LAW IN THE PUBLIC INTEREST

THE REACH OF PUBLIC INTEREST LAW TODAY IS WIDER THAN EVER BEFORE. FAR FROM BEING LIMITED TO THE POOR, PUBLIC INTEREST LAW NOW EXTENDS FROM REPRESENTING THE AGED TO SEEKING ENVIRONMENTAL JUSTICE, DEFENDING VOTING RIGHTS AND SETTING PUBLIC UTILITY POLICY. IT INVOLVES LITIGATION, LEGISLATION, NEGOTIATION, POLITICS, ACTIVISM AND MORE. MEET A MARYLAND STUDENT, A PROFESSOR AND A GRADUATE FOR WHOM LAW IN THE PUBLIC INTEREST IS A WAY OF LIFE.

JOAN BENNETT
Elder Caregiver Extraordinaire

A bright, intuitive and committed third-year day student, Joan Bennett is involved in the School of Law’s Elder Care Program. A native of Washington, D.C., she currently lives in Baltimore with her husband as she prepares to graduate in May. Bennett’s passion for providing service to the elderly strikes at the core of what it means to practice law in the public interest: to ensure that every individual has access to the American legal system regardless of circumstance.

Even before she entered law school, Bennett planned to take courses that dealt directly with providing services to the elderly. That plan has paid off. In 1994, she won the Geriatrics and Gerontology Education and Research Student Award, received a Maryland Public Interest Law Project grant and the American Jurisprudence Prize in Criminal Procedure. A member of BALSA (Black Law Students Association) and president of the Christian Legal Society, she is no stranger to getting involved.

Bennett credits the Legal Theory and Practice Program at
the School of Law for much of her success. A Legal Problems of the Elderly course, combined with health law skills in finance and advance directives, gave Bennett the knowledge required to pursue her goal of providing direct service to elderly clients. She also hopes to be involved with policy issues as they affect the elderly. Bennett cites professors Joan O’Sullivan and Diane Hoffmann with being particularly helpful. “When you find someone who shares your interests, it makes for a good connection,” she recalls. “I was able to share with them schoolwork, career plans and experiences with different clients.”

The desire to help the elderly is a lifelong one for Bennett, who comes from a large and extended family, where great-grandmothers always take part in family activities. It gives her firsthand experience in witnessing and dealing with the different stages and levels at which older people can function. “People age differently,” she notes. “Some function fine on their own while others need constant care and assistance.”

Care is something this future attorney knows a great deal about. After earning a B.A. from the University of Virginia, she went on to pursue a master's in health services administration at George Washington University before beginning law school. She has held several positions related to both elder law policy and direct service, including a legal internship with the National Senior Citizens Law Center and a clerkship with the Legal Counsel for the Elderly, both located in Washington, D.C.

Although she understands the importance of working with policy issues and is quick to point out its benefits, her preference is direct service. “Direct service allows you to work through a client’s problem one on one, until you are able to find a solution to that problem. You can relate your accomplishment to a name and a face,” she explains. “It’s easy to see that you’re making a difference in someone’s life.”

David Carrera

SHERRILYN IFILL
Sharing Power, Refining Justice

Intense, dynamic, forceful, authoritative—these are words Sherrilyn Ifill uses to describe her early role model Barbara Jordan, who rose to national prominence during the Watergate hearings. They fit the young law professor and civil rights attorney equally well. A woman of high energy and clear commitment, Ifill began teaching legal theory and practice courses in environmental justice two years ago, after serving as a litigator for the NAACP Legal Defense Fund’s voting rights project and the ACLU’s reproductive freedom project.

Ifill knew as a young child that she wanted to become a lawyer. “I grew up in a time full of possibilities,” she recalls, “and I’ve never wavered. I never taken jobs that did not follow the path of what I wanted to do with my life. Okay, I was a census taker one year, but I later became a voting rights attorney, so that was relevant too.”

In part, that sense of purpose came from very goal-oriented parents, who taught their children that “there were no limits on what you could do.” Ifill thinks that might be an immigrant’s perspective; her parents came from Panama in the late 1950s. Whatever the cause, the effects have led her to take high profile cases with profound implications for American society.

If the voting rights cases she participated in as an attorney for the Legal Defense Fund are won, believes Ifill, they could also have a significant impact on the sharing of power and the ability of minorities to participate in the political process. What she’s talking about is fundamental change—in the way we elect judges, local representatives or members of Congress—and in the makeup of political coalitions. Most of Ifill’s voting rights cases relate to the way judges are elected. Her brief in a Texas case argued that the Voting Rights Act should apply to judicial elections, and the Supreme Court agreed. The High Court now will hear cases that challenge the very core of voting rights litigation, and Ifill is concerned.

At issue is whether majority black districts should be created so that African-American people can elect candi-
dates of their own choice. “If we didn’t have racially polarized voting, we would not have to go to these lengths,” Ifill argues. Unfortunately, it’s a reality that most “whites will not vote for black candidates,” she says. One could accept this as the way of the world or look for ways to enable minority voters to participate meaningfully. Accepting a less than just status quo is not Sherrilyn Ifill’s way.

Manipulating geography can ensure minority representation, but critics are bothered by the strange shapes these specially created districts take. Another approach involves cumulative and limited voting. This allows voters to “single shot” their votes, Ifill explains, to vote with greater intensity for candidates they know and really like, not at all for those they neither know nor care about. This gives voters enormous power—to use their votes to elect candidates responsive to their interests—and it can increase the likelihood of linking different minority groups into multiracial coalitions.

Such coalitions are among the reasons Ifill finds environmental justice so exciting. “There are enormous areas of common concern between racial minorities and poor and low income whites living in the same areas,” she explains. The environmental justice movement has developed those natural coalitions. It’s really a movement driven by the community, grassroots. “That’s the way it should be,” she concludes.

Though environmental justice is new for her, she sees a direct link with voting rights. Both focus on the decisionmaking process, and “areas in which there is a serious environmental justice problem often also have a voting rights problem,” Ifill observes. “The movement challenges assumptions we make about the democratic process, power and power sharing,” she continues.

The Gravel Hill case she and her students have been handling illustrates the linkage well. It involves a developer trying to build a rubble landfill in a small agricultural community and adjacent to a 200-year-old graveyard for the African-American community’s early landowners, its heroes of the Civil War and world wars. The landfill was all but a fait accompli before residents learned about it. Infuriated, the small African-American community and adjoining white community organized, held public meetings, and helped vote the old county council out in favor of a new council that is better attuned to their interests.

Working with anthropology faculty and students from Howard University, Ifill’s law students and the community have cleared the cemetery, cataloged information on the people buried there, obtained county historic landmark status and helped the community obtain legislation to protect historic landmarks. While the case continues, students are also surveying communities statewide to determine if there is any pattern of environmental injustice and they are monitoring President Clinton’s 1994 executive order on the subject, calling on agencies to consider environmental justice in their decisionmaking. “The language was general and we’re not sure of the implications. We want to put our two cents worth in,” she asserts.

While encouraged by both incremental and major victories, Ifill seems to value the human relationships of her work as much or more. The people who have cared for Gravel Hill’s cemetery and knew its dead, Dr. Irving Rust of the south Bronx clinic that tested the reproductive rights “gag rule,” members of a black lawyers’ association who challenged the election of the very judges before whom they appear—giants, Ifill calls them, people with enormous courage and an incredible sense of right and wrong. Maryland law students will do well to absorb a measure of this fine sense of justice.

Judy Schwartz
Michael J. Travieso '75 likes his job. He likes his title, too. He's doing what he wants to do, and he's trying to make a difference. Not long ago he wasn't as satisfied. The road he traveled to get where he is today has proven arduous but rewarding.

Today, as people's counsel, Travieso is the person who fights consumers' utility battles before the Public Service Commission. “We have a specific role: to protect the interest of residential consumers of public utilities,” Travieso explains. While industrial companies, like Bethlehem Steel, have lawyers that protect their interests, "the Maryland Legislature created this position to protect the average guy."

Travieso has always been interested in what happens to the average guy. Early in his law career, from 1978 to 1982, he was a federal prosecutor. As his career grew, it took different directions until a life-changing event brought him back to his first love, public service.

In 1988, Travieso's older brother was found dead of a heart attack in his NBC office in Washington. He was 58. The journey a survivor takes when a loved one dies differs for each. For Travieso it was the unexpected that gave him pause. He found his own foundation shaken and questioned the direction his career was heading.

At the time of his brother's death, Travieso was a partner with the Baltimore law firm Gallagher, Evelius & Jones. Travieso relays, “This is a very personal process that I went through. My brother died in the middle of an exhausting, excruciatingly difficult case. I began to think what I was going to be doing when I was 58. Did I want to spend the rest of my life in the kind of pressure situation that I was in? Or did I want to make some other contribution.”

Travieso began evaluating private practice versus public service. He uses a method he calls the stress benefit test: “There is stress and tension in any type of law you practice, but what is the benefit you might be able to produce from it? In public service the benefit is promoting the public good.” Five years after his brother died, in November 1993, Travieso left Gallagher, Evelius & Jones after 11 years. He returned to public service with the Attorney General’s Office, Department of Licensing and Regulation. A short 10 months later, in August 1994, Governor William Donald Schaefer appointed Travieso to the office of people's counsel.

The transition happened fairly quickly. Travieso knew John Glynn, former people's counsel, yet did not think about the position in terms of filling it. But Richard Berndt '67 did. The managing partner of Travieso's former law firm has a good relationship with Schaefer and recommended Travieso for the job. "Rick asked if I would be interested; I said I would. I interviewed with Schaefer. He did his research and I did mine, and we both reached the same decision," Travieso exclaims. Now, under new gubernatorial leadership, Travieso awaits Governor Parris Glendening's decision to submit his name for reappointment and confirmation by the Senate.

Travieso's role has taken him out of the courts to behind the scenes. His staff of nine lawyers tries the cases before the PSC, while Travieso determines case positions and provides guidance and assistance to the staff. This change suits him, "I don't want to solely litigate, I prefer the strategic end."

One case in particular is sure to maneuver him back into the courtroom: a four-year-old case centering on whether BGE or its customers will pay a $450 million tab for a two-year shutdown of the Calvert Cliffs nuclear power plant. "I've spent the first four months in my job understanding the issues, and I'll be involved in litigating...We probably won't receive a final decision until 1996," predicts Travieso.

A Baltimore native, Travieso graduated from the University of Maryland School of Law as valedictorian of his night class in 1975. Reflecting on his 20-year law career, Travieso says, "I don't have any regrets." While many people only dream of changing their lives, at the age of 50, Travieso is directing his. As people's counsel, not only his role, but the title gel for him, "It's a wonderful name. You don't get many opportunities as a lawyer for such an interesting title—it sounds great!"

Patricia Young

Michael Travieso