

the leading edge

The Newsletter of the University of Maryland School of Law's Leadership, Ethics and Democracy Initiative



Taking the LEAD

UM Law Responds to the Challenges of Modern Legal Practice

More than ever, private and government clients and our democratic institutions need lawyers who are moral and ethical, are leaders, have international perspectives, are culturally sensitive, and understand their essential roles in producing a just society.

Law students, upon graduation, will be challenged to find ways to give effect to the ideals of justice, equity and service that originally drew them to law school. These challenges stem from having to repay, in some cases, six figure educational loans, doing frequently uninteresting, even tedious, legal work, and struggling to balance commitments to work, family, community and the historic public service calling of the legal profession.

Upon graduation, law students will also enter a profession whose composition, in this country, is rapidly changing with the entry of more women and minorities. With the globalization of markets, the geographic scope of legal practice is also changing, as is the cultural diversity of clients, lawyers, and judges. These changes have re-opened discussions about the traditional models of work place culture and management. These changes have not only created new opportunities for lawyers, but also challenges as they confront new professional expectations and ways of doing business in different cultural environments.

With these changes in the profession have come urgent calls for new content and methodology in the education of

law students. The Carnegie Foundation for the Advancement of Teaching's 2007 report asserts that law schools focus too heavily on teaching skills of legal analysis and insufficiently on developing students' ethical, practice-based, and social skills. The report makes the case that "[s]tudents need opportunities to learn about, reflect on and practice the responsibilities of legal professionals," and argues that "law schools rarely pay consistent attention to the social and cultural contexts of legal institutions and the varied forms of legal practice."¹

Also in 2007, the ABA sponsored a "Conclave on Legal Education" at which attendees discussed the need to change legal education to meet the increasing globalization of law practice and develop lawyers as public citizens who serve their communities.²

In the same year, the Clinical Legal Education Association issued its report on "Best Practices for Legal Education." The report identified the need to broaden the scope of the traditional law school curriculum and place greater emphasis on the teaching of values, practice skills, cross-cultural competency, and professionalism.³

The Socratic, case-dialogue method—famously memorial-

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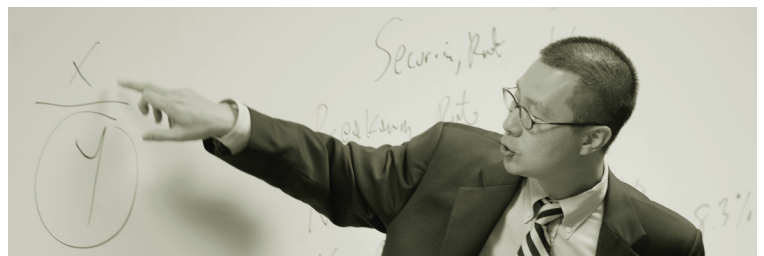
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The Leading Edge is published twice a year by the LEAD Initiative at the University of Maryland School of Law in partnership with the Fetzer Institute.



Challenges

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ized by John Houseman in *The Paper Chase*—and courses such as Contracts, Property and Criminal Law, will remain an important core of legal education, but it is clear that we must do more to prepare our students to face the challenges they will encounter in modern legal practice.

UM Law Responds: The LEAD Initiative

Recognizing this need to change the way the nation's law schools are educating its students, in June 2008, the University of Maryland School of Law entered into a partnership with the Fetzer Institute, a private operating foundation based in Kalamazoo, Michigan. The Fetzer Institute has committed to provide \$1.6 million from 2008 through 2011 to help the School of Law spark thinking and action concerning Leadership, Ethics and Democracy Building ("LEAD"), both in law school education and law practice. The Institute has supported related initiatives in the fields of medicine, higher education, business and politics.

Prior to funding the LEAD Initiative, the Institute had been

John E. Fetzer, a broadcast pioneer and one-time owner of the Detroit Tigers, founded the Fetzer Institute in 1962. The Institute is dedicated to developing compassion and promoting reconciliation among individuals and within communities and organizations. It seeks to return the "heart" to professions such as the law and re-align the personal values of professionals with what they do. To learn more about the Fetzer Institute and its mission, please visit www.fetzer.org.

working through the Center for Law & Renewal (see <http://www.healingandthelaw.org/>) to develop and promote new models for practicing law that are client and community-centered and address the tensions between lawyers' personal values and the demands of the profession. The Institute sought out a partnership with a law school in an effort to expand the impact and reach of its projects.

Maryland's School of Law was a natural choice for taking on this innovative project. It is the only law school in the country with a Women, Leadership & Equality Program that combines teaching, experiential learning, and scholarship about women in the legal profession to prepare its graduates to become leaders in their chosen careers. Moreover, for more than a decade, Maryland's Clinic has been ranked among the nation's top clinical law programs by U.S. News & World Report. It was also the first law school program in the country to receive the John Minor Wisdom Award, the American Bar Association's leading public service honor.

The LEAD Initiative's Mission and Projects

The primary objectives of the LEAD initiative are three-fold:

- To develop lawyers who are prepared to practice in the multi-cultural and diverse environment present in today's global, regional and local legal arenas.

- To create opportunities for law students and practicing lawyers to explore their personal values, the legal profession's requirements and how one might practice law in a manner consistent with those values; and
- To begin a movement across law schools and the legal profession to develop lawyer-leaders who seek solutions for their clients that satisfy their clients' goals, improve community life and address issues requiring systemic change.

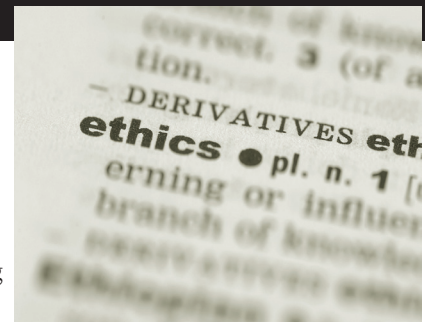
The School of Law plans to achieve these objectives through a series of new projects that will expand the School's leadership, ethics and community development curriculum and co-curricular activities, share materials developed for the new curricula nationwide and connect with practicing attorneys. In this issue of *The Leading Edge*, we report on three of these projects: the creation of a course that uses theater to enhance students' understanding of complex ethical challenges, a new clinical course focused on community lawyering in Biloxi, Mississippi, and a new leadership initiative. Other

projects include the creation of a national professional responsibility network to share and develop materials for teaching legal ethics, a project, based on NPR's

"This I Believe" series, in which law students interview lawyers exemplifying the best practices of the profession, a new international clinic, and much more. To learn more about LEAD's specific projects, please visit <http://www.law.umaryland.edu/LEAD>.

REFERENCES

- ¹William M. Sullivan, et al., *Educating Lawyers: Preparation for the Profession of Law*, Summary (2007).
- ²<http://www.vsb.org/site/news/item/globalization-diversity-are-conclave-themes/>.
- ³http://cleaweb.org/documents/Best_Practices_For_Legal_Education_7_x_10_pg_10_pt.pdf.



LEADing by Example

Professor Michael Millemann: LEAD Initiative Director

Shortly after the Law School received the commitment from the Fetzer Institute to fund the LEAD Initiative, it became evident that Professor Michael Millemann, Jacob A. France Professor of Public Interest Law and one of the architects of the School of Law's nationally recognized clinical law program, was the right person to implement it. Throughout his career, Professor Millemann, an internationally known public interest lawyer, has started many public justice initiatives and handed them over to others to implement but this was his opportunity to put in place a comprehensive new program that has the potential to have a significant impact on legal education and the delivery of legal services. Diane Hoffmann, Associate Dean for Academic Programs at the Law School, who was instrumental in conceptualizing the LEAD Initiative and bringing it to the Law School, said that she knew Professor Millemann would be perfect for the job—"his energy and creativity are amazing and he has the leadership skills and respect of the faculty, students and bar to make it happen." Below, Professor Millemann responds to a series of questions about his role in the LEAD Initiative.

What interests you about the LEAD Initiative?

The LEAD Initiative is a fascinating collection of related projects that address some of the major challenges in legal education and law practice, for example, how to help students develop cross-cultural competencies, their full leadership potential, and a deeper understanding and appreciation of the professional responsibilities of lawyers.

As part of LEAD, we have two new clinics, a Mississippi-based clinic in partnership with the Mississippi Center for Justice and an International and Comparative Law Clinic in partnership with DLA Piper's New Perimeter program. Through these transformative experiences, students are learning, and will learn, how to represent clients in a global arena and how to help distressed communities respond to natural and man-made disasters.



Prof. Michael Millemann

As part of this process, we are analyzing ways in which we can help our students develop their full potential as leaders and developing curricula through which we can effectively teach leadership. This will help our students, when they become lawyers, become leaders of law firms, public interest organizations and the bar, and in their communities and elective office. We also are testing additional ways in which we can teach students professional responsibility and legal ethics, including in first year programs and courses, through an upper level course that combines drama (play writing and production) and professional responsibility, and through interviews with outstanding lawyers.

Why is this work so important to you?

LEAD helps law students harness the idealism that they bring to law school and to discover ways in which they can sustain and build on their idealism in their legal careers. On a personal note, the work I am doing as part of LEAD also builds on my legal career, from my earliest work in the civil rights movement, through many years of clinical teaching, practice, and program development.

How is the LEAD Initiative different from other clinical programs you have developed?

The LEAD projects have many dimensions that are challenging and exciting, from international practice, post-Katrina recovery work, and play-writing, through new forms of research, creative classroom and clinical education and public service. LEAD challenges all of us to exercise all facets of our legal personalities.

Why address these issues in law school? Can't lawyers learn on the job?

Lawyers, who are engaged in consuming law practices simply do not have the time and the structure to engage in experiences like those LEAD presents and to think about and analyze what they are learning from their experiences in the same ways that are provided in an educational setting. The LEAD structure includes teachers, mentors, exciting and meaningful experiences, time, and an opportunity to reflect upon and analyze the experiences with others. This is a structure that it is very hard to replicate in practice.

I am fortunate not to be on this journey alone. LEAD is a vibrant partnership of many people: faculty members, students, the dean and associate deans, local lawyers and judges, national teachers and scholars, and the staff and board of the Fetzer Institute, which has been one of the most interesting and supportive organizations that I have worked with.

LEADing by Example

Professor Paula Monopoli: Director of the Lawyers as Leaders Component

Paula Monopoli is Professor of Law, Marbury Research Professor and Founding Director of the Law School's innovative Women, Leadership & Equality Program. She is a nationally known scholar in the area of gender and leadership and her work with Dr. Georgia Sorenson at the James McGregor Burns Academy of Leadership on the College Park campus played an important role in bringing the Law School to the attention of the Fetzer Institute. When the Institute began its partnership with the law school, Professor Monopoli was clearly the faculty member to head the Lawyers as Leaders component of the project, focusing on developing the curricular and scholarly components of the LEAD Initiative. As Director of the Lawyers as Leaders project, she brings her experience designing a leadership curriculum for women law students to the broader student population and her scholarly expertise to the publication of a book on law and leadership. Below, Professor Monopoli responds to a series of questions about her role in the LEAD Initiative.

What interests you about the LEAD Initiative?

Five years ago, I attended a conference at the Kennedy School at Harvard on women and leadership in the legal profession. I was inspired by the pioneering women lawyers and law professors at that conference to begin the Women, Leadership & Equality Program at the Law School. The Program is the first of its kind at an American law school. We were on the cutting edge of leadership studies being integrated into law school curricula at that time. I have since designed an interdisciplinary curriculum for my students that combines theoretical, doctrinal and experiential components in a unique way. I welcome the opportunity to take that experience to a broader group of students through the Lawyers and Leaders component of the LEAD Initiative. It is also a wonderful opportunity to share the rich scholarship on leadership in other disciplines like political science, history and social psychology with my colleagues and the broader community of legal scholars across the country. The area of leadership within law has yet to be well developed so, through a new book project we are undertaking as part of the LEAD initiative, we have a chance to influence the development of a new area of legal scholarship. I find that very exciting at this point in my career.

Why is this work so important to you?

As an academic, I study the legal profession. I have been very interested in how other professions, unlike law, have taken a more systematic approach to training their newest members. The legal profession has suffered from a lack of such a systematic approach. I think it is one of the reasons that many young lawyers are deeply dissatisfied with their choice of profession. It is our duty as legal academics to go beyond teaching our students to think like lawyers, as Professor Kingsfield put it in *The Paper Chase*. We need to give them the full range

of intellectual tools to develop credibility within their organizations and have their ideas implemented at every stage of their careers. That is my definition of informal leadership. Lawyers who are able to do this are more satisfied and stay in the profession long enough to assume formal leadership roles where they can create positive change.



Prof. Paula Monopoli

Why address these issues in law school? Can't lawyers learn on the job?

The primary mission of law schools is to teach and do research. We are particularly well-suited to embrace new ideas and approach leadership from both a theoretical and practical perspective. With increasing pressure on the legal profession, practicing lawyers have less time to mentor the young lawyers who work for them. This is true in law firms, government agencies and non-profit legal services organizations. I can teach my students to make sophisticated doctrinal and policy arguments, but if I do not teach them about the organizations within which they will deploy those skills, I have only done half my job. The LEAD Initiative gives me the chance to design a curriculum that does both. It also gives me a great opportunity to work with practicing lawyers to see what is actually happening on the ground. It is a great pleasure to bring lawyers from law firms, government agencies and non-profits together to find out what they wish they had been taught in law school about leadership and to fill that gap for a new generation of lawyers.

Including Leadership in Legal Education

James MacGregor Burns Academy of Leadership Produces Legal Leadership Studies Report

In May 2009, the James MacGregor Burns Academy of Leadership at the University of Maryland, College Park came out with the report Leadership Education in the Legal Academy: Principles, Practices and Possibilities (the "Report"). The Report arose out of a joint inquiry conducted with the School of Law and the Center for Law & Renewal (see article page 2 for more about the Center). The three organizations undertook the "inquiry" to examine the need for, and purpose of, leadership education in the legal academy.

The legal academy has been slow to develop quality leadership studies for its students. The need for such studies has long been apparent, however, to practicing lawyers. In 2006, Ben W. Heineman, Jr., former General Counsel for General Electric and Senior Fellow at Harvard's Kennedy School of Government, delivered a lecture, "Law and Leadership," at Yale Law School, in which he urged that "[t]he profession and the law schools ... more candidly recognize the importance of leadership and ... more directly prepare and inspire young lawyers to seek roles of ultimate responsibility and accountability."¹ More and more, he explained, a primary role of lawyers is to be leaders and problem-solvers who not only advise, but also decide; who not only dispense "practical wisdom" but also serve as "practical visionaries."²

Large law firms, frustrated with law schools' failure to provide the broader training their attorneys need, have begun partnering with business schools to obtain the leadership training they seek. Reed Smith is working with the University of Pennsylvania's Wharton School of Business, Chicago's Seyfarth Shaw has a management program for its partners with Northwestern University's Kellogg School of Management and, Wilmer Cutler and DLA Piper have joined with the Harvard Business School. According to a *National Law Journal* article on the subject, "The advent of these new leadership training programs apparently comes from a void in the education market. Law firms decry a lack of training in law schools as a big reason for starting their own leadership training programs."³

In an attempt to address this void and more concretely define the purpose of leadership education in law school, the Report authors undertook a literature review, conducted a Delphi survey among students, legal educators and leadership experts on Leadership Education for Law Students, and held a

roundtable to present the results and seek additional input on the idea of leadership training for law students.

Respondents to the Delphi survey overwhelmingly agreed that law students need leadership education, and recommended that leadership development initiatives take place at the individual, institutional and community level. The responses also suggested that leadership skills are important in order to reverse some of the legal profession's most undesirable trends, including declining civility, loss of work-life balance and lack of a public service ethic.

Using these responses to shape an agenda, the School of



Law hosted a "Roundtable on Law School Leadership Education" on February 19, 2008. The event brought together managing partners and senior partners of prominent law firms, executive directors of non-profit legal organizations, elected officials, state Supreme Court Justices and other members of the judiciary, law school faculty and deans, law students, and experts from the field of leadership studies. The participants discussed their personal experiences in leading change, how

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Leadership in Legal Education

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they learned about leadership and the content, skills and experiences that should be part of a law school leadership program.

The Report summarizes the findings of the Delphi survey and the Roundtable discussion and provides specific findings and recommendations for next steps in developing leadership studies for legal education. Among the findings, the authors note that “[leadership] is a credible field of study ... [and] can be taught.”⁴ Perhaps most important, the Report establishes criteria for a successful law school leadership program. These include:

- A conceptual and theoretical framework that is authentic for the school, rooted in research in the field of leadership studies (and its relationship to the law), that has real intellectual power and coherence.
- A commitment to identify and develop the existing leadership assets that the law school already possess: faculty who are interested, alumni who are able to contribute time and money, and administrators who will provide a vision and leadership in convening stakeholders to develop “buy in.”
- Existing theory and practice methodologies, such as clinical programs, externships and internships that can integrate leadership theory and practice.
- Leadership Scholars and faculty in nearby professional schools in other disciplines.
- Support from the local and state bar, alumni, practitioners, and judges.
- An understanding that some faculty and administrators will find leadership education engaging and others will not; a willingness to allow faculty to absorb the intellectual and practical benefits of leadership education at a

measured pace and from the experience of the law school as it moves forward.

- The realization that the development of leadership programs may bring about pervasive change in the law school culture over time (creating a culture of leadership throughout the institution).
- A willingness to experiment, run pilot programs, engage in the process of inquiry, seize opportunities, form new partnerships, and evaluate progress and outcomes.⁵

The Report also includes recommended next steps to establishing a leadership program. These include recruiting a broad base of participants who can support and enrich the process, including members of the practicing bar, law students and other professionals with prior experience in establishing leadership courses of study. It further recommends establishing a network of law schools that agree to adopt leadership studies and programs to disseminate best practices. The Report acknowledges that an institution’s pursuit of a scholarly framework and participation in existing leadership groups, such as the International Leadership Association, will be critical to the process.

To see a copy of the Report and learn more about the inquiry, the findings and the next steps, visit <http://www.law.umaryland.edu/programs/initiatives/lead/events.html>.

REFERENCES

¹<http://thepocketpart.org/2007/2/16/heineman.html>

²Id.

³Leigh Jones, “Back to School for Partners,” *National Law Journal*, July 20, 2005.

⁴*Leadership Education Report* at 11.

⁵Id. at 19.

Georgia Sorenson, one of the contributing authors to the Report, founded the James MacGregor Burns Academy of Leadership at the University of Maryland at College Park, with a mission to “foster leadership scholarship and education, with particular attention paid to groups historically underrepresented in public leadership.” Currently a research professor at the Academy of Leadership and Director of the Center for the Advanced Study of Leadership, she will join the School of Law as the first Leadership Scholar-in-Residence and teach a new course, Foundations of Leadership Seminar: Theory and Praxis, at the School of Law this fall.

In the course, students will study key research and scholarship on leadership and begin to apply that knowledge to their own leadership. Throughout the semester, the students will explore human diversity as an asset, social responsibility, and the ways of leading change in groups and organizations. The students will also participate in a one-day leadership conference and attend a cultural event to explore leadership concepts as portrayed in the arts.



Education is the Key

Data Shows That Leadership Does Not Come Naturally to Lawyers

In follow up to the leadership roundtable held at the School of Law in 2008 (see article, p. 4), the LEAD Initiative has committed to host six Leadership Forums over the three-year span of the Initiative. As Director of the Lawyers as Leaders component, Professor Paula Monopoli has designed and convened the Forums. To provide substantive contributions and assist in facilitating the Leadership Forums, Professor Monopoli invited Dr. Larry Richard to serve as a speaker and consultant to the Forums.

Dr. Richard is a lawyer-psychologist and heads Hildebrandt International's Leadership & Organization Development Practice Group. He is recognized as the leading authority on leadership effectiveness and organizational behavior in law firms. Since the early 1980s, he has pioneered the application of psychology and other behavioral sciences to the improvement of leadership and management practices in the legal profession. As America's leading expert on lawyer personalities, Dr. Richard has tested over 25,000 lawyers and published leading papers [in the field].¹ This past year, Dr. Richard presented data at the School of Law that supports the need for leadership development in law students.



Dr. Larry R. Richard

In studies using the Caliper Profile Test, which profiles personality traits, Dr. Richard and his colleagues have discovered remarkable variances between the personality traits present in the large majority of lawyers and those present in the general population. By wide margins, lawyers consistently demonstrated higher scores in skepticism, urgency (characterized by a need to get things done immediately) and autonomy.² By the same wide margins, lawyers consistently score lower than the general population in sociability and resilience.³ According to Dr. Richard,:

“[L]eadership requires mostly opposite characteristics, meaning that the qualities that make you a good lawyer can result in a mediocre leader. Being able to balance

these skills is the key to success. Thus, the best lawyer-leaders are adaptable — they've learned how to be, for example, skeptical in their lawyer role and yet trusting and non-judgmental as leaders.”⁴

Given these findings, a clear need for leadership education exists. As a result, Professor Monopoli with the help of Professor Sorenson of the University of Maryland's Academy of Leadership (see article, p. 5) is developing a leadership curriculum at the School of Law that will help students develop their leadership traits for use in legal practice. The leadership curriculum will offer foundational coursework, specialized workshops, experiential opportunities

and more. Dr. Richard's findings will be an important consideration in the development of this leadership development curriculum.

REFERENCES

¹Michael Rappaport, “Do You Have the Makings of a Rainmaker?,” *Lawyers' Weekly*, Aug. 22, 2008.

²Larry Richard, “Herding Cats: The Lawyer Personality Revealed,” at http://www.practicepro.ca/LawPROmag/Richard_HerdingCats.pdf.

³*Id.*

⁴<http://www.hildebrandt.com/Publications/Pages/Publication-Detail.aspx?PublicationGuid=6d6e4d84-960c-44e0-a6c3-d13033b35eca>.

“...the qualities that make you a good lawyer can result in a mediocre leader. ... Thus, the best lawyer-leaders are adaptable – they've learned how to be, for example, skeptical in their lawyer role and yet trusting and non-judgmental as leaders.”

Learning in a Non-Traditional Setting

Law Professors Use Theater to Bring Complex Legal Ethics Issues to Life

“For the first time, I saw how a lawyer’s missteps could affect a man’s life, could affect his family, and could take away a lifetime,” wrote Jessica Trinh, a graduating third-year student at the end of a new course at the School of Law entitled, “Lawyers and Legal Systems and Their Social Context.” Created as part of the LEAD Initiative, the course’s goal is to deepen students’ understanding of the ethical challenges lawyers face and the roles lawyers play in the legal system through the writing and presentation of a short theatrical work based on a real-life case. Theater has long been used to provoke discussions on moral, social, and political issues and has much to offer in an educational setting. It can also encourage open examination of complex and emotional issues and provide a means of understanding experiences outside of a typical student’s day-to-day life.

The Readers Theater programs at three medical schools in North Carolina (Duke University, University of North Carolina at Chapel Hill, and East Carolina University), designed to explore the ethical challenges doctors face, inspired the course.

Professor Michael Milleman, Director of the LEAD Initiative (see interview, p. 3), and Robert Bowie, a School of Law graduate and founding partner of Bowie & Jensen LLC, a business law firm in Towson, Maryland, developed and taught the course. Robert Bowie has written many of his own plays, including some about lawyers, several of which have been produced and presented in Baltimore. Single Carrot Theatre—a professional theater company in Baltimore managed by Elliott Rauh—also played an important role in the new course.

The play that the students wrote for the course tells the story of Walter Arvinger, a man who, in 1970, at the age of 20, was sentenced to life in prison for a murder he did not commit. Thirty-six years later, Arvinger was released from prison after then Maryland Governor Robert Ehrlich commuted his sentence following the submission of a memorandum prepared by students at the School of Law. Arvinger’s story presented



Students prepare exhibits for Mr. Arvinger’s memorandum during class (top); a re-enactment of Mr. Arvinger’s trial.

many complex ethical and moral issues involving the prosecutor, defense counsel, and the trial judge.

Arvinger’s case arose during the Civil Rights movement at a time when Baltimore was reeling from the recent assassination of Dr. Martin Luther King, Jr. and the ensuing riots. Arvinger was near the scene of a homicide, and he knew the co-defendants, but he did not participate in the crime—a robbery that resulted in a murder. At that time, no public defender system existed. Arvinger, then only 19 years old, scraped together \$350 to hire a lawyer. That lawyer, however, also was representing another defendant, a conflict of interest that should have prevented him from representing Arvinger. In any event, he was wholly unprepared to try this capital case. Arvinger’s

trial lasted all of four days and resulted in only a ninety-page trial transcript.

Through the empowering process of writing and producing the play, students explored the professional responsibility issues faced by lawyers in the Arvinger case. As student Joseph Stovall, explained: “Drafting a scene and the acting process was an enlightening, transformative experience. Reading the case; learning the history and what was going on at the time;

delving into the minds of the characters—imagining what they were thinking, what pressures they were under—these thought processes brought the ethical problems lawyers regularly face to the forefront.” Another student, Olivia Shulman, agreed: “The conduct of the players as seen through the eyes of my

“Just as it took every person in the class to pull off the show, the legal process needs every prosecutorial, every defense and every judicial player to carry out each and every step thoroughly, or the system will be flawed, the machine will break down, and the show cannot go on.”

Professor Millemann knew of Mr. Arvinger’s case because he led the team of School of Law faculty and clinical students who, in 2004, filed a memorandum requesting Mr. Arvinger’s release. Mr. Arvinger was caught up in a plot carried out by four other teenagers to rob and beat a man passing by. Although the prosecution’s key witness testified that Arvinger was not involved in the robbery planning or the beating, Mr. Arvinger was judged guilty and sentenced to life.

character [Arvinger’s mother] made the rules come alive in a way that no lecture course on professional responsibility had or could.”

In addition to working with the trial transcripts and other materials used in the actual case, the students heard from Arvinger and former Governor Ehrlich, each of whom visited the class to talk about their experiences. Given Arvinger’s ordeal, the students were stunned to learn that his outlook on his experiences was one of forgiveness. As student Elizabeth Murray explained, “The transcripts did not truly convey Arvinger’s voice or personality, but based on my own frustration with the case, I was shocked to meet Mr. Arvinger in person and to hear his message of forgiveness.” Student David Spence echoed her thoughts: “[Seeing] [Arvinger] now, I have come to know him as patient, kind, respectful, enthusiastic for life, and forgiving. ... [H]is composure and faith [are] nothing short of a miracle to me.” Former Governor Ehrlich, and several of his key staff, described the governor’s clemency process and explained why the Governor, as “judge of last resort,” decided to commute Arvinger’s sentence.

Exploring the issues this way, the students’ understanding of the importance of the lawyer’s role crystallized. Student Steven Johnston explained, “Lawyers and [j]udges literally held the power of life and death for Arvinger in 1968, and unfortunately, they misused it.” Johnston hopes “this experience will awaken in my classmate[s] as it has in me the need to hold ourselves to the highest ethical standards, because if we make a mistake there’s no guarantee that someone else is going to make up for it by doing the right thing.” Trinh also recognized the importance of every lawyer involved in the legal system:



Mr. Arvinger (left, seated) with the Clinic Legal Defense team in 2005.

All agreed that the class would stay with them as they entered the real world of legal practice. Johnston felt the “class [was] a godsend in the comparatively dull landscape of law school curriculum.” David Spence would highly recommend the class to other students and noted its “tremendous” effect on how he would conduct himself as a lawyer. Shulman agreed, “This class was unlike any other I’ve taken in law school. ... The difference was the real life, up close and personal example of the personal ramifications to the lives of clients when lawyers fail to uphold their ethical obligations. I will employ the lessons learned from this class for the rest of my career.”

To learn more about the class and see excerpts from the performance, please visit <http://www.law.umaryland.edu/programs/initiatives/LEAD/>.

Beyond the Lecture Hall

A Summer Practicing Community Lawyering in Biloxi, Mississippi

“Not only do I get the opportunity to build a real personal bond with clients, and get the chance to help a client who really needs help, but I am learning so much. I wake up every morning excited about what I’m going to do that day, and thinking ... [that] this type of on-the-ground learning is teaching me more than I could possibly learn in a classroom,” wrote Joanne Spilich, a third-year law student at the School of Law in her journal. A fellow second-year School of Law student, Zi-Heng Zhu, echoed these same thoughts in his journal: *“I am getting the kind of training that no other job this summer would have afforded me.”*

Spilich and Zhu wrote in reaction to a new clinical program—the Mississippi Summer Clinic in Biloxi, Mississippi—created by the School of Law and the Mississippi Center for Justice (the “Center”) that recently completed its second summer. The Mississippi Summer Clinic was created as part of the new LEAD Initiative developed with partnership funding from the Fetzer Institute.

The School of Law has a long history of commitment to clinical education and is unique among law schools nationally for its Cardin Requirement that requires every student who initially enrolls as a first-year, full-time day student to provide legal services to people who are poor or otherwise lack access to justice prior to graduation. In addition to continuing this important commitment to clinical work, this new Mississippi clinical course also built specifically on clinical community recovery work that School of Law Professors Brenda Bratton Blom and Barbara Bezdek were already doing in Baltimore.

“Community recovery” refers to a long-term, comprehensive, community-driven process by which community organizations and enterprises seek to reduce poverty and recover from disinvestment. This clinical work provides a learning laboratory and basis for critical reflection about community lawyering in an urban environment with a multi-racial population. It also offers students opportunities for leadership by being agents for positive social change.

During the first summer, School of Law Professor Michael Millemann oversaw the clinic from Baltimore and throughout several visits to Mississippi. Adjunct Professor Bonnie Allen and John Jopling, Managing Attorney in the Center’s Biloxi



(from l to r) Raymond Shin, Bonnie Allen, Scott Fithen, Joanne Spilich, Atanas Demirev, Zi-Heng Zhu, and John Jopling.

Office, were the primary on-site supervisors and instructors. During the second summer, this year, Professor Barbara Bezdek joined the teaching and supervisory team. For up to eight weeks in both summers, School of Law clinical students worked with the Center to help the survivors of Hurricane Katrina.

A large part of the first summer’s work has focused on helping people who, not only suffered significant damages to their homes during or immediately after the storm, but also were subsequently defrauded by home repair contractors. These contractors took thousands of dollars in payment for home repair or new construction and provided sub-standard work and materials, or nothing at all, in return. This summer, students

Martha Bergmark, President and CEO of the Mississippi Center for Justice, came to the University of Maryland School of Law this past spring as a Distinguished Visitor. During her visit, she co-taught several classes and delivered a keynote speech that described her work at the Mississippi Center for Justice. The Center carries out its mission to eliminate discrimination and poverty in Mississippi in innovative ways through a community lawyering approach. This approach advances specific social justice campaigns in partnership with community leaders and local and national organizations. The Center's success has caused it to grow from a local non-profit law firm to a national resource on community lawyering issues. To learn more about the Mississippi Center for Justice, please visit <http://www.mscenterforjustice.org/>.



worked on a broad variety of legal issues, including public housing, subsidized housing, and temporary housing issues, as well as the contractor fraud cases.

As the students quickly learned, understanding the basic problem barely scratched the surface of the complexity of how to resolve it. Moreover, most, if not all, of these second- and third-year law students had never provided legal help to real, live clients before.

For example, in the contractor fraud cases, although the students were able to pursue many lawsuits, locating the contractors who bilked their clients out of their money was often tedious and frustrating work. In one example, Spilich drove to the actual address of a contractor and found nothing. When she contacted the real estate agent for the complex, he said the contractor “left abruptly” and “owe[d] him too. ... Supposedly, ... a parent company ... exist[ed] in Texas. [She] called both of the numbers on the website, and both were disconnected.” Because of the difficulties of locating contractors and their assets, the reality was that some homeowners simply had no one to sue or no one worth suing to pursue.

Furthermore, the students learned that filing a complaint was not an easy cure-all for many. As Zhu explained, referring to a potential public housing matter:

“It took today, and this week, for me to realize that individual litigation is pointless and vastly insufficient. Levying a claim for every member of Bayou Casotte or even as a class action, would lead to nothing but a long drawn out sequence of courtroom fights between lawyers.... We would in fact be ... keeping [the residents] on the outside and leaving them helpless. ... [B]y creating this committee, we provide them the tools to help themselves and bring themselves out of the hole. This way ... we allow the people to set their own preceden[ts], not in a courtroom under the law, but [in the community where they have established] a precedent of self help and empower-

ment.”

For these clients, the students explored other tools that community lawyers regularly use to seek solutions where none seems available. These include organizing communities to identify, and respond collectively to, issues affecting them and developing preventative education campaigns. The goals of these methods are: gathering information, helping build relationships (both within the community and with other groups that share their goals) and increasing clients’ confidence in the ability to address their issues. As Colleen Ryf, a student who just returned from the 2009 summer clinic noted, “When people come together for a common cause, powerless individuals become powerful communities.”

Spilich was surprised that, to date, she had not learned about this kind of lawyering in law school.

“The [work] we are doing in Bayou Casotte—which is also a huge part of lawyering!—is something that we don’t learn at all in law school. ... You need to build trust, gain a presence in the community, and then slowly introduce the importance of the ideas you want to press.”

Back home, the students used superlatives like “amazing” and “phenomenal” to describe their experiences and signed up to do more of this type of work. In an interview post-Mississippi, Zhu said that even if he had been offered a paying job at a private firm for the summer, he would choose the work in Mississippi all over again. Third-year student Raymond Shin summed up his experience in the clinic when he said, “I grew in every way, as a person and a lawyer.” And, Spilich said, “[It’s] an important thing that all law schools should have. [There are] so many people out there who think they want to practice a specific kind of law and until they have a pro bono experience [they] might not even consider it.” Zhu concluded, “Everybody needs to have an experience like this. It is a tragedy other schools don’t require it.”

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