the Family Investment Program Legal Clinic, which addresses welfare reform issues in Maryland. (See pg. 12 for description of the clinic).

The first day focuses on national issues around TANF Reauthorization, with presentations by nationally recognized welfare reform experts such as Dorothy Roberts of Northwestern, Christine Cimini of Denver, Tonya Brito of Wisconsin and others. Congresswoman Patsy Mink and Congressman Ben Cardin will talk about proposals in Congress. The second day focuses on government benefits for low- and no-income families in Maryland, with a community conversation involving families, community groups, advocates, service providers and government officials. The plenary session will be moderated by Ron Walters of the University of Maryland.

MEDispute: Resolving Health Care Conflicts

Together with the Law and Health Care Program, the Mediation Clinic, led by Professor Roger Wolf, hosted a September 25th conference entitled: **MEDISPUTE - Resolving Health Care Conflicts.** The conference focused on the multi-dimensional disputes layered throughout the health care industry – patient/provider, payee/payer, employee/employer, provider/payer, caregiver/caregiver – and explored new ways of resolving these conflicts. In November the Dispute Resolution Program, headed by Professor Roger Wolf, will co-host with the Family Law Initiative of the Maryland Mediation and Conflict Resolution Organization a conference on dispute resolution in the family law area. Planned for future years are conferences in environmental disputes and business and technology, linking existing law school concentration programs with the Dispute Resolution Program. The proceedings of each of these conferences will be published in one of the Law School Journals. Conference facilitators include: The Honorable Robert M. Bell, Chief Judge, Maryland Court of Appeals; Leonard Marcus, PhD, Harvard School of Public Health and Karen Rothenberg, JD, MPA, Dean, University of Maryland School of Law.

Chief Judge Bell addresses MEDispute conference

Youth Explosion 2001—Leadership Conference

Under the leadership of Professor Terry Hickey, **Community Law In Action (CLIA)** is proudly co-sponsoring **Youth Explosion 2001**, a youth leadership conference taking place on November 3rd at the Baltimore Convention Center for participants aged 12-21.

The Youth Explosion Conference was established to provide a forum for youth to cultivate their innate leadership skills, advocate for change within their communities and develop youth initiated advocacy projects. After the conference, Community Law in Action will continue to work with the youth to express an interest in pursuing these advocacy related projects.

Lawyering and the Gift of Public Service

by Monique L. Dixon '96

One of the aims of the clinical law program is to inspire the next generation of public interest lawyers. In each newsletter, we feature one graduate.

Describing the type of work I do is not a simple task. The short and easy description is I am a civil rights lawyer. But, those three words - 'civil rights lawyer'- do not adequately define or explain my mission. A more thorough explanation is that I am a public servant, trained as a lawyer, who provides support to advocates, lawyers and community organizations engaged in collective action to address racial and social injustices. I am able to pursue this work as a staff attorney at the Advancement Project, a non-profit organization that was founded over two years ago by four veteran civil rights attorneys.

The Advancement Project was founded based on the firm belief that sustainable progress toward racial and social justice may best be made when multiple tools - including law, strategic communications, research, policy analysis, and community organizing - are used in a coordinated and integrated manner. Advancement Project's staff brings these tools to struggles being fought by mobilized communities across the country.

Working in a profession that provides services to the public was something I envisioned for myself as I applied to various law schools. Although I was unsure of what I would do with a law degree, my ultimate goal was very clear - to be a voice for racial minorities, individuals with disabilities, and poor communities. The University of Maryland School of Law was my first choice because its Clinical Law Program, ASPER Fellowships and externship opportunities seemed to provide the type of training I would need to achieve this goal. In retrospect, my current career path is a direct result of my law school instruction and experiences.

After entering the law school, I aggressively pursued each legal theory and practice course offered. In my first year, I enrolled in a complex litigation, environmental law course. This class provided instruction on how to litigate a class action law suit in federal court.

"I challenge all law students, law professors and lawyers to be public servants until the promise of 'liberty and justice for all' becomes a reality."

Our clients were African-American residents of a small rural community in Northern Maryland who were fighting to prevent a landfill from being built in their community. This course introduced me to civil rights and administrative law and taught me how to utilize these substantive concepts to address the concerns of a large community.

In my second year, I was awarded an ASPER Fellowship which allowed me to serve as a law intern to a federal court judge and I enrolled in the juvenile law and special education clinic where I represented Baltimore City students with disabilities in special education administrative hearings. I honed these skills further during my third year, when I worked as an extern for a local non-profit agency, representing incarcerated youth and young adults with disabilities in administrative special education hearings.

These experiences at the law school laid the foundation for the many paths I would take during the early years of my legal career. My journey began with a state court judicial clerkship, followed by a two-year fellowship during which I provided legal assistance and advocacy to children and youth confined in Maryland's juvenile detention centers, in special education and child abuse cases. One year ago, I joined the staff of the Advancement Project where I am drawing from all of my life experiences as I work with individuals and communities who are struggling to achieve education reform for grades K-12, election reform and voting rights, and police accountability.

Today, as our country is preparing for war in response to the recent terrorist attacks on America, we can expect tough times ahead. As we send members of our armed forces across the seas to fight for the integrity of the "American Dream," those of us who are left behind must also fight to ensure that the dream is a reality to all Americans. As law students, there are countless opportunities to provide legal services to poor and under-served communities through the programs offered at the University of Maryland Law School. As lawyers, we have opportunities to provide pro bono legal services to these communities or commit to a career of legal advocacy on their behalf. Whatever the path, I challenge all law students, law professors and lawyers to be public servants until the promise of 'liberty and justice for all' becomes a reality.

Clinic Collaboration Pays Dividends in Baltimore Emergency

by Professor Brenda Bratton Blom

This past July, a train carrying eight carloads of hazardous materials exploded in a rail tunnel in the heart of downtown Baltimore. This explosion paralyzed the city for days. Fortunately, as a result of groundwork laid by two Maryland clinics, the city was better prepared to handle an emergency.

In 1996, the Economic, Housing and Community Development Clinic and the Environmental Law Clinic joined forces in the representation of the Fairfield Wagner's Point Neighborhood Coalition. The goals of the representation were twofold: to find new housing for residents away from the industrial peninsula, and to ensure that Baltimore City had sufficient emergency response capacity to provide for the safety of residents while they living on the peninsula.

By the end of 2000, the residents had been relocated. Emergency preparedness, however, was a different issue. The Local Emergency Planning Committee (LEPC) is the local governmental entity mandated by state law to ensure that our emergency response plan is in place.

In 1996, the LEPC was non-functioning, with no chairperson and no meeting. The emergency response plan was outdated, having not been updated since 1986. As a result of the efforts of the clinics' and community's efforts, the LEPC was revived, and an updated plan was produced in 1999. The updated plan is far from perfect, but was certainly an improvement on the earlier plan.

Fire in rail tunnel emitted smoke and noxious fumes over midtown Baltimore. File photo courtesy of The Daily Record.

When the train fire occurred in July, the LEPC successfully implemented many elements of the plan. Firefighters contacted everyone in the areas at greatest risk, and prepared an evacuation plan for affected residents. No residents were injured.

The work to prepare for environmental emergencies is not over. The Cleanup Coalition, a client of the Economic, Housing & Community Development Clinic, is working with student attorneys to renew efforts to monitor the work of the LEPC. As was learned in July, such preparation can save lives.

CLINIC OFFERINGS

This year, the school of Law offers 15 different clinics, including four new clinics.

New Offerings

The Family Investment Program Legal Clinic (FIP)

The FIP Legal Clinic is a collaboration on welfare reform between the clinical office, led by Professors Karen Czapanskiy and Barbara Bezdek, and the Homeless Persons Representation Project (HPRP), a Baltimore-based non-profit organization. Students work with public assistance applicants and recipients on a range of issues relating to access to critical benefits. Projects range from ensuring that clients are able to navigate the often formidable maze of state and city agencies, to individual representation in fair hearings, to the filing of a class action lawsuit to demand due process protections during critical phases of the public assistance process.

Employment Rights of Low Income Workers Clinical Workshop

In this clinical law offering, student-attorneys, under the direction of Professor Marley Weiss, represent low income worker clients in a variety of settings.

Students will partner with local non-profit agencies across Maryland that have been combating a variety of forms of worker exploitation. In so doing, workers provide advice to clients, negotiate settlements, appear before administrative or judicial tribunals, and address broader public policy issues surrounding low wage workers.

Immigration Clinic

This year, the immigration clinic moved in-house with the arrival of Professor Virgil Wiebe from the Georgetown University Law Center, where he taught for two years in the Center for Applied Legal Studies. Prior to teaching, he served as the Director of Immigration Services in a non-profit organization serving immigrants and refugees in New York City. The move will further efforts to demonstrate to students the importance of bridging clinical specialties in the pursuit to become effective community builders and problem solvers.

Clinic interns will serve as human rights advocates while representing persons seeking asylum before the immigration service and immigration judges. Interns will prepare asylum claims, which will include extensive client interviewing, international fact investigation, brief writing, and asylum interviews before Immigration Service adjudicators. They will appear before Immigration Judges and address issues of asylum and detention of immigrants. Interns will also visit clients in INS detention facilities in the area.

Criminal Justice

Under the direction of Assistant Professor and Clinic Director Thomas Pérez, one half of the students work as prosecutors, while the other half work as Criminal Defense attorneys in state and federal courts in Maryland. The classroom component presents rich and unique opportunities for cross fertilization, as students develop a deeper appreciation for the roles of the prosecutor and defense attorney. All students address law reform issues in criminal justice.

Existing Offerings

AIDS

The practice of Professor Deborah Weimer's students is a blend of impact cases raising issues of first impression (such as discrimination cases under the Americans with Disabilities Act) and representation of individual clients with HIV/AIDS who are confronting a variety of legal challenges.

Appellate Advocacy

Students represent convicted defendants on appeal in the Maryland Court of Special Appeals. Students develop the following skills and techniques:

Writing the Brief: The student will attempt to spot potential appellate issues, conduct research to refine and limit the number of potential issues, and prepare the brief for the court.

Arguing the Case: The student will conduct the argument with the supervising attorney as co-counsel.

Civil Rights of Persons With Disabilities Clinical Workshop

In this clinical law offering, student-attorneys will represent clients with various disabilities in a variety of settings that may include special education under the federal individuals with Disabilities Education Act, nondiscrimination under the Americans with Disabilities Act, including issues of discrimination against deaf and other hearing impaired persons, as well as issues of consent and self-determination, statutory entitlements, and related public policy issues as people with disabilities seek inclusion and greater participation in society.

Environmental Law

Students represent neighborhood community groups across the state concerned about inappropriate disposal practices, fighting sprawl, and the implementation of various environmental laws in Maryland.

Students also serve as counsel to STAPPA, ALAPCO and Chairman of the state Senate Environment Subcommittee. They are also working as enforcement attorneys with the Baltimore City Attorney's Office prosecuting cases against Baltimore landlords who have ignored orders to remove lead paint from their rental units.

Health and Elder Law

The Health and Elder Law Clinic affords students the opportunity to learn the American health care system from the point of view of the elderly and poor. In the process, they learn the public policy behind the law. It is excellent preparation for those interested in practicing health law or the burgeoning field of elder law. Law students in the Health and Elder Law Clinic represent the elderly, those with disabilities, and those who have health law problems, in a variety of civil cases involving health care and elder law.

Low Income Taxpayer Clinic

In the Federal Low Income Taxpayer Clinic, student attorneys represent low-income individuals who have disputes with the Internal Revenue Service (IRS). Students participating in this clinic addresses basic substantive tax issues such as filing status of a taxpayer, qualifications for dependency exemptions, the reporting of income and the payment of past due taxes.

Juvenile Law, Children's Issues and Legislative Advocacy

Students will represent children in special education hearings (administrative hearings in which handicapped children assert a right to specialized educational help), juvenile delinquency proceedings (quasi-criminal trials in the Baltimore City Circuit Court), child abuse cases, and cases involving Medicaid for children.

Students will have the opportunity to work with the Maryland General Assembly on legislation that affects children's health, education, economic support or right to safety.

Mediation Clinic

The mediation clinic continues to train law students as mediators – emphasizing not only skills but also theories of conflict and the role of Alternative Dispute Resolution (ADR) within the legal system. Once trained, the students mediate civil, landlord and tenant, and some criminal cases referred by the District Court of Baltimore City as well as community disputes and some personnel issues referred by the campus human relations department. In part because of the success of the clinic, the court is institutionalizing early referral as well as day of trial mediation in the district courts throughout the state.

Community Law In Action (CLIA)

See article on page 6.

Federal and State Criminal Defense Litigation Clinic

This one semester litigation clinic explores the role of the criminal defense attorney in the federal and state criminal justice systems as they represent clients who are charged with violating state and federal criminal law.

Students consider what it means to "represent" a criminal defendant and examine their duties as counselor, negotiator, evaluator and advocate. The goal is to become thoughtful about the process of providing effective representation. Students learn to identify the client's goals and develop strategies to achieve them. This may be done through counselling, negotiation, systemic or law reform, litigation and other creative methods.

The criminal justice system is a complex system that requires understanding of substantive law and

Cont. on page 14

Clinic Offerings
Cont. from page 13

procedure, as well as theory and technique. Perhaps even more important, defense attorneys must understand the people (clients, judges, jurors, police, prosecutors, etc.) who play important roles in this system.

Since each case may result in litigation, students learn the skills and techniques of trial advocacy. These include the following: pre-trial investigations; discovery; motions practice, and the trial litigation skills of opening statements; closing argument; witness examination (direct and cross); expert witness examination; laying foundations; use of demonstrative and other evidence; making and responding to objections; psychological principles of persuasion, theatre techniques and legal logic.

Bail and Access to Justice

Currently in Baltimore City, indigent defendants are un-represented when first appearing for bail. When unable to afford bail, they spend the next 30 days in jail before first meeting their court-appointed lawyer. Students enrolled in this clinic represent clients at the critical bail stage in order to 1) protect the liberty (and job, home and family) of an accused person, and 2) provide immediate representation toward preparing a defense against the charge.

Throughout the semester, students learn interviewing, counseling, negotiating, fact gathering, and courtroom advocacy skills. When appropriate, they continue to represent their client through the pretrial and trial stages.

In addition, to individual representation, clinic students also engage in a law reform project which seeks to make the right to counsel a reality for indigent defendants at the bail and pretrial stages. Students may develop a litigation approach for making the right of counsel a reality at bail proceedings. They may also pursue a legislative or lobbying strategy, and work with an elected public official. This clinic builds upon the work of students from previous semesters and seeks to fill a glaring gap in the implementation of the guarantee of representation for indigent criminal defendants.

Faculty Notes

BOOKS & ARTICLES

Barbara Bezdek
"Contractual Welfare: Non-Accountability and Diminished Democracy in Local Government Contracts for Welfare-to-Work Services," 28 Fordham Urban L.J. 1559-1610 (2001)

Doug Colbert
"Maryland's Pretrial Release and Bail System," Abell Foundation (www.abell.org), September 2001.

Stanley Herr
"Reforming Disability Nondiscrimination Laws: A Comparative Perspective." (pending in the Michigan Journal of Law Reform).

Susan Leviton
"Providing Services to Children with Special Health Care Needs: There's Many a Slip `Twixt the Cup and the Lip," (article pending in the Maryland Law Review)

Tom Pérez
"The Current Legal Status of Affirmative Action Programs in Higher Education," published in *The Right Thing to Do, The Smart Thing To Do,* Enhancing Diversity in Health Professions (Institute of Medicine, September 2001)

Rena Steinzor
"EPA and Its Sisters at Thirty: Devolution, Revolution, or Reform?," Environmental Law Reporter (September 2001)

Deborah Weimer
"Ethical Judgment and Interdisciplinary Collaboration in Custody and Child Welfare Cases," Tennessee Law Review (forthcoming)

Virgil Wiebe
"Footprints of Death: Cluster Bombs as Indiscriminate Weapons under International Humanitarian Law," 22 Michigan Journal of International Law 1 (Fall 2000)

"Asking for a Note From Your Torturer: Corroboration and Authentication Requirements in Asylum, Withholding, and Torture Convention Cases," (with Serena Parker) in Immigration & Nationality Law Handbook 2001-2002 (Updated and to be reprinted in Immigration Briefings, 2001)

"Grounds of Inadmissibility," Anna M. Gallagher, Immigration Law Service 2d (forthcoming 2002). ILS 2d is West Group's primary immigration law treatise.

PRESENTATIONS

Brenda Blom
"The Clinical Benefits and Challenges of the Fairfield, Wagner's Point Neighborhood Coalition Representation," Clinical Educators Meeting of the Forum on Affordable Housing and Community Development, Washington, DC (June 1, 2001)

Doug Colbert
"A Historic Context for Appreciating Hate Crimes and Local Prosecutors Crucial Role," University of Maryland's Victim Rights Conference (April 12, 2001)

"The Constitutionalization of the Ineffective Assistance of Counsel," Association of American Law Schools Annual Meeting, San Francisco, January 6, 2001.

"Creating Scholarship to Reform Legal Systems," Association of Clinical Law Professors, Montreal, May 11, 2001.

"Reforming Maryland's Pretrial Release and Money Bail System," Maryland State Bar Association Annual Meeting, June 14, 2001.

Susan Leviton
"Assessing Services for Children with Special Needs: The Promise and the Reality," Conference on Children with Special Needs: The Intersection of Health Care, Education & Law, University of Maryland School of Law and Health Care Program (May 17, 2001)

Tom Pérez
"Preventing Discrimination Against Physicians of Color," Annual Conference of the National Medical Association (August 4, 2001)

"The Current Status of Affirmative Action in Higher Education," Annual Nickens Symposium on Diversity in the Health Professions, sponsored by the Association of American Medical Colleges and the Institute of Medicine (2001)

Virgil Wiebe
"Credibility and Documentation Issues in Asylum Claims," American Immigration Lawyers Association Annual Conference on Immigration Law, Boston, MA (June 22, 2001)

"Refugee Law Clinics: Teaching Methodology and Management Practices," Hungarian Helsinki Committee and Eotvos Lorand University (ELTE), Sponsored by UN High Commissioner for Refugees, Budapest, Hungary (May 23-24, 2001)

"Cluster Munitions and Discrimination Principles under International Law," Briefing for Government Delegates to UN Conventional Weapons Treaty, Geneva, Switzerland
(April 4, 2001)

Steve Solow
"Charging Decisions in Environmental Crimes," forthcoming ALI-ABA course of study
on Criminal Enforcement of Environmental Laws, Washington, D.C. (November 8, 2001)

OTHER ACTIVITIES/ APPOINTMENTS

Doug Colbert
Gratz v. Bollinger (amicus brief for Lawyers Committee for Civil Rights Under Law in support of University of Michigan's affirmative action program, U.S. Circuit Court for the Sixth Circuit of Appeals, October 23, 2001)

AWARDS

Stan Herr
Paul Hearne Disability Rights Award, American Bar Association, ABA Museum of Law, Chicago, IL (August 6, 2001)

Herbert S. Garten Pro Bono Special Projects Award, for lifetime work on disability law and homeless persons' representation, Maryland Pro Bono Resource Center, Maryland State Bar Association Business Meeting, presented by Chief Judge Robert Bell of the Maryland Court of Appeals, Ocean City, Maryland (June 16, 2001)

Cont. on page 16

Faculty Notes
Cont. from page 15

AWARDS (cont.)
Community Service Award, University of Maryland, presented by President David Ramsey, University of Maryland Baltimore Campus Recognition Awards Program (May 8, 2001)

Susan Leviton
Maryland's Top 100 Women, Daily Record, (March 2001)

Tom Pérez
Recipient of Excellence in Legal Services Award from Mexican American Legal Defense and Education Fund (April 2001)

Deborah Weimer
Maryland Bar Foundation's Professional Legal Excellence Award for the Advancement of Unpopular Causes, (March 2000)

The Clinical Law Program
School of Law
University of Maryland Baltimore
515 West Lombard Street
Baltimore, MD 21201

Non-Profit Org.
U.S. Postage
PAID
Baltimore, MD
Permit No. 2439