

Tributes to Professor Susan Leviton

Follow this and additional works at: <http://digitalcommons.law.umaryland.edu/mlr>



Part of the [Biography Commons](#)

Recommended Citation

Tributes to Professor Susan Leviton, 73 Md. L. Rev. 1049 (2014)

Available at: <http://digitalcommons.law.umaryland.edu/mlr/vol73/iss4/9>

This Article is brought to you for free and open access by the Academic Journals at DigitalCommons@UM Carey Law. It has been accepted for inclusion in Maryland Law Review by an authorized administrator of DigitalCommons@UM Carey Law. For more information, please contact smccarty@law.umaryland.edu.

MARYLAND LAW REVIEW

VOLUME 73

2014

NUMBER 4

© Copyright Maryland Law Review 2014

Tribute

BALTIMORE'S VERY OWN SUPERWOMAN

LANE EARNEST*

It is difficult to convey in words what Professor Susan Leviton—who always tells her students to call her Susan—has meant to the University of Maryland Francis King Carey School of Law (“UMD Law”), the Baltimore community, and the many children whose lives she has forever changed. John Quincy Adams said, “If your actions inspire others to dream more, learn more, do more, and become more, you are a leader.”¹ Susan has been this type of leader for her colleagues and students, as reflected in the number of accomplishments she has achieved and lives she has touched during her career in juvenile law.

After graduating from UMD Law in 1972, Susan began her career at the Baltimore Legal Aid Bureau, where she was the managing attorney of the welfare unit and also served as the bureau’s lobbyist to the Maryland General Assembly. In August 1975, Susan returned to her alma mater to serve as the Deputy Director for the Developmental Disability Law Project, and in that role she established a clinic for handicapped children who had been deprived of the special-education services to which they were entitled.

* Lane Earnest graduated *Cum Laude* from University of Maryland School of Law, where she was an Associate Editor of the *Maryland Law Review*, Vice President of the Maryland Public Interest Law Project, and a Clinic I and Clinic II student in Professor Susan Leviton’s Juvenile Law Clinic. She currently lives in New York City and is an associate in DLA Piper’s litigation group.

1. See Mary Luttrell, *John Quincy Adams Perfectly Defined Leadership*, NORTH BAY BUS. J. (Oct. 24, 2011), <http://www.northbaybusinessjournal.com/42319/>.

She has remained at UMD Law ever since, transitioning to Professor, to Acting Director of the Clinical Law Program from 2000–2001, and to Director of the Juvenile Law Clinic.

Despite her full-time employment, Susan also found time to pave the way for tomorrow in juvenile law and improve the lives of children statewide. Naming all of Susan's accomplishments is beyond the scope of this piece, but I will highlight a few of her many important contributions. In 1987, she co-founded Advocates for Children and Youth, Inc., a statewide child advocacy organization. In 1988, Susan helped launch Baltimore's CASA program; and in 2009, she was a founding board member of Free State Legal Project, Inc., a non-profit legal center advocating on behalf of disadvantaged lesbian, gay, bisexual, and transgender ("LGBT") individuals. In addition, Susan is past chair of the Maryland Human Relations Commission and is currently on the Baltimore Board of the Open Society Institute.

It is not, however, Susan's impressive resume that makes her so remarkable. Rather it is her dogged determination, unwavering compassion, and contagious enthusiasm that make her—as late Maryland Senator Clarence W. Blount, D-Baltimore City, remarked—"close to Superwoman."² The stories of her clients, colleagues, and students speak to her "superwoman" capabilities. Susan has transformed the lives of many of her juvenile clients such as the mentally challenged girl who, before Susan came along, stopped speaking as a result of the stigma she felt in her mainstream classroom, or the young foster child who was too scared to speak out before Susan spoke for him when doctors performed surgery on the wrong leg.³ It is not only Susan's success in achieving results for her individual clients, but also her ability to identify systemic problems in the institutions that are supposed to be serving them and then to fight to implement solutions that make her "one of the state's most precious resources."⁴ Susan will be the first to tell you, "'I don't obey rules, and I question authority.' But through the writing, the lobbying, and the clinics, Leviton hasn't just questioned authority, she has seized it."⁵

Although UMD Law will surely miss her, Susan leaves her legacy with the many students she has inspired to become advocates for positive social change. In the Juvenile Law Clinic, law students represent children

2. Abby Karp, *Attorney for the Children: She Lends a Hand to Kids Mired in Bureaucracy*, BALTIMORE SUN, Oct. 8, 1989, at 1H.

3. *See id.* (describing the stories of several of Susan's juvenile clients).

4. *Giving State's Children a Shot at Success*, BALTIMORE SUN, Sept. 2, 2001, http://articles.baltimoresun.com/2001-09-02/news/0109010036_1_leviton-advocates-for-children-children-and-youth.

5. *Baltimore's 25 Smartest: Susan Leviton Lollipop Lobbyist*, BALTIMORE MAGAZINE, Sept. 1996, at 57.

in special-education and juvenile-court proceedings while also working with inner-city high school students to help keep them out of trouble by teaching a “street law” oriented program. The beauty of the clinic is that it “builds bridges, opens doors and, says Leviton, ‘gives a voice’ to young people who may never have had one before.”⁶ By becoming the “voice” for these at-risk youth, Susan’s students develop their own voices and abilities to become leaders.

Testimonials from Susan’s former UMD Law students reflect three common themes. First is Susan’s ability to broaden students’ perspectives on the unique challenges at-risk youth face—a prerequisite to changing their circumstances in a meaningful way.

Aisha Lewis-McCoy ‘07 said:

I started my career as a criminal defense attorney. My time under the tutelage of Susan is what prepared me to provide holistic zealous advocacy to my young clients by understanding what brought them to me, what they faced when they returned home, and what challenges we would need to overcome to get them the services they deserve. Simply put, Susan’s guidance made holistic advocacy my personal mantra.

The second common theme is that Susan has inspired students to continue challenging the status quo in order to protect the public interest long after completing their clinic requirement.

Ray Earnest ‘83 commented:

Years ago, Susan taught me to work to come up with solutions to solve the problems of the disadvantaged rather than just bemoaning them. I’m sure that I am not alone among her former students in counting Susan as a mentor who pointed me toward the pro bono work that has been the joy of my career.

Khalilah Harris ‘01 stated:

I’ve had the benefit of watching Susan shape the minds of budding attorneys by requiring a standard of excellence and level of compassion which will benefit them throughout their careers. I am honored to have worked alongside her in creating options for young people to develop and use their voices to advocate for the public good.

Patrick Winter ‘12 said:

Susan taught me—regardless of your job title—the importance of giving back to the community. As attorneys, we have the power and

6. Rachel Granfield, *Baltimore Freedom Academy and UM Carey Law Partner to Educate on Juvenile Justice*, UMD LAW NEWS (Fall 2012), available at http://www.law.umaryland.edu/about/news_details.html?news=810.

responsibility to fight for children who cannot fight for themselves. Despite my corporate path, I will seek out opportunities to do so throughout my career.

The third theme that emerges from these testimonials is Susan's unique ability to mold students into their best selves by pushing themselves and their colleagues to do better.

Natalie Amato '11 commented:

Susan identifies and draws out the strengths in her students, revealing to them the abilities they already possessed, and perceptively assists them in developing those talents.

Lee Ann Wurst '12 remarked:

Susan single handedly had the greatest influence over me at Maryland. She is as kind as she is brilliant. She has a unique way of making students feel at home and comfortable, while inspiring them to strive for more.

Kate McComiskey '13 shared:

Susan is remarkable, and she has impacted my life in ways she will never know. Her passion for her work drives us all to be better; it drives us to find our own callings and to face even the most difficult of challenges.

I echo all of my fellow students' sentiments, and I am honored to call Susan my professor, mentor, and friend. She deserves our deepest gratitude for the invaluable gifts she has bestowed upon our school and community.

THE POWER OF NICE: A TRIBUTE TO PROFESSOR SUSAN LEVITON

DONALD G. GIFFORD*

Like many of my faculty colleagues, I first met Susan in her role as a member of a committee charged with deciding who should be hired as either a faculty member or a dean. Her committee colleagues were astute enough to make sure that Susan was always one of the first faculty members that we candidates met, often either at the airport or at breakfast before

* Edward M. Robertson Research Professor of Law, University of Maryland Francis King Carey School of Law. Professor Gifford served as dean of the law school from 1992 until 1999.

a day of interviewing. We all left those initial encounters with Susan thinking, “This is a really nice faculty. I’d like to work with these people.”

It would be, however, a serious error to characterize Susan Leviton primarily as a “nice person” instead of as a remarkably effective teacher and lawyer and the best advocate that Maryland’s children have ever had in the Maryland General Assembly.

The law school community and I were once the beneficiaries of what Susan could accomplish working with the General Assembly. Almost twenty years ago, a then-young law school dean (me) had this crazy idea that the existing law school building—horribly cramped, worn, and looking like a badly designed late-1960s middle school building, needed to be replaced. The trouble was that any new university building project was required to be endorsed by the University President as a priority before being forwarded to the Board of Regents and then to the Maryland General Assembly. For those of us at the law school, this just was not going to happen. At the time, on our predominantly health sciences campus, an “addition” to the then-law school building—which campus officials later admitted was structurally impossible—was in line behind more than twenty other health-sciences-focused building projects. So members of the law school community—our alumni leaders and a couple of well-connected faculty—took our building proposal directly to the Governor and an initially highly skeptical General Assembly.

The General Assembly approves funding for university building projects in phases. As a result, it takes about five years to obtain all the required legislative approvals. Each year, as Dean of the School of Law, I was required to attend hearings of at least four committees and subcommittees charged with responsibility for approving the funding of new university building projects. During the first couple years, I went by myself to Annapolis. The committee hearing typically would be scheduled for 1:00 p.m. I sometimes would finally be called to testify at 4:00 p.m. or even at 6:00 or 7:00 p.m. after the committee had considered as many as a dozen or more other projects. The response of at least some of the legislators to my testimony explaining why the law school needed a new building often went beyond skeptical and approached nasty. Committee members grilled me for anywhere between twenty-five minutes and an hour. My favorite legislator was the chair of a key committee who repeatedly told me during the hearings, “You’re not building no Taj Mahal. You’re not building no atriums.”

After a couple of years of this, I became a little smarter. I knew I needed protection. The offensive line of the Baltimore Ravens was not available, so my first instinct was to show up flanked by some of our powerful and well-connected alumni leaders. The atmosphere of the hearings became somewhat more polite. The representatives of the law school were

then called to testify within the first two hours instead of during the sixth hour. Instead of being subjected to outright hostility, I was now on the receiving end of a tough but appropriate cross-examination.

The next year, I thought a little more about who in our law school community was most respected by the leadership of the General Assembly. I decided to have Susan Leviton alone accompany me. Here's how the hearings went: We were called to testify first. The questioning began as follows: "Professor Leviton, we're privileged to have you appear before our committee. Do you really need a new law school building?" Susan answered affirmatively and in two sentences. The chair turned to me and courteously asked me two or three specific questions about the project budget and our progress in raising private funds and in designing the building. We were out of there within ninety seconds.

I suspect that until now, few have known of Susan's critical role in making the beautiful "new" law school building possible—a building that transformed the law school, helped us recruit highly qualified students and faculty, and increased our reputation. However, all of us who have ever had the privilege and pleasure of working with Susan know that she was the one who taught her students, her colleagues, and even a dean or two, that the lawyer's most effective weapon is being nice.

RETIREMENT TRIBUTE TO SUSAN LEVITON

AARON MERKI*

I met Susan as an anxious, naïve, recent college graduate in 2005. I had just graduated from the University of Maryland, Baltimore County, and my mentor—and close friend of Susan's—Walter Sondheim had been talking to me about my plans to attend "Maryland law school." I had no real sense of what to expect of my 1L year: the outlining, the collective neuroses, the cliques and competition and craziness of it all. Walter kept telling me about his friend Susan, a professor and brilliant child advocate there. At the time, I was interested in education policy and how the law could be used to effect real education reform in Baltimore. It made sense for me to connect with her.

I ended up meeting Susan for the first time at a gala fundraiser for the Public Justice Center. I was attending with my friend Alicia Wilson, who had also been mentored by Walter and had become one of Susan's students.

*Executive Director, Free State Legal Project.

I had not yet started law school, and my initial meeting with Susan was a passing first introduction; but Susan radiated warmth and kindness. She was magnetic—a striking contrast to the proverbial image of a law professor that I held in my mind: stern and bespectacled, gray. Susan was colorful, inviting and fun. So when I walked into my first day of law school, I was intent on getting to know her.

Over the course of that first year we did get to know each other. Susan and Walter, and Alicia and I would meet for lunch at the old Windows restaurant in the harbor. We would sit and talk about the City and the state of things, good and bad. Having grown up in a small town in Southern Maryland, I learned a history that I had never known: a Baltimore history that spanned the twentieth century, from the great fire to the desegregation of Baltimore's schools. Looking out over the harbor from our table, I learned of Baltimore's renaissance and the politics of urban development and renewal. Each of Susan's and Walter's stories was a lesson, and I took in all of them.

However, during that year, I connected with Susan more because of another journey that I was undertaking. I grew up in an evangelical household. My father is an evangelical minister, as was his father, and matters of religion and faith had saturated my life. At some point as an undergraduate, I began to come to terms with my sexual orientation; but as I entered law school I still had not come out to anyone. The internalized homophobia with which I was grappling was heavy and hard to dislodge. I do not know what it was about Susan that made me want to come out to her, but anyone who knows Susan knows that she invites you, and everyone she meets, to be open, honest, and free. She was one of the first "adults" (I was only 22) who helped me—through simple conversation and friendship—through the coming-out process, and let me know that I was not worth any less for being gay.

Since then, our friendship has deepened, and I have continued to learn from her. We have worked for years developing the Free State Legal Project, dedicated to legal services and advocacy on behalf of low-income lesbian, gay, bisexual and transgender Marylanders. Having helped build many nonprofits, she continues to lend her skills to new causes and to undertake new advocacy projects on behalf of the most disadvantaged in our society. Her commitment to Baltimore and to Baltimore's children is unwavering. Her passion for people and the community is as strong as the day she graduated from law school. Retirement will change none of that. We have a lot of work left to do to advance the cause of justice, and we all have much more to learn from our dear friend Susan. I could not be more excited for the years to come.

**MARYLAND'S GIANT LAW REFORMER
AND MY PARTNER FOR FOUR DECADES**

MICHAEL MILLEMANN*

In 1975, Susan Leviton joined our faculty as a lecturer and Deputy Director of our new Developmental Disabilities Law Clinic. This was the law school's second clinic, funded by a grant from the then-federal Department of Health, Education, and Welfare. Thirty-eight years later, in 2013, our Clinical Program is ranked in the top five of all clinical programs due, in significant part, to the thirty-eight years of clinical teaching and practice Susan has done since 1975.

Susan has been a great clinical teacher, a practical and wise school leader (including in challenging times), a wonderful colleague and, hands down, the best child advocate in the State of Maryland. Many generations of law students identify Susan as one of their most important mentors, and hundreds of children and their parents know Susan as their true champion.

Susan graduated in 1969 with high honors from the University of Maryland, College Park. She graduated from the University of Maryland School of Law in 1972, where, among many other things, she was a student leader in developing a volunteer prisoner assistance project (today's state-funded Prisoner Rights Information System).

Susan began her legal career at the Maryland Legal Aid Bureau. From 1972 to 1975, she was a Bureau lobbyist in the Maryland General Assembly, a staff attorney in the Administrative Law/Law Reform Unit, and Managing Attorney of the Welfare Unit, where she represented clients in individual hearings and class action litigation.

In 1990, Susan became a law school Associate Professor. In 2000–2001, she was the Acting Director of the Clinical Law Program, and in 1997, she was promoted to law school Professor.

Susan has combined teaching, scholarship, service, and program development in enormously creative and important ways. She has used each to reinforce the other, to the great benefit of our law students, Maryland's children, the law school, and the State of Maryland. Susan's focus has been on children and their legal problems, including problems faced by abused and neglected children, children with learning disabilities, and children ac-

* Jacob A. France Professor of Public Interest Law, University of Maryland Francis King Carey School of Law. Professor Millemann also serves as director of the Leadership, Ethics & Democracy Initiative.

cused of delinquency. Her pattern is to identify a problem, propose solutions in her scholarship, and then, with her students, work to implement the solutions.

In 1983, she co-authored *Maryland's Exchangeable Children: A Critique of Maryland's System of Providing Services to Mentally Handicapped Children*,⁷ that criticized the ways in which the law “labels” and “categorizes” children, allegedly to provide them specific services. She argued that this ignores the multiplicity and complexity of their problems. Through this article, and her many follow-up actions, Maryland agencies now have a greater range of services and can work cooperatively to meet the intertwined needs of children and their families.

In 1986, her article in the Maryland Bar Journal, *A Call for Uniformity*,⁸ demonstrated the need for uniform procedures and independent and professional decisionmakers in state administrative hearings. Then, in her pattern of engaged scholarship and practice, she wrote model procedural regulations for contested adjudicatory proceedings, served on a task force that proposed legislation to create the independent Office of Administrative Hearings, and lobbied in support of that bill, which created that office. This has been the most important reform of administrative decisionmaking in Maryland in the last half century.

In 1987, as Chair of the Governor's Task Force on Adoption, she wrote *Growing Up Alone: Children Waiting for Families*,⁹ which resulted in new laws and programs to facilitate the adoption of children in foster care.

In 1993, she co-authored *An Adequate Education for All Maryland's Children: Morally Right, Economically Necessary, and Constitutionally Required*,¹⁰ in which she argued that the “under-education” of low-income students in public schools produces or contributes to welfare dependency, drug use, and crime, and undermines our national competitiveness globally. She made important recommendations, a number of which, with her follow-up advocacy, the Maryland State Department of Education, the Governor and the General Assembly subsequently adopted.

Along the way, during these thirty-eight years, Susan has founded or co-founded a range of advocacy organizations to represent children who

7. Susan P. Leviton & Nancy B. Shuger, *Maryland's Exchangeable Children: A Critique of Maryland's System of Providing Services to Mentally Handicapped Children*, 42 MD. L. REV. 823 (1983).

8. Susan P. Leviton, *A Call for Uniformity*, MD. B.J., Dec. 1986, at 13.

9. SUSAN P. LEVITON, MD. GOVERNOR'S TASK FORCE TO STUDY ADOPTION PROCEDURES IN MD., *GROWING UP ALONE: CHILDREN WAITING FOR FAMILIES* (1987).

10. Susan P. Leviton & Matthew H. Joseph, *An Adequate Education for All Maryland's Children: Morally Right, Economically Necessary, and Constitutionally Required*, 52 MD. L. REV. 1137 (1993).

cannot otherwise obtain legal help, including Advocates for Children and Youth (a statewide child advocacy organization); Baltimore City Court Appointed Special Advocates; and the Maryland Disability Law Center. She also was a co-founder of the Women's Law Center and the Free State Legal Project, which provides free legal services to low-income members of the LGBT Community.

For all of her wonderful work, Susan has been praised by governors, legislators, judges, policymakers, and advocates alike; and she has received many awards, including the American Bar Association's Third Annual Child Advocacy Award, the Maryland Bar Foundation's Award for Professional Legal Excellence in Advancement of the Rights of the Disadvantaged, the Benjamin L. Cardin Pro Bono Service Award from the University of Maryland School of Law Alumni Association, the Child Advocacy Award of the Maryland Chapter of the American Academy of Pediatrics, the Maryland Legal Services Corporation's Award for Distinguished Legal Service, and the Baltimore City Bar Association's Margaret Brent/Juanita Jackson Mitchell Award.

Susan's model of education puts the university in the center of the community. In this model, the professor integrates her scholarship, teaching, service, and program development to serve the needs of the community. In the end, her students have learned from her the most important lessons a law professor can teach: that, with the skills students learn in law school, they have the ability to help others; that helping others is the foundation of a good and happy career; that they have the ability to change systemic practices; and that changing systemic practices, when they should be changed, can be the epitome of a good and happy career. Their lifetime model for these essential lessons is Susan Leviton. She did it the best!

All of us will miss her, as our model of the integrated scholar, teacher and lawyer, and as our good and dear friend.

TRIBUTE

MITCHELL MIRVISS*

Where would Maryland be without Susan Leviton? Our school financing system would be less equitable. Disadvantaged children would have less health care. The juvenile justice system would be more regressive. Economically struggling families would have fewer supports. The list goes

* Mitchell Mirviss (J.D., 1985, Harvard; B.A., 1978, Yale) is a partner at Venable LLP, a longtime board member of Advocates for Children & Youth, and, since 1988, the class counsel for Baltimore City foster children in the *L.J. v. Dallas* federal class action.

on and on. Directly or indirectly, Professor Leviton has had a role in virtually every important reform for children that occurred in Maryland during the last two to three decades. She is not just the *grande-dame* of Maryland child advocacy. Professor Leviton *is* Maryland child advocacy. She invented and developed the field and then nurtured it to the point that we can now contemplate the words “Susan Leviton” and “retirement” in the same breath without risking a cardiac event.

Her greatness does not show up in the law digests. Professor Leviton labored in the trenches, starting Maryland’s premier child advocacy organization, Advocates for Children & Youth (“ACY”) from scratch, and running vanguard clinical programs for law students long before clinical programs became a popular alternative to lectures and Socratic inquisitions. Cajoling foundations, swaying state cabinet officers (or intimidating them—it often was hard to tell the difference), or propping up a tottering advocacy group as it was trying to stay afloat does not make headlines, but it makes much more of a difference than winning a case or writing a brilliant law review article. (Apologies to all litigators and academics.)

Professor Leviton achieved all of this through a compelling vision of how children were badly served by policies and laws; an uncanny ability to persuade through common-sense insights and brilliant articulation of moral justice; and a dogged persistence and dedication that even the most prominent public policy crusaders would appreciate. You have to see her in action, whether it be explaining to the head of a foundation why funding ACY was critical to the foundation’s mission, or convincing a cabinet secretary why the scathing criticism in an ACY report should be accepted as helpful medicine for the official’s policy agenda, or addressing the myriad issues that arise in the struggle to build a strong public-policy based child advocacy organization, to appreciate her greatness.

So where would Maryland be without Susan Leviton? Our children would be less educated, in poorer health, more unsafe, and with worse well-being. I can’t imagine a greater legacy than that.

=====