UM Law students are lucky to have the experience of two local judges right down the hall, teaching on site.

By Patricia Young

Taking students into the courtroom is not new, but bringing the leaders of the court to the classroom is a bit more novel. Since July 2003, two senior judicial fellows have "resided" at the School of Law. The school embraces the philosophy of practical experience by offering students a variety of clinical settings: moot court competitions, trial practice classes, various and sundry internships and externships. Learning by doing is not so new. But the newly created role of judicial fellows is innovative.

"With the talent and experience of our Senior Judicial Fellows," says Dean Karen Rothenberg, "we can continue to build upon our judicial clerkship program and commitment to excellence in legal education. We are honored to have Judge Fader and Judge Smalkin, both of whom have many years experience teaching as adjuncts."

"Nothing is more frustrating than being in a courtroom and seeing a lawyer who is ill prepared..." says Judge John F. Fader, II ('68), one of the initial two fellows, along with Judge Frederic N. Smalkin ('71), "and she knows she isn't doing her best for the client. We are here to do everything we can do to prepare students before they hit the streets."

Judge Fader, retired since November 2003, joined Smalkin this past January. He has a wealth of knowledge to impart. His combined twenty-six years on the bench gives the students the perspective from the state's rules of practice. Fader was appointed to the District Court of Maryland for Baltimore County in 1977 and to the Circuit Court for Baltimore County in 1982.

"The number one thing judges say to me," notes Judge Fader, "is: "Teach [students] how to ask questions. There are a thousand little rules and nuances...rules of evidence with deep-seated roots in English law."

There is relevancy and materiality, Fader continues, that he and Judge Smalkin address when teaching students how the law "thinks," what the law says, how to interview a client, how to take a deposition.

"You just can't walk into a courtroom and do what you want. There are orderly proceedings," he says.

Judge Frederic Smalkin comes to the School of Law following a lifetime appointment by President Reagan in 1986 as United States District Judge for the District of Maryland. While he and Fader teach several courses, he likens their fellowship to a residency. As former Adjunct Faculty Member of the Year, Smalkin is quick to point out that, as an adjunct, "lecturers teach class and leave. They have other jobs. But we have a presence around the school. We even act as a ready reference for faculty when they have practical questions."

He further explains that the teaching they do is more extensive, as he and Fader help with the trial advocacy program, judge moot court competitions, and sit as judges for trial teams, which allows for "tag-team judging." With Fader addressing state questions and Smalkin federal, the two judges complement one another, offering what Smalkin calls a "terrific perspective for the subtle differences between the two."

Both Smalkin and Fader are quick to credit Dean Rothenberg with such a forward-thinking approach to education.

"Maryland is one of an elite group of law schools where students can receive legal instruction from both a state and federal judge—both of whom are in full-time residence," Smalkin says. Now semi-retired, he is Senior Judge for the District of Maryland; he assists the Chief Judge with the supervision of staff and attorneys, and is co-chair of and liaison for a committee overseeing the construction of a new Baltimore courthouse. Smalkin sees his role as judicial fellow as one of opportunity for all involved, including for him and Fader. "The longer we're around, the more uses..."
Fader asserts that the School of Law is providing the students with a buffet of classes, information, and opportunities, whereby "law school becomes the process of deciding what you don't want to do. The curriculum here is absolutely fantastic." Yet there is always room for improvement. Fader notes that when he came to the bar in 1969, trial lawyers were in court trying cases every day. Now, 80 percent of all civil litigation settles. The result, says Fader, is that when in court, lawyers "are not ready and honed with instincts to be sophisticated and prepared trial lawyers. In response, the School of Law says, 'O.K. we'll hire two judges who have been in court all day every day for years.' This is the way Dean Rothenberg does things," explains Fader.

Fader observes that only 15 percent of all lawyers litigate. Fader himself falls within that percentile; he cites his own clerkship experience with a civil attorney for changing his life. Because of that clerkship, Fader states, "I was driven to do legal work and civil litigation. I wanted to be in court."

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The School of Law's commitment to promoting training opportunities is further demonstrated through its Asper Fellowship Program. Named in memory of the late Professor Lewis D. Asper, students earn credit for supervised law-related work with public service organizations or judicial internships with state and federal judges. It's the only judicial internship that rewards academic credit.

Adam Beckerink ('04) did his fellowship with Judge Lynne Battaglia ('74), Maryland Court of Appeals, where he worked one day a week during his fourth semester. Beckerink was responsible for collecting Battaglia's briefs and reviewing them, collecting case law, writing analyses on the issues of the cases and then writing a bench memo that the judge kept in front of her as she heard cases. Though the hours were double what he anticipated, and the work challenging, Beckerink felt prepared with just a year and a half of law school behind him. "It's one of the best experiences I've had in law school," Beckerink exclaims. "I gained insight by watching attorneys argue a case and then discussing with Judge Battaglia which arguments swayed her and why."

After graduating and sitting for the bar exam this summer, Beckerink will begin a two-year clerkship with the United States Tax Court in the District of Columbia, while attending Georgetown University's masters program in law.

Now an associate with Saul Ewing in Baltimore, Stacey Martin ('02), recalls her Asper fellowship as being "tremendously beneficial." Interning with Judge Paul Alpert, retired from the Court of Special Appeals of Maryland and who sits on the Baltimore City Circuit Court, Martin's workload consisted of writing legal memos related to ongoing trials while simultaneously writing draft opinions for Alpert's appellate cases. The writing samples she amassed through her internship with Alpert, Martin says, "were helpful in distinguishing me from other candidates applying for the same position." She credits her work with Alpert as key to securing a clerkship with Judge Inez Smith Reid, who sits on the Court of Appeals for the District of Columbia. Martin firmly believes that it was her clerkship experience that enables her to do appellate work as just a second-year associate.

Teresa Schmiedeler, director of Judicial Clerkships and Public Interest Programs, acts as a full-time counselor for students in judicial internships and clerkships. They currently place twenty-five percent or more of each graduating class in clerkships, one of the highest percentages of all law schools in the country. Around twenty students are in judicial internships. Schmiedeler echoes Judges Fader and Smalkin in acknowledging the essential and invaluable merits of such opportunities: "Judicial clerkships and internships provide an incomparable opportunity to learn from a skilled jurist and to observe the inner workings of the judicial system. Moreover, clerks have an edge in competing for subsequent jobs with both private and public sector employees."

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Patricia Young writes on university issues from her home in Baltimore.

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The Honorable John F. Fader II ('68)