Maryland’s Best Practices: Setting the Stage for Lawyering in the 21st Century

By Brenda Bratton Blom, Director, Clinical Law Program

For thirty years, Maryland’s Clinical Law Program has been part of cutting-edge work in clinical legal education. We plan to celebrate our milestone birthday next March not with a party, but with a national conference that will bring together legal clinicians from across the country to share best practices.

Maryland has become known for several different ways that we commit to and teach in our clinical practice. Our fundamental commitment to service is manifest in our requirement mandating that, as a condition of graduation, all full-time students must provide legal services to the poor, those without access to justice, or the organizations that represent them. The faculty has determined that this requirement may be fulfilled through a course with a minimum of five credits, and must include a seminar component in which the students reflect on race, class, and the structure of the delivery of justice in our country.

Named after U.S. Senator Ben Cardin ’67, the Cardin Requirement is a huge commitment by our faculty to linking theory and practice, and the baseline commitment that each lawyer bears for service in the cause of justice in our country. It is the manifestation of the commitment that the Rules of Professional Responsibility require of us to be citizens bearing special responsibility for the quality of justice in America.

But the Cardin Requirement is not the only commitment we have to linking theory and practice—we are interested in full integration of clinical education into the academy. While Maryland Law does not have a unitary track system for faculty, we work to make sure that clinical faculty are not marginalized, and are included in important decisions, not just for the clinic, but for the entire School of Law as well as the larger legal community.

We also seek to have students understand the linkage between the work that we do in our “practicing law firm” and their “podium” classes. For example, last spring students in the Securities Regulation class researched appropriate ways in

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which clients in Maryland might duplicate the success of San Diego’s Market Creek Plaza, a community project that received major support from the New Markets Tax Credit Program.

We are committed to innovation and evaluation. Several ground-breaking legal ideas have their foundations in the clinical courses at the School of Law, and have become institutions that have changed our city, our state and, in some instances, the larger thinking about legal education and the practice of law. Advocates for Children and Youth, the Public Justice Center, Community Law in Action, the Baltimore Freedom Academy, Civil Justice, Inc., the Law School Consortium Project, the Center for Dispute Resolution at Maryland, and the Center for Progressive Reform, among others, are organizations that have their roots in the efforts of clinical educators and students working side-by-side. This commitment to innovation in thought and deed, including the evaluation of the innovation, is now regarded as standard practice at Maryland.

We believe that it is important to use our resources as a laboratory for the development of best practices in the field. This ranges from practice in specialty legal arenas that are new or developing to cross-disciplinary and interdisciplin-
The School of Law has received a $1.6 million, three-year commitment from the Fetzer Institute to enhance and diversify the ways we teach professionalism, ethics and clinical education, and to develop new ways to teach and support leadership. The Institute chose the School of Law because of the breadth and depth of the school’s commitment to the integration of public interest and legal education and from Dean Karen Rothenberg’s extraordinary leadership through the creative and committed work of its non-clinical and clinical faculty.

The Initiative has three parts, each supporting a different element of the lawyer’s role:

**Lawyers as Leaders**

With the guidance of Professor Paula Monopoli, we will develop a leadership curriculum comprised of coursework, clinical and externship experiences and community service; establish a Leaders Forum of outstanding lawyers and legal academics which will analyze leadership challenges facing the legal profession; publish a monograph that will focus on what we learn in developing the curriculum and through the Leaders Forum; and create a leadership fellowship program for students who complete the curriculum, demonstrate outstanding leadership, and write about their leadership experiences.

**Professionalism-in-Practice**

This part includes a new professionalism course, which will examine practice-based issues that are not resolved by the Rules of Professional Conduct; a “Beyond the Rules” network of lawyers and legal scholars, which will analyze important professional responsibility issues; new ways of teaching professionalism across the curriculum, including through case studies that can be used in a variety of courses; a “Best Practices in the Profession” project that will publish stories about lawyers who exemplify the ideals of the profession; and a community outreach component through which we will develop and produce short theatrical works for various public venues that raise issues about justice and the role of the legal profession.

**Clinical Education and Democracy Building**

This part includes a new clinic in Biloxi, Mississippi that engages students in post-Katrina recovery work jointly operated with the Mississippi Center for Justice; the identification and establishment of a new clinic in either South Africa or Latin America; establishment of a Client Council, through which we can involve clients in the evaluation of practices and materials used in their representation; and a new seminar on multi-cultural community lawyering and democracy building. In these projects, we will find new ways to help people and communities and in the process, learn more about the lawyer’s role in fostering and supporting democracy.

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In Mississippi, the devastation wrought by Hurricane Katrina along the Gulf Coast was extensive. Damage to more than 134,000 homes was borne in significant part by low- and moderate-income households. For the poorest and most vulnerable, there is no recovery pipeline in sight. They are the least likely to be homeowners, yet most recovery aid is for property owners. The individual assistance they did receive in the forms of temporary housing or rental vouchers was time-limited. For these individuals, children, and families, recovery policy and advocacy require a development perspective, not just the more conventional compensation model in which people are paid for their losses.

Through the new Fetzer Initiative (see page 3), clinical law students have partnered with the Mississippi Center for Justice (MCJ) providing legal services to those most in need in and around the Biloxi and Gulfport areas. Clinic students and professors live and work in Mississippi in order to work with the community to identify and prosecute contractors that have used the tragic events of Hurricane Katrina to take advantage of and profit from the housing crisis and people’s generosity. As Professor Michael Millemann said, “It’s heartrending to see hardworking folks wiped out by a hurricane, then get preyed on by fraudulent contractors. They’re hanging on by their fingertips—working people who don’t deserve this.” The clinic also works with public housing residents in Mississippi to identify habitability issues such as mold, and tenants’ rights to organize; assists with foreclosure cases; and works with residents to develop tenant associations and tenant councils that would provide them with an active voice in post-Katrina community development, as well as other legal issues.

The working poor at the time of Katrina were most vulnerable to the economic impact—53 percent of households with an annual income below $10,000 lost all salaried jobs in the household after the hurricane, compared to 15 percent of households with annual income above $20,000. In the hurricane-devastated areas of Harrison, Hancock and Jackson counties, about 65 percent of the housing units suffered from the storm surge. Of these, over 57 percent of the units exposed to flooding were home to households with incomes below the U.S. median household income level (approximately $42,000 as of the year 2000). In addition to dealing with the loss of housing due to the storm, renters seeking to remain near jobs and loved ones in the hurricane-damaged areas face the additional challenge of escalating rents. Rents have jumped up substantially as the supply of rental housing was limited by storm damage.

In a disturbing turn of events for renters and housing advocates, the State of Mississippi has elected to divert its housing recovery funds away from those most in need, a choice decried by fair housing and economic justice advocates and grass roots coalitions with whom MCJ works. In administering Community Development Block Grants (CDBG) funds, Mississippi’s development agencies (MDAs) are subject to the Fair Housing Act, which prohibits
The Mississippi Center for Justice is a nonprofit, public interest law firm committed to advancing racial and economic justice. MCJ was founded in June 2002 by civil rights advocates, attorneys, social service advocates, and others committed to pursuing systemic advocacy strategies that combat discrimination and poverty in Mississippi. Its creation is responsive to a specific and urgent need to resurrect capacity for statewide, systemic, legal advocacy on behalf of low-income people and communities of color.

**MCJ Clinic Faculty**

**Bonnie Allen**

Bonnie Allen teaches Ethics and Professional Responsibility and the Mississippi Summer Recovering Communities Clinic. She also supports the law school’s new Leadership, Ethics and Democracy Building Initiative led by Professor Michael Millemann and funded by the Fetzer Institute. Based in Mississippi, Bonnie serves as Director of Training and Foundation Development at the Mississippi Center for Justice. She began her affiliation with the center as a volunteer immediately after Hurricane Katrina devastated the Mississippi Gulf Coast in 2005. Bonnie previously served as President of the Center for Law & Renewal, based at the Fetzer Institute, and held the Executive Director position at Just Neighbors Immigrant Ministry, Inc. in Arlington, Virginia. She began her legal career as a Judicial Law Clerk for the Second District Court of Appeal in Florida, and she practiced law in the areas of civil litigation and government contracts in Tampa for seven years.

**John Jopling**

In October 2005, John Jopling became senior attorney of MCJ’s new Katrina Recovery Office in Biloxi, co-directing the Affordable Housing Division. Before joining MCJ, he maintained a private, solo law practice in Ocean Springs, Mississippi, practicing in the areas of consumer, housing, employment discrimination and personal injury. Jopling was previously a clinical professor at the University of Mississippi School of Law Housing Law Clinic, and has worked as a staff attorney, senior staff attorney and housing and consumer law specialist, and litigation director at Southeast Mississippi Legal Services. He began his legal career as a Mississippi Supreme Court law clerk. Jopling was a member of the Governor’s Housing Task Force, a founding member of the Hattiesburg Area AIDS Coalition, and serves as a volunteer lawyer on the pro bono panel of the Mississippi Volunteer Lawyers Project. He is a graduate of the University of Mississippi Law School and Louisiana State University and is licensed to practice law in the state and federal courts of Mississippi.

**In Practice**

During the 10 weeks of this summer’s clinic, the first and tenth weeks of the clinic took place at the School of Law, and provided students with preliminary training as well as a post-clinic debriefing. Classes and supervisory tutorials continued throughout the weeks in Biloxi, allowing students to examine the doctrinal, ethical, practical, and theoretical aspects related to the legal work, and to the delivery of legal services and administration of justice to clients. Students eligible to enroll under Maryland’s student practice Rule 16 of the Rules Government Admission to the Maryland Bar, may qualify under Mississippi’s comparable Rule. Instruction and practice supervision was provided by John Jopling, Esq., senior staff attorney of MCJ’s Katrina Recovery Office in Biloxi.
The human and social costs of drug addiction in Baltimore have been vividly portrayed in television dramas like *The Wire* and *The Corner*. City officials, the judiciary, law enforcement, and the faith, philanthropic and business communities have embraced the expansion of drug treatment to improve the health of residents and reduce the crime, homelessness and unemployment that frequently result from untreated addiction. One barrier that has significantly hampered the creation of new treatment services is the city’s zoning standards. Each time a treatment program wants to expand or open a new facility, it must obtain community approval and the enactment of legislation. This zoning standard, known as the conditional ordinance, has prevented well-established treatment programs from offering desperately needed health care to the city’s residents. As one observer of the process noted, “it’s easier to site a nuclear reactor in Baltimore than a drug treatment program.”

The City’s zoning standard for drug treatment programs was implemented over 40 years ago in response to community fears about the operation of one residential treatment program. City officials created the conditional ordinance standard so that communities could determine whether, and where, drug treatment programs could locate. The process has prevented many programs from opening because City Council members are unwilling to sponsor legislation in the face of vocal community opposition, regardless of the merits of those concerns.

Many things have changed over the past 40 years to support revision of the City’s zoning standard. State licensure has been implemented to regulate the quality of care in treatment programs and to ensure effective operation. Civil rights statutes, such as the Fair Housing Amendments Act and the Americans with Disabilities Act, have mandated that drug treatment programs be integrated and available to all residents of the city. The Drug Policy and Public Health Strategies Clinic has worked to enact fair zoning standards for six years. Retained by the city’s coalition of publicly funded treatment programs, the Drug Policy Clinic and its partners have used multiple strategies to tackle this problem. Public education about the value of drug treatment, community conversations about the operation of treatment programs in neighborhoods, legislative advocacy, and intervention by the Department of Justice have all helped to accomplish the client’s goal. Although arduous, the process has paid off. The City Council enacted legislation in November 2006 that created a fair zoning standard for outpatient drug treatment programs, and it is poised to pass a bill that would eliminate the same zoning standard for residential treatment programs.

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with Disabilities Act, have been enacted to prevent discrimination against individuals with disabilities in housing and the administration of zoning standards. Numerous civil rights cases have established that these laws protect individuals with addiction histories from discriminatory zoning practices and give treatment programs the right to locate under the same zoning standards as other health care facilities.

Beginning in 2003, the Drug Policy Clinic alerted city officials that the conditional ordinance standard violated federal civil rights laws and interfered with the city’s goal of providing drug treatment to its citizens. Some city officials, recognizing that the standard could not withstand legal scrutiny, initiated efforts to amend the law. Then-Mayor O’Malley introduced two separate bills in 2004 that would have created fair zoning standards for outpatient drug treatment programs and residential drug treatment programs.

Winning passage of the bills proved to be more difficult than expected. City Council members and community associations had grown accustomed to having oversight authority for drug treatment services. Many wanted to retain the conditional ordinance process so that they could regulate the number and type of treatment programs in their communities and lobby for other forms of community development. As a result of community opposition, the bills introduced in 2004 died, and a second set of bills introduced in 2005 faced the same fate.

In response to the City’s failure to correct the zoning standard, the Drug Policy Clinic filed an administrative complaint with the Department of Justice in May 2006 alleging violations of the Americans with Disabilities Act. While the clinic’s client sought to avoid litigation, filing the civil rights complaint proved useful in moving the legislative process forward. In November 2006, the City Council passed a bill that eliminated the conditional ordinance process for outpatient treatment programs and adopted a zoning standard that regulated drug treatment programs like all other outpatient medical clinics. Beginning in September 2007, the Drug Policy Clinic and the Department of Justice began negotiations with the City on an acceptable zoning standard for residential programs, and Mayor Dixon introduced the residential zoning bill in December 2007. While opposition to the bill persists, a majority of the City Council is expected to approve it.

The clinic’s zoning discrimination project has exposed student-attorneys to the full range of lawyering skills. Students have learned how to use civil rights laws to challenge discriminatory zoning standards. They have examined the merits and role of both legislation and litigation to solve problems and have gained experience in the art of negotiation to achieve the best outcome for their client. Equally important, they have explored deeply-held and often negative views about individuals who have addiction problems, and have learned how to slowly chip away at the bias and stigma that permeate our nation’s drug policies.
Environmental Clinic Wins City Council Dispute

By Jane F. Barrett, Law School Assistant Professor

On June 17, 2008, Prince George’s County District Council remanded a decision by the Zoning Examiner which would have authorized the construction of a concrete facility near the homes of the Environmental Law Clinic’s client, the community of Cedar Heights, Maryland. Of importance is that the Council ordered a comprehensive health study to be conducted of the community—something they have been fighting for a decade.

This historic African-American community dates back to 1938 and has been fighting the construction of the concrete facility, as well as other industrial activities they believe are impacting their health for several years. The case was referred to the Clinic in March by the American Civil Liberties Union (ACLU) and was supposed to be co-counseling with a large private firm. Unfortunately, a week before filed exceptions were due, the firm backed out of the representation, leaving the Clinic to play catch-up, file the exceptions, and prepare for and attend the hearing.

While several students and professors spent time preparing the case, two Clinic Research Assistants in particular, Max Tondro ’10 and Andrew Keir, put in long hours in a very short time and are a big reason for the successful outcome.

2008 Student Awards

Each year, the Clinical Law Program recognizes the hard work and dedication of several students through awards at the end of the academic year.

The Hoffberger Clinical Law Prize
Sara Spangler ’08
Established in 1986 by Leroy Hoffberger, it is awarded annually to an outstanding member of the graduating class who has excelled as a student lawyer in the Clinical Law Program.

The Community Scholar Prize
Gwendolyn Allen ’08
Kedrick Whitmore ’08
Presented to one or more graduates who provided outstanding assistance to a Maryland community or neighborhood.

The Anne Barlow Gallagher Prize for Service to Children and Youth
Regan Vaughan ’08
Presented by the clinical faculty to a graduating student who has performed outstanding work benefitting youth and children.

The Ward Kershaw Fund Award
Adrienne Wineholt ’08
Katrin Hussman ’09
Presented to a student or students who has demonstrated outstanding skills of advocacy on behalf of a client.

The Center for Forensice Economic Studies Award for Excellence in Litigation
Jin Sun Park ’09
Presented to a rising third year student who has performed in a litigation setting for clients in an outstanding manner.
A.J. Bellido de Luna

A.J. Bellido de Luna joined the law school in 2008 as the Managing Director for the Clinical Law Program. He is responsible for the day to day operations of the Clinic, as well as long range planning and administrative functioning of the Program. He also teaches the summer general practice clinic.

A 2004 graduate of the School of Law, Mr. Bellido de Luna has remained active in the law school community, serving as a teaching fellow in the Program’s Community Justice Clinic who was appointed as a Special Assistant State’s Attorney for the Baltimore City State’s Attorney’s Office, and a Senior Law and Policy Analyst in the Center for Health and Homeland Security. He continues to assist the National Trial Team, preparing students for mock trial tournaments and serving as the coach while the team travels.

In addition to his law school involvement, Mr. Bellido de Luna was a Lieutenant with the Howard County Maryland Department of Police from 1988 to 2007, serving as the Southern District Watch Commander, Communications Division Commander, and as Hispanic Community Initiative Coordinator, among others. He also established a civil and criminal litigation practice at the Law Offices of G. Russell Donaldson, specializing in individual rights. Mr. Bellido de Luna is admitted to the Maryland Bar and the Federal District Court of Maryland, and is a member of the American Bar Association, the Howard County Inns of Court, Phi Delta Phi, and the American Association for Justice.

Leigh Maddox

Leigh Maddox accepted a position at the University of Maryland School of Law as a Clinical Law Instructor for the Community Justice Clinic in 2008. As an admitted member of the Maryland Bar, Ms. Maddox has been appointed as a Special Assistant State’s Attorney for the Baltimore City State’s Attorney’s Office.

As an Instructor and special prosecutor, Ms. Maddox will work with Clinical Students and the legal community to encourage a restorative justice approach to the prosecution of quality of life crimes. Before joining the School of Law, Ms. Maddox worked with the Maryland State Police, retiring in 2007 at the rank of captain. She served in a myriad of assignments throughout the Department including serving as Commander of the Baltimore Washington Metro Troop, Planning and Research Division, Training Division, Easton Barracks, Glen Burnie Barracks and JFK Memorial Highway Barracks. Throughout her career with the Maryland State Police, Ms. Maddox instructed and facilitated numerous entry and senior level developmental courses. A School of Law graduate, Ms. Maddox was elected to serve on the academic honor board for four consecutive terms. She also earned her certification as a trained mediator.

Ms. Maddox is a member of the International Association of Chiefs of Police, a member of the Maryland Bar Association, a lifetime member of the Mid Atlantic Association of Women in Law Enforcement, and a past member of the Cecil County Branch of the NAACP and the Police Executive Research Forum.
Brenda Bratton Blom


Presenter, “Directing? You Must be Kidding: Leading a Clinic in Academia,” Mid-Atlantic Clinic Director’s Roundtable, AALS Clinical Legal Educators’ Conference (May 7, 2008)


Blogger, “Keeping People Out of Prison and Embracing Them in Our Communities,” Open Society Institute’s Audacious Ideas Blog (March 2008)

Doug Colbert


Richmond v. District Court of Maryland, certiorari granted (class action lawsuit in support of indigents’ right to counsel at initial appearance, filed by Prof. Colbert’s Access to Justice Clinic working with pro bono attorneys from Venable, LLP. The clinic is now working on the appeal and an amicus brief to which more than half of the law school faculty have agreed to add their names.)

Kathleen Dachille


Presenter, “Beyond Cigarettes: Policy Responses to Other Tobacco Products,” Tobacco Public Policy Center, Columbus, Ohio (April 2008)

Presenter, “Federal, State and Local Tobacco Control Policy in the U.S.,” Russian Delegation, University of Maryland Medical School, Baltimore, Maryland (February 2008)

Guest Lecturer, “Public Health Course for DRPH Students,” Morgan State University, Baltimore, Maryland (February 2008)

Moderator, “Tobacco Control Legislation in Maryland: A Role for Young Advocates,” TRASH—Teens Rejecting Abusive Smoking Habits, Baltimore, Maryland (February 2008)

Presenter, “Smoke-Free Multi-Unit Housing: Creating an Environment for Change,” Colorado GASP Quarterly Conference Call (February 2008)

Renee Hutchins


Sherrilyn Ifill

Keynote Speaker, Women’s History Month Convocation, Morgan State University, Baltimore, Maryland (March 2008)

Panelist, “The Use of Film to Teach International Criminal Law,” What Documentary Films Teach Us About the Criminal Justice System Symposium, University of Maryland School of Law, Baltimore, Maryland (March 2008)

Faculty Member, “The Constitution in Our Midst: Civil Rights and Civil Liberties,” The Peter Jennings Project at the National Constitution Center, Philadelphia, Pennsylvania (March 2008)

President’s Distinguished African American Lecture, Community College of Baltimore County (CCBC) Essex, Maryland (February 2008)

“Toward a More Perfect Union,” Freddie Stebbins Jefferson Memorial Lecture, Palm Beach Community College, Palm Beach, Florida (February 2008)

Panelist, “The Minority Vote in the Presidential Primary,” Mid-Atlantic People of Color Scholarship Conference, University of Maryland School of Law, Baltimore, Maryland (January 2008)
Although the effective date of the commitment was only June 1, the School has done much already to implement the Initiative. Professor Paula Monopoli and Associate Dean Diane Hoffmann, who led the successful campaign to obtain the commitment, are working with The James MacGregor Burns Academy of Leadership at the University of Maryland College Park to develop the “Lawyers as Leaders” component. Professors Jana Singer and Deborah Weimer and Assistant Dean Dawna Cobb are working with Professors Susan Hankin and Sherri Keene, as well as with the faculty who teach our Legal Analysis, Writing, and Research courses, to identify possible ways to integrate professional responsibility segments into those courses. Clinic Director and Professor Brenda Bratton Blom, Professor Barbara Bezdek and Clinical Fellow Christopher Awad have helped to establish the first Mississippi Center for Justice Clinic (see story p. 4). Other faculty members and members of the administration have been involved as well. This is an exciting initiative that I believe will prove to be extraordinarily important and successful.

Clinic students at the Mississippi Center for Justice (from l to r): Ray Shin ’09, Bonnie Allen, Scott Fithen ’09, Joanne Spilich ’10, Atanas Demirev ’10, Dan Zhu ’10, and John Jopling.
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Comments and Letters should be forwarded to the attention of the Managing Director.