

Tribute to Brenda Blom

Rena Steinzor

Michael Millemann

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



Part of the [Law Commons](#)

Recommended Citation

74 Md. L. Rev. 681 (2015)

This Tribute 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 editor of DigitalCommons@UM Carey Law. For more information, please contact smccarty@law.umaryland.edu.

Tributes

Brenda Blom

SAVING THE ENGULFED AND INVISIBLE PEOPLE OF FAIRFIELD/WAGNER'S POINT: A TRIBUTE TO EMERITUS PROFESSOR BRENDA BRATTON BLOM

RENA STEINZOR*

The nature and scope of the problem for the communities was clearly defined The process of the Empowerment Zone had documented it, charted it, mapped it, blown it up, shrunk it down, turned it over, faxed, power-pointed and submitted it for review. Outside experts from around the country had confirmed the dire circumstances of the community. Activists and policy makers had tromped through the streets and living rooms of residents in their examination of the proposals made to the federal government. State and federal Brownfields dollars were allocated for [industrial] properties on the Point and in the Empowerment Zone, and community members regularly attended meetings with the "Partners" assembled to satisfy the requirements of the federal program. But despite all the information, the residents were still invisible. They were not part of the plan. Their lot in life would not be changed. . . . Life would go on as it had before, except, these invisible, engulfed residents now had a glimpse of the rest of the world.

Professor Brenda Bratton Blom¹

* Professor of Law, University of Maryland Carey School of Law.

1. Brenda Bratton Blom, How Close to Justice? A Case Study of the Relocation of Residents from Fairfield and Wagner's Point, at 113 (Feb. 3, 2002) (unpublished Ph.D. dissertation, University of Maryland, Baltimore County) (on file with author) [hereinafter Blom Dissertation]. All of the information in this tribute is based on Professor Blom's doctoral dissertation, or on the author's person recollections and impressions. Having already earned her juris doctor degree from the University of Baltimore in 1993, Professor Blom earned her doctorate in policy science from the University of Maryland at Baltimore County in 2002. Her dissertation is a thorough, insightful, and fascinating history and analysis of the relocation. Regrettably, it has not been published.

ISOLATED AND ENGULFED

From the air, the neighborhood looked like an enraged and vengeful god had hurled a handful of Monopoly™ houses onto the tarmac of a gigantic factory. The four blocks of dilapidated row houses on pitted streets seemed forlorn as smokestacks belched, long trucks rumbled by, and massive petroleum tanks shimmered in the mid-day heat. Fairfield and Wagner's Point were pushed far out on the 1,270 acre peninsula that extended south and southeast of Baltimore and was the city's primary industrial zone. The peninsula was bounded on three sides by open water, to the north and east by the Patapsco River and to the south by Curtis Bay. The first time my dear friend and colleague Brenda Bratton Blom drove me into this bizarre scene, I was shocked, and could only whisper that it reminded me of Soweto, which was the worst urban slum on my mind at the time.

Between 1996 and 2000, Professor Blom and I were attached at the hip, engaged in what for both of us was one of the proudest achievements of our professional lives: working with four generations of law students enrolled in our clinical law offerings to relocate the 270 white people trapped in that isolated four-block area known as Wagner's Point, and the 10 or so African American people left stranded in the adjoining area known as Fairfield. Professor Blom was one of a dozen people who achieved this incredible result: we got the community relocated with enough money to buy comparable housing in safer Baltimore neighborhoods without filing a lawsuit and in the face of intractable challenges from opponents and allies alike. All deserve great credit and many are not mentioned here. Although the relocation demanded a group effort from people in strikingly disparate walks of life, Professor Blom, more than anyone else, was the intellectual, strategic, and emotional linchpin of this incredible result. I can think of no better way to pay tribute to this remarkable lawyer and teacher than to tell the story of what she led others to achieve in Fairfield/Wagner's Point.

I have organized this story according to the exceptional character traits that Professor Blom demonstrated at each stage of the relocation campaign. My goal is to explain how she propelled deeply ambivalent adults in the two communities, reluctant elected officials, defensive bureaucrats, erratic allies, and Fortune 500 companies staffed by anxious managers and executives. From our point of view, relocation was the only outcome that made any sense from a public health perspective. Yet as we began our three-year odyssey, that conclusion was far from clear to everyone else. Consequently, as clear as we were on our ultimate goal, for the three dozen or so law students who worked on the case, Professor Blom, and I, it was never clear whether we could accomplish relocation until we actually did. This uncertainty and the strong possibility that we would fail intensified the impact of the challenges and disappointments we inevitably confronted along the way

and also made it harder for us to see the gradual progress we were making. Ultimately, Professor Blom's sheer force of will and indefatigable persistence kept us motivated to put one foot in front of the other until, to our amazement, we won that best result.

PATIENCE, COMPASSION, AND THE LAWYER/CLIENT RELATIONSHIP

When she first became involved with the residents of Wagner's Point, Professor Blom was working as an attorney providing advice to communities within the Empowerment Zone. Designation as a Zone was a competitive process that was required in order for cities to have access to a federal aid program created by President Bill Clinton as payback to the largely Democratic mayors of the nation's larger urban areas who had been among his most stalwart supporters in the 1992 national election. Coming off the dire restrictions on assistance during the Reagan years, the mayors hoped for a major infusion of funding. But in the end, the Clinton Administration came forth with a small number of pilot projects, pledging \$500 million over a 5-year period, plus up to \$800 million in tax incentives for private businesses that located in designated cities' revitalization zones.

Baltimore's share of this federal largesse was \$100 million, a starkly inadequate amount when compared to the city's urgent needs and greater ambitions. Once the money was awarded, there ensued a grim cycle of efforts to promote effective economic development, with community organizations fighting each other for larger slices of a small pie.

Experienced in meeting clients where she found them, Professor Blom agreed to a request by Jeannette Skrzecz, the most prominent activist and the de facto mayor of Wagner's Point, to review a lease provided by FMC for office space that would be used as a community service office and meeting point. Wagner's Point was bereft of such a facility, as well as any store, school, post office, post box, or street light, although it did have a local bar that was not suitable for the conversations that Mrs. Skrzecz had in mind.

The Wagner's Point neighborhood was founded at the turn of the twentieth century as a company town providing labor for a nearby cannery. Life was bucolic. Men could walk to work, children could swim and fish in Curtis Bay, and families enjoyed strawberry festivals at the local church. Fairfield was founded at around the same time, but was the site of heavier industry, including a fertilizer plant and factories that manufactured chrome and acids. During World War II, the nearby Bethlehem Steel Corporation converted to ship building, with operations that ran round the clock. The federal government built housing for hundreds of workers in Fairfield. Several thousand people migrated to the area for jobs, with whites putting down roots in Wagner's Point and African Americans settling in Fairfield.

By the late 1970s, living conditions had deteriorated as a direct result of the steady influx of heavy industry. A series of severe industrial accidents occurred throughout the postwar period, terrifying residents in both neighborhoods. The Patapsco Wastewater Treatment Plant steadily expanded, spreading a stench over the neighborhoods on hot summer days. So acute was this smell that residents who had jobs or business in the city would cover their noses and mouths with handkerchiefs as they waited for the occasional bus.

Conditions were especially grim in Fairfield. The federal government donated the housing built for shipyard workers to the state, which used them as public housing. These buildings were in poor condition, and the city of Baltimore had not bothered to deliver standard services, from streetlights to roads to routine policing. In 1981, working with the Baptist Ministerial Alliance, the residents brought a civil rights lawsuit against the City of Baltimore alleging that the lack of services was racially motivated and violated their constitutional rights. All of the residents in the public housing project were moved, leaving just a smattering of individual homeowners hanging on in the old neighborhood. The city spent years equivocating, drawing up plans to install roads, sanitary sewers, and streetlights without actually building these improvements. Finally, in 1988, the relocation of residents who lived in public housing began, leaving a small and even more isolated group of residents behind.

Gradually, the footprint of Wagner's Point also shrank. By the time Professor Blom got involved with Mrs. Skrzecz, a 70-acre FMC plant and a 100-acre Condea Vista plant were close neighbors, with senior managers and senior residents on a first-name basis. Though cordial, these relationships were fraught with tension. The FMC plant, for example, was heavily guarded, with visitors required to watch a short film dedicated to the right behavior in the event of a chemical explosion and to wear hard hats and carry a respirator as they walked around the facility. The rumor mill held that workers kept bicycles by the doors of the plant's big buildings so that they could try and out-ride a plume of toxic chemicals in such events. Visitors were also given a card to swipe if an explosion happened, with the explanation that such electronic notices of location were the only way for rescue crews to find them in the ensuing chaos.

As conditions deteriorated, the city of Baltimore re-zoned the area "M-3" meaning that the land could only be used for industrial purposes. Long-time residents of the area soon realized that they were stranded, for who would buy a home with a birds-eye view of smokestacks and giant oil tanks, and only one road into and out of the neighborhood? From time to time, rumblings about a government buy-out would circulate in the community. But as Baltimore turned into a predominantly African American

city, the white residents of Wagner's Point relapsed into a deeply cynical acceptance of their lot, living from day to day in a tightly knit and even more tightly wound familiarity, consoling themselves that crime was virtually nonexistent except when some carload of toughs from the mainland neighborhoods of Brooklyn or Cherry Hill took the fifteen-minute car ride out to the Point. In her doctoral dissertation, Professor Blom explains this mentality as a feeling of being "engulfed":

There is a psychological element to being engulfed, that often results in a victim mentality. A complex of emotions is produced by this mentality. When strangers come in to your neighborhood and exclaim "How can you live here?," defensiveness, anger, and shame mix together. When you cannot make other choices without severe economic distress, your isolation becomes, in some ways, a comfort. You are exposed and you have an easy place to hide. [You want] to be hidden, because the truth of the matter will bring shame on you. Much like the victims of domestic abuse, residents of engulfed communities hide until some disaster makes it impossible to hide anymore, or the anger overtakes the shame.²

After Professor Blom dealt with the lease for community space offered to Jeanette Skrzecz—a standard boilerplate document replete with liability-shifting provisions that was ultimately rejected by the nascent community group—she set about trying to understand what other goals the residents might have. It is impossible to overstate the patience, wisdom, and emotional sensitivity she brought to this process. Every few weeks, Professor Blom and her students—and soon my students and I—would take the drive over the bridge to south Baltimore, parking near the lone firehouse available for gatherings of more people than would fit in the living room of a tiny rowhouse. There they would sit on folding chairs, on an immaculate concrete floor painted shiny gray, within spitting distance of a full-dress fire truck. Sometimes four people showed up, including always Mrs. Skrzecz, and sometimes seven or eight others. Eventually, a resident or two from Fairfield joined the meetings, making the group among the most noteworthy examples of interracial cooperation in a deeply polarized city.

Major preliminary tasks were accomplished during this period, which lasted roughly from winter 1996 to fall 1998: the group named itself (the Fairfield/Wagner's Point Neighborhood Coalition), adopted democratic by-laws, elected officers, and began fraught discussions about whether greater safety or outright relocation was its ultimate goal. Looking back, it made remarkable progress. But at the time, the process was like watching grass grow or paint dry. Accustomed to paying clients who knew exactly what

2. Blom Dissertation, *supra* note 1, at 7.

they wanted and were acutely aware that they were paying for every minute of their lawyer's time, I found the process maddening to the point that I would have stalked out long before the group gelled.

As I sputtered about the delays and confusion, Professor Blom would only smile peacefully, splitting her lovely face into two distinct sets of lines, one formed by laughter and the other by great responsibility. Wait, she would tell me patiently, they are getting there and this agonizing process is the only way. The threshold tenet of the ethical rules defining the lawyer/client relationship was that the client had exclusive control over the purpose of the relationship and outcome of the case. In the highly competitive world of mainstream law, however, many (if not most) lawyers had blurred these lines, instead putting themselves in the power position. I came from seven years of private practice inside the Washington, D.C. Beltway and the representation of this beleaguered community required not just intellectual but emotional retraining. Professor Blom has never suffered from this ego-driven confusion and, as a result, is the most ethical lawyers I have known in four decades of practicing law.

All of the students in our two clinics—economic development for Professor Blom and environmental law for me—benefited greatly from this modeling of how to build the relationship between a lawyer and a client. As the weeks and months went by, trust began to develop and the most devoted members of the community, beginning with Mrs. Skrzecz, began to think more broadly about what the community could achieve.

As the Empowerment Zone process gathered momentum, groups across the city convened to the craft, draft, discuss, and revise plans for revitalizing Baltimore's frayed economy. The bottom line was to bring even more industry to the peninsula. The central project was named the "Fairfield Ecological Industrial Park" without a trace of irony. The people still living in the tiny residential doughnut hole of all this industrialization were once again overlooked.

COURAGE IN THE FACE OF DANGER AND ADVERSITY

Realizing that she needed to make the plight of the people still living in Fairfield and Wagner's Point far more visible, Professor Blom approached me to see if my environmental law clinic might be able to help identify the threats to their health caused by toxic chemical emissions from factories, tanks, and the diesel engines on the 200 trucks that daily rattled through the area at all hours. Although I barely knew her, I loved the idea, not least because it would give my students the opportunity to analyze the compliance of big players like FMC, Condea Vista, and major oil companies, preparing the students to become skilled environmental attorneys with firm grasp of how often the laws were ignored and what tools were availa-

ble to halt such scofflaw. “I’ll be your mad dog on a leash,” I said cheerfully, promising to drive potential industry adversaries straight into our clients’ arms. Little did I realize that in the course of finding the law and unearthing corporate records we would discover that federal and state agencies were at least equally to blame, with enforcement programs that overlooked the most blatant violations and regulations that left large loopholes. And, of course, being significantly more naïve than the woman who would become my very close friend, I did not understand that the odyssey we had begun would take three long years and cost both of us many hours of extreme stress and lost sleep.

The vast majority of the middle-aged and elderly residents had lived in Fairfield/Wagner’s Point for their entire lives. Many were quite sick. In fact, by one count performed by Mrs. Skrzecz, 35 people out of a population of 270 had died of cancer. Tragically, she would also succumb to the disease in 1998, with her death serving as a powerful catalyst for the final stage of the relocation campaign.

Although Professor Blom and I were well aware of our clients’ conviction that the air in their neighborhood was making them sick, and we privately suspected that these grim conclusions had significant validity, we also knew that proving the causative link between exposure to a specific plant’s emissions and a specific person’s illness would be very difficult, if not impossible. The neighborhood had been swimming in a stew of toxic air emissions from multiple sources for decades. Many companies had done business on the Point; some were around and some were out of business. Records of exposure levels did not exist, and an epidemiological study could not be conducted because the total population was so small. Instead, I recommended a strategy of emphasizing emergency response: how could the government conclude that this community would be safe in the event of a major chemical plant explosion when only one road provided access and during accidents large and small, it was jammed with emergency vehicles, blocking access to the community? Not incidentally, my conviction that this approach was the only—and not just the best—way to go was vindicated when I went on a public television show to debate the lead lobbyist for the chemical industry in Maryland about two-thirds of the way through our campaign. She offered that her clients would cooperate with the community to do a long-term health assessment, with an emphasis on the word “long.”

This theory of their case was hard for our clients to swallow. Not only did it sidestep what they perceived as the communities’ most serious problem—people dying of cancer at abnormally frequent intervals—it meant that they were, quite literally, risking their children’s lives by continuing to live on the Point. With respect to the threat of contracting cancer decades

from now, parents could rationalize some opportunity for escape. A sudden explosion would eliminate any second chances, for them and for the six dozen children living in Wagner's Point. And we needed not just their passive acceptance of the theory, but their active participation in presenting it to the press, the companies, civil servants, and elected officials over and over again.

My instinct was to explain in technical terms why half-baked health assessments would be ripped to shreds by industry and more convincing studies would be virtually impossible to conduct and take too long. Professor Blom took a different approach, explaining that both law and science were very limited and not at all fair in the way they dealt with people like our clients. She agreed with my expert advice but was also willing to meet our clients at the heart of their deep-seated perceptions of unjustness. It took courage to tell them something they did not want to hear without relying on the distancing strategy of expertise. Because we were identified as part of the legal system, as almost every lawyer is by any client, she also risked having some of their disgust wash back on us. We were a team, and we both sold the theory to the clients, but she shouldered the heaviest end of that burden and took the greater chance.

To our shock and dismay the chemical industry seemed intent on cooperating with us in the development of our theory. During the crucial period circa 1996–1999, three explosions occurred at the FMC and Condea Vista plants closest to the two neighborhoods, triggering emergency responses that were so ham-fisted as to be almost funny. It wasn't that the firefighters failed to fight fires, or that the company where the accident occurred did not seek immediate assistance from crews at other plants. Rather, they all galloped off to do these things as if the only people affected by the event were workers at the specific site and not civilians unlucky enough to live nearby. So, for example, in December 1996, just as the residents were getting organized, an explosion at FMC injured six workers, blowing a fiberglass roof of a twenty-five-foot hazardous chemical tank. No one sounded an alarm in the community, nor did company officials even bother to call once they had the incident under control. Instead, residents had to go to the FMC gates to get information, the most dangerous course of action imaginable had the incident involved a toxic plume. In 1984, the rush of residents to the gates of a Union Carbide facility in Bhopal, India, had resulted in the deaths of thousands. The FMC incident did not pose that kind of extreme public health threat, but it was easy to see how the residents would be at significant risk in the event of a more serious incident.

By the third and worst incident, a massive explosion and three-alarm fire at the Condea Vista plant that severely injured five workers and shattered windows near the plant, the community and, as important, the press

were galvanized into action. The explosion ignited at 6:20 p.m. on October 13, 1998, catching some people off the peninsula and some people at home in Fairfield and Wagner's Point. Relatives were stranded outside the neighborhood and became distraught as they were unable to get through by phone to their families left at home. Several jumped in their cars to return to home but, as usual, the Baltimore City Fire Department had closed the single road. Condea Vista never contacted residents, nor did the company sound any warning sirens. Sensitized to the existence of the two communities and the ramifications of toxic plumes, TV news helicopters were soon hovering above the peninsula and sticking microphones in the faces of top officials. As Hector Torres, a battalion commander, claimed on camera that the chemical releases had all been confined to the Condea Vista site, one news channel cut to its own live feed of a plume spreading over the city. Fairfield and Wagner's Point were no longer invisible, and the residents no longer felt engulfed. What began as a smattering of neighbors talking about bylaws for a community association on the folding chairs of the firehouse in 1996 had metamorphosed into a disciplined, articulate group of righteously angry people who understood how to pull the levers of power to get what they wanted.

As my students and I documented the causes and implications of the latest explosion, and pushed our conclusions to the press, Professor Blom continued the painstaking work of developing a convincing formula for valuing all the homes in Fairfield and Wagner's Point for a buy-out. Playing the outside game, as my students and I were doing at that point, was significantly easier than playing the inside game that preoccupied Professor Blom and her students. After all, effective emergency response plans could be written. A rumor was even circulating that key players in the chemical industry were developing plans for a second access road, surely a cheaper option than the relocation plan we had in mind. Convincing the disparate players (city, state, federal government, and industry) to agree on a relocation package that would allow residents to decamp to comparable housing seemed a daunting, if not impossible, task.

Professor Blom's core goal was to obtain enough money for each housing unit to pay the cost of moving its occupants. While this approach may sound modest, she encountered a firestorm of criticism. Her opponent's threshold argument was that *if* the residents were entitled to anything (after all, why hadn't they just moved earlier, as industrial development accelerated), it was the fair market value of their homes, which in many cases did not break double digits as measured by thousands of dollars. Compounding this stalemate on valuation was the problem of which unit of government would cough up the money. Neither the federal government nor the Maryland state government nor the Baltimore city government had a

relevant program designed to provide relief and as a result, no pot of money existed to support a buy-out, even on the stingy terms advocated by various government officials, especially within the city.

As Professor Blom writes in her doctoral dissertation, racial tension was a strong undertow in her efforts to create a consensus among resistant, even hostile, local officials that relocation was both necessary and inevitable. Our clients were predominantly white, and city government, from Mayor Kurt Schmoke on down, was African American. Those who opposed relocation said, in essence, that our clients were relatively privileged and that, if money could be found to buy them out, what about the miserable people who inhabited the ravished neighborhoods of Baltimore, afraid to walk the streets at any hour, coping with drug epidemics, bad schools, and relentless poverty? Years later, Professor Blom did an extraordinary interview with former Mayor Schmoke, who was then serving as the dean of Howard University Law School. He acknowledged that he had “heard the code words of the civil rights movement . . . what will you do for ‘those people’ and not for us? Only this time, the ‘those people’ were white and the speakers were black.”³ The view of white supporters of the buy-out was equally bitter. As analyzed by Professor Blom:

Residents who supported the relocation and used the race card compared the situation to the voluntary relocation that had been offered to residents of Old Fairfield when the residents of the Fairfield Homes public housing were relocated. “If we had been black, we’d have been relocated,” was a comment frequently heard from residents in Wagner’s Point. In fact, that might have been true. Had they been African American, they might well have been included in the efforts . . . of the 1970’s. Race had indeed been a prerequisite to that remedy.⁴

The pressure we were trying so hard to build was accelerated by a series of stories in the *Baltimore Sun* under the byline of a young reporter named Joe Mathews, who was so trusted by the residents that he was on their speed dials, along with Professor Blom and me. We all got calls in the event of a fire, explosion, or midnight release of unpermitted plumes. Without that coverage, our efforts might still be ongoing.

But in the midst of this steady climb, with what sometimes felt like a Sisyphean boulder, we were suddenly confronted with a challenge to our representation that was profound, powerful, and unexpected. Long-time activist Lois Gibbs came to Wagner’s Point, at the express invitation of Mrs. Skrzecz. Gibbs was a national celebrity in environmental circles: the heroine of the successful struggle by Love Canal residents to obtain a buy-out.

3. Blom Dissertation, *supra* note 1, at 121.

4. *Id.*

With a 1982 TV movie under her belt, she was now the leader of a well-funded national group that touted itself as the most effective grassroots organizer of endangered communities. Without ever speaking with us, she told the residents that neither fair market value nor replacement cost was an acceptable basis for calculating relocation benefits. Instead, she insisted, if they organized and fought hard (which, by implication, they had not yet done) they could get compensation in amounts that we had said were unachievable, perhaps as much as \$100,000 per household, plus \$30,000 in relocation expenses. These amounts were roughly twice and six times more than what we had guessed might be achievable under a comparable housing theory, the approach that would prevail in the end but that, at the time, was still perceived as too high by state and local officials.

Professor Blom's students were then engaged in an exhaustive house-to-house survey to gather information about assessed value, sales prices for houses that had sold in the last couple of decades, improvements made by residents, and each household's goals for relocation. They began the equally arduous job of determining where and for how much comparable housing might be obtained in and around Baltimore. These documents would prove decisive in Professor Blom's final negotiations with federal, state, and local officials.

In any event, Gibbs was dynamic, charismatic, and compelling. But she tolerated no interference with her authority as an icon of local organizing. From the beginning, Gibbs placed Professor Blom and I, as well as all of our student attorneys, outside her circle of trust, portraying us as "suits" who were little better than the city bureaucrats who would never give our clients what they wanted. It was only much, much later that I understood the motivation for this intervention. Her group, the Center for Health, Environment, and Justice, describes itself as "mentoring a movement, empowering people, preventing harm."⁵ Riding to the rescue of local communities was the *raison d'etre* of its existence and, as important, the continuation of its foundation funding.

Surprised, hurt, and angry, we struggled hard to stand tall and take deep breaths. As usual, Professor Blom recovered herself first, and led us to a posture that would allow us to continue the work until the clients were ready to make a choice between the two very different strategies. I am hard-pressed to remember a time, in thirty-eight years of practicing law, when I have witnessed more dignified, principled, and courageous behavior by a lawyer. Not even at the lowest moment, when Gibbs appropriated pages of analysis from a memo we had written without attributing the work

5. *About Lois*, CTR. FOR HEALTH, ENV'T & JUSTICE, <http://chej.org/about/our-story/about-lois/>.

to us, did Professor Blom flinch from course she had set. More than once, she explained why we thought the cost of comparable housing plus relocation expenses was the best we could do. She acknowledged that the wish to get more money was understandable given what the residents had been through. She explored all of the reasons why, in Baltimore at that point in time, race was a volatile if unstated factor in these delicate negotiation.

Ironically, Mrs. Skrzecz's death on April 17, 1998 both loosened the hold Gibbs had on the community and galvanized the residents to more visible protest actions, including a march on City Hall, where the City Council was considering a bill that would subject Wagner's Point to eminent domain. Mrs. Skrzecz's funeral was an extraordinarily upsetting event, not least because the cause was cancer and her leadership was lost. As the community began to reassemble, Professor Blom's calm rationality bred even deeper trust. But the interval of co-existing uneasily with Lois Gibbs had cost us a great deal of time—at least many months, if not a year or more—and we needed to rebuild momentum.

SHREWD ADVOCACY

In the end, the deal came together in pieces. Senator Barbara Mikulski got \$750,000 in federal funding appropriated for the relocation. The estimable Larissa Salamacha of the Baltimore Development Corporation and Professor Blom persuaded the City of Baltimore that if it wanted to expand the Patapsco Wastewater Treatment Plant, as seemed inevitable, the residential area of Wagner's Point was prime real estate. Staff for Governor Paris Glendening made state loans and relocation funding available. At the suggestion of state Senator George Della, Peter Angelos signed on to represent the residents in potential toxic tort actions. Although none were ever filed, his appearance motivated FMC and Condea Vista to contribute \$5,000 for each man, woman, and child who was relocated. (Perhaps needless to say, a liability waiver was the quid pro quo for receiving the money.)

Through all of these delicate collaborations, which took many months, the one constant was Professor Blom and her students, who traveled, as she put it in her dissertation, from one "table" where partial negotiations were taking place to another. They explained valuation methods. They pointed out that the ultimate deal had to be enough to provide for the purchase of a comparable home. They itemized the resources our clients would need to make moving a reality. Last but not least, they convinced the anxious community how they could be sure that the prospect of relocation was real. Because the financing was assembled from multiple sources and the people who controlled the money never sat together in the same room, the effort and sheer intellectual firepower it took to keep track of all the options, variations, and nuances cannot be underestimated.

As the process lurched to conclusion, the landscape was still littered with people who did not want this outcome to happen, who did not think it was fair, who wanted to spend the money another way, who did not think there was enough money, or who simply could not be bothered to spend the energy working everything out. Sadly, the ringleaders of this group of dyspeptics were city officials, whose names shall be left unmentioned here. This is, after all, a tribute to one incredible woman, not a vehicle for getting even, however tempting that effort might be.

Predictably, the internal dynamics of our clients provided the final challenge. Readers may remember one of the most dramatic scenes in *Erin Brockovich*, when Julia Roberts and Albert Finney must confront a group of mutinous clients and persuade them that binding arbitration is the right course for resolving their claims. The clients are furious about being left out of the loop of this decision and the crowded room soon degenerates into a shouting match about which family has suffered more. Finney appeals for calm and a return of group cohesion and the appeal works (miraculously).

From the beginning, and with wisdom that saved the day, Professor Blom insisted that our retainer agreement with the Fairfield/Wagner's Point Neighborhood Coalition make it clear that we represented the group as a whole, and not any individual member. This arrangement meant that we had to refer members of the group to other attorneys for an evaluation of the liability waiver demanded by the chemical companies and for an assessment of the final relocation offer made by the different levels of government and the companies. Had she not taken this step, the group might well have turned on itself, and we would never have been able to soldier on to the end, watching as the last person moved off the Point.

CONCLUSION

Before Wagner's Point became a ghost town, the residents most active in the fight for a buy-out had a barbecue in the old playground. Against a background of gigantic oil tanks, we ate hotdogs and hamburgers and reminisced. Bitterness was rare in the conversation, but it was suffused with sadness. This community was tightly knit, if not always peaceful and loving. People had just been through a tense struggle to escape a place where they had lived for many years, some for most of their lives. They did not know what the future would bring. They did not want to live in Wagner's point anymore because they thought it was too dangerous. But the familiar network of reliance on neighbors to watch children, jump start cars, or lend a bottle of catsup would vanish forever.

Professor Blom listened and took pictures, trying to capture the moment in our heads. Soon, this distinctive culture that had taught us so much

would blow away on the wind. They would be safer. But we would never see them together again.

TRIBUTE TO BRENDA BLOM

MICHAEL MILLEMANN*

In 1994, Baltimore was awarded a 10-year, \$100 million Empowerment Zone grant. A few months before, a city representative asked me, as Clinical Director, whether our Clinical Program would help to create and to represent the “village centers,” the local entities that would represent the residents of the communities in the Zone, if Baltimore got the grant. I said “yes,” although our clinical program at that time was litigation focused.

Enter Brenda Bratton Blom, from central casting. Together, we created Empowerment Zone Legal Services, Inc. (“EZLS”). She left the Community Law Center, where she had been a legal superstar—one of the best public interest, transactional lawyers in the region—to take the integrated jobs of executive director and staff counsel of EZLS, Inc. and adjunct clinical faculty member.

The initial task was daunting. The City had divided the empowerment zones geographically, so many community organizations were intensely competing for what sounded like a lot of money, but in fact was not. Brenda calmed, as much as any one person could, the roiling seas of community rivalries. She called upon not only her legal education and her legal experiences at the Community Law Center to do this, but also upon her earlier experiences as a coal miner (yes, an under-the-ground coal miner) in West Virginia, and subsequently as a union organizer. Through the combination of her iron-fist-in-a-velvet-glove negotiation strategy, and consensus-driven peaceful Quaker principles, she took good care of her coal-miner “clients.” She did the same for her community clients, in the poorest communities throughout Baltimore.

Her clients loved her, her students loved her, and the UMB leadership, which was trying to develop a positive relationship with our neighboring West Baltimore communities, loved her.

The rest, as they say, is history, a truly wonderful history for the Clinical Law Program, the Law School, our law students, and community-based organizations in Baltimore City and the State.

The extraordinarily positive responses to Brenda from everyone who dealt with her became the norm for the sixteen years she taught at the law

* Jacob A. France Professor of Public Interest Law, University of Maryland Carey School of Law.

school, as she was promoted from adjunct, to assistant, to associate, to full law school professor, and as she was elevated to co-director and director of our Clinical Law Program from 2003–10. She was our extraordinary leader in this period, with the same combination of charm, mediation, intelligence, good judgment and strength that she had used in leadership roles before.

In the time Brenda was here, in way of partial summary, she: 1) enhanced our ranking as one of the best clinical programs in the country; 2) created a broad-based Community Justice Clinic (with a restorative justice criminal component), and helped to create new tax and immigration clinics; 3) co-created the JustAdvice clinic, a limited-advice project that the ABA recognized as an “access-to-justice” model; 4) led the national Law School Consortium, a multi-school project that has helped to prepare law school graduates to represent local communities and poor and middle-income clients; 5) created and taught *Professional Responsibility and Practice: The Rules and Reality*, a highly successful ethics course that integrates theory and practice; 6) has been recognized as one of our best teachers (receiving three best teacher awards from BLSA and MPILP, as well as the prestigious Regents Faculty Award, given to an outstanding teacher in the entire University of Maryland System); 7) has been a highly successful clinical scholar (co-authoring *Community Economic Development Law*, a leading text, receiving an A.A.L.S. “Bellow Scholar” award for outstanding clinical scholarship, and writing a host of articles, book chapters, and pieces about community economic development, community lawyering, lawyers and leadership, restorative justice, professionalism and professional responsibility, and clinical education); and 8) has been recognized for her many contributions to justice (for example, with the “Benjamin Cardin Award” of the Maryland Legal Services Corporation).

This all probably could have been predicted based on what Brenda did during 1988–93, before she joined our faculty. This included getting her bachelor’s degree, a master’s degree, completing the course work for a Ph.D. (she did the thesis and got the degree later), and graduating from the University of Baltimore Law School, while raising three children.

Among the most important legal work that Brenda and her students did was the Hope 6 Projects, which demolished a number of high rise public housing projects and replaced them with new townhouses and small businesses, and the Fairfield/Wagners Point Project, in which she, Professor Rena Steinzor, and their students helped 280 families relocate from an environmentally toxic area of the city. Both sets of projects will benefit generations of Baltimore City families for many years to come.

Among Brenda’s best teaching moments were those she spent on her annual bus tour of Baltimore City, during which she introduced new faculty and students, among many others, to the challenging problems of urban

America, including disinvestment in housing and education, overinvestment in prisons, the persistence of segregation, and the failed War on Drugs. These half-day tours were masterpieces of urban education.

When all is said and done, you are measured by what the people you have worked with closely say about you. To write this piece, I walked the third floor of the law school, where the clinic faculty and staff have their offices, and asked everyone I saw about Brenda. The following comments, each from a different person, tell her story: “When you are with Brenda, you feel like you are the most important person in the world.” “She demonstrated that excellence in being is as important as excellence in doing.” “She is the kindest person I know.” “She has been the only woman mentor I have ever had.” (This was from a woman.) “She sees good in everyone, wrong in no one; her glass is always full.” And most simply, “She lives her values.”

Brenda once told me that what she most values in her Quaker faith is the “direct access it gives you to hope.” This is a good summary of what Brenda has done for many local communities, organizations, law students, fellow faculty, and down and out people generally. She has given them direct access to hope in ways that have been essential in their lives.

We all are deeply indebted to Brenda for doing that and for the many other wonderful things she did in her eminently successful career at our school.