"It’s clear that what happens in China or India can have a significant impact on environmental issues in the United States," says Robert F. Stanton Professor of Law Robert Percival, director of the School of Law’s Environmental Law Program. "It’s essential to work at all levels of government, and this law school is at the forefront of a growing community of environmental law professors and students from around the world that collaborate on very important projects."

This year’s Ward Kershaw Environmental Law Symposium, "Globalizing Clinical Education to Protect the World’s Health and Environment," helped solidify Maryland’s global leadership in the study of this important specialization.

Environmental and public health was supported by a grant from the Ward Kershaw Environmental Law Fund. Attendees enjoyed a dinner and tour at the National Aquarium, and wrapped up their work sipping specially chosen vintages at the annual wine tasting with alumni at Westminster Hall.

"While global conferences focusing on environmental problems or clinical education are now held regularly, this is the first to focus specifically on environmental and public health law clinics that are emerging throughout the world," said Percival in his welcome. "We hope that this conference will introduce new participants to the global public health movement and spawn greater cooperation between those who are championing the protection of human health and the environment around the planet.”

Prof. Wang Canfa, one of China’s top public interest environmental lawyers, led off the conference with his keynote speech. Professor Wang, director of the China University’s Center for Research and Service on Environmental Law, also works for the Fada Law Firm in Beijing, where he prosecutes government lawsuits against polluters and represents plaintiffs who have sustained pollution-related injuries or damages. It’s his additional work that provides compelling ideas for other countries; he also serves as director of the Center for Legal Assistance to Pollution Victims in Beijing, a non-governmental environmental protection organization that protects the rights and interests of pollution victims.

A day of small working sessions followed, identifying some of the major problems currently plaguing public health and the environment: discussions centered on enforcement/litigation, working with NGOs, pedagogy/clinical education, and legislation/policy/treaties. One of those NGOs, the Natural Resources Defense Council, provided the luncheon speaker. Linda Greer, the council’s health and environment program director, spoke on the ongoing work she and others are doing to combat mercury pollution in China.

On the final day, the working groups reassembled to develop solutions. They exchanged ideas for collaborative projects, and worked on methods for implementation. The day concluded as the small groups shared their thoughts and plans with the entire contingent. The hope of the organizers, which included Rena Steinzor, Jacob A. France Research Professor of Law, is that seeds of international partnerships sown at the conference will grow into cooperative projects. An especially critical piece: the creation of environmental law clinics in countries in dire need of practical assistance for the health of their citizens.

—Gynene Sullivan
Business, Law, and Miles & Stockbridge: A Client Perspective

John Frisch ('83) credits the School of Law with a key role in preparing him for success as a business lawyer. But gratitude is only part of the reason he’s now supporting the school’s growing Business Law Program. As chairman of the leading Mid-Atlantic firm Miles & Stockbridge, he has a vested interest in well-prepared graduates; the firm employs many UM Law graduates and continues to hire more.

“We are extraordinarily impressed with the quality of students who join us as associates,” Frisch says. “We look forward to partnering with the law school as it continues to develop and graduate highly talented business lawyers.”

So last fall, the company took practical steps to further that Maryland education.

The Miles & Stockbridge Fund for Excellence in Business Law now supports a wide range of initiatives. It made possible the creation of the Journal of Business & Technology Law, the first publication to examine legal matters at the intersection of business and technology. The journal is adding an important voice to the nation’s scholarship in an emerging arena.

The inaugural issue was unveiled at a celebration on November 9 to note the establishment of the fund. A special panel discussion that evening, “Great Lawyering: A Client’s Perspective,” brought together senior executives from a number of Miles & Stockbridge’s clients. Among the executives on the panel were several UM Law alumni, including: David Abramson ('78), president of Martek Biosciences Corporation; Megan Arthur ('86), senior vice president and general counsel, University of Maryland Medical System; and David Eberhardt ('85), executive vice president and general counsel of U.S. Foodservice.

THE JURY BOX, UNLOCKED

“The jury room is a remarkable—and largely inaccessible—space in our society, a space where ideas, memories, virtues, and prejudices clash with the messy stuff of the big, bad world,” wrote D. Graham Burnett in A Trial By Jury, his 2001 account of his experience as the jury foreman on a Manhattan murder.

On October 24, the School of Law took a hard look inside that room, as the Linking Law and the Arts series hosted an audience of more than a hundred law school alumni and friends for the panel discussion “The Jury as Truth Finder: Fact or Fiction?” Organized in collaboration with the Hippodrome Foundation, the panel preceded the opening night performance of 12 Angry Men at the nearby Hippodrome Theatre.

Burnett, a Princeton history of science professor, was joined on the panel by adjunct professor Andrew Levy ('81) of Brown, Goldstein, and Levy, and Deborah Eyler ('81), a judge on the Maryland Court of Special Appeals.

“My book shows how people deliberate in the rawest form of democracy,” noted Burnett. “I was on a second-degree murder case, and the defendant claimed the murder was in self-defense.” Lawyers on both sides presented an abundance of information, and jurors struggled to absorb and understand it all.

“Once we were in the jury room, the first thing I said was, ‘Let’s make sure we understand the charges,’” and I couldn’t believe that people were all over the map.” After a contentious four days, they acquitted the defendant. Burnett said that he left the jury room with a “real transformation” in how he felt about the legal system—and the human race.

The connection between law and the arts was underscored when cast members from the Roundabout Theatre’s Tony-nominated production of 12 Angry Men told Dean Karen Rothenberg that Burnett’s book had been required reading as they prepared to stage the play.

“We created the Linking Law and Arts series when we realized the impact of the theater to better express complex social issues,” said Dean Rothenberg of the innovative program, which is supported by a grant from the France-Merrick Foundation. “Over the past several years, we’ve done some wonderful programs on the death penalty, race relations, the environment, and law and film. Tonight is the next in the series of looking at issues in the criminal justice system.”

In the play, one lone juror initially refuses to vote for conviction, and ultimately persuades the jury’s other eleven members that a reasonable doubt about the defendant’s guilt exists. As moderator, Levy shared the play’s confidence in the truth-finding abilities of the trial by jury. “By and large, juries get it right. Not always, but most of the time.”

But after having seen what goes on behind the jury room’s closed door, Burnett wasn’t so sure. “If you’re accused of a crime, be very afraid. If you put twelve people in a room to come to a unanimous decision, just about anything can happen, and it does.” —Lori Romer ('02)
It Takes A Community: Building Safe Neighborhoods

In a groundbreaking combination of community partnership and experiential learning, the School of Law combines its mission to limit violence in Baltimore City with its Community Justice Initiative (CJI). Now in its second year, CJI brings together citizens, students, and faculty to address the culture of crime. This past March, the innovative program sponsored a symposium to open a national dialogue about community justice successes.

The three-day event, entitled “The Deeper End of the Pond: Innovative Practices in Community Justice,” gathered academics, judges, lawyers, and representatives of nonprofit, community, and faith-based organizations from across the country to share new approaches. From speeches to problem-solving workshops, attendees and presenters tackled ways to address crime, effective alternatives to the traditional criminal justice system, and discussed collaborations between communities and government organizations.

“The symposium is about supporting a larger conversation in our society about criminalizing poverty,” said Law School Professor Brenda Bratton Blom, director of the Clinical Law Program, who has been involved with the CJI since its inception. “When we send someone to prison for a minor drug offense, can we live with that choice?”

In his plenary speech, Dr. Elijah Anderson, professor at the University of Pennsylvania and author of The Code of the Street: Decency, Violence, and the Moral Life of the Inner City, commented on how people living in urban areas have become alienated from society.

Dr. Anderson also spoke of the many black men, poor and undereducated, searching fruitlessly for honest work, all the while seduced by the drug trade. “The poor inner city male doesn’t stand a chance,” he said. “They’re thrown back on the streets.”

The Hon. Alex Calabrese delivered the lunch keynote address, which centered on his work with the Red Hook Community Justice Center, a multi-jurisdictional community court in Brooklyn, N.Y., which handles criminal, family, and housing matters. Community justice courts are making problems and that we can help solve them.” Funded by a grant from the Baltimore-based Charles Crane Family Foundation, the CJI is currently concentrated in the neighborhoods and schools of Cherry Hill and Washington Village/Pigtown. Terri Ricks, JD, program manager of the CJI at the law school and co-organizer of the symposium, said a teamwork approach to criminal justice is beginning in Baltimore.

The CJI encompasses several diverse projects, including a school conflict resolution program, which features the creation of peer mediation programs; a youth-based advocacy program and a school-based Student Court to resolve disputes; and the development of a Community Prosecution Project in the Hargrove District Court, in partnership with the state attorney’s office. CJI also supports community leaders in organization, sustainability, and engaging residents in solutions.

“The program is about weaving the fabric of a safe neighborhood,” says Professor Blom. “We’re asking, ‘What are the lawyer’s skills that make a difference in a community’s capacities to solve problems?’”

—Gynene Sullivan

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“When we send someone to prison for a minor drug offense, can we live with that choice?”

—Gynene Sullivan

Clinical Law Program Director Brenda Bratton Blom (right) welcomed guests to the youth media showcase, which opened the symposium.
Staging human Rights

A Russian woman appears on stage and, in broken English, begins to explain her HIV-positive diagnosis. The stigma she suffered after learning of her condition was compounded by the dearth of treatment options in her country. She tells how she became an activist to help others with HIV who might otherwise go untreated. Spoken without sentimentality, her words are an indictment of the Russian response to the AIDS crisis.

The scene was one in a collection of seventeen vignettes in "Human Rights/Culture," which Distinguished Visiting Professor Kendall Thomas produced to illustrate the state of human rights today. Calling the production "a collage of sound, text, and movement," Professor Thomas assembled a small troupe of law school students, faculty, and three professional actors to dramatize some of the most challenging humanitarian issues of our day.

In a series of compelling performances, the players took on multiple roles. In one scene, an American soldier talked about his uneasiness with torturing the prisoners under his care. In another, a homeless woman described the indignity of living in a car with her two children. "Nelson Mandela" explained his ideal of a democratic and free society in Africa, and his willingness to die to achieve it.

The April 26 production in Westminster Hall, supported by a grant from the France-Merrick Foundation, was part of the "Linking Law and Arts" series and marked the culmination of Professor Thomas's semester-long visit from the Columbia University School of Law. During his stay in Baltimore, he taught a seminar called Law and Sexuality and another, Human Rights and the Question of Culture.

The topics they broached were sometimes difficult to consider—female genital cutting, child labor, slavery, torture. One vignette was simply a series of projected images showing the trappings of execution—death chambers and their viewing stands, protesters pro and con, and vacant electric chairs waiting to be called into service. Another poignant sequence of images showed the devastation and human toll Hurricane Katrina left in its wake.

Each year, the Distinguished Visitors Program brings to the law school leading academics from legal and non-legal fields. Other visitors during the 2006-2007 year included Susan Jones, a professor of clinical law at George Washington University, and José Zalaquett, former President of the Inter-American Commission on Human Rights.

—Lee Carpenter ('06)

No Funny Business: Federal Oversight of Corporate America

The strong federal arm of the Sarbanes-Oxley Act, the antidote to the excesses of Enron and WorldCom, exemplifies the resurgence of efforts to impose federal standards on areas of law traditionally left to the states. How different from the world of the seventies, when the Supreme Court confined the reach of federal securities law, allowing the states (particularly Delaware) to become much more solicitous of stockholders.

"The Fall and Rise of Federal Corporation Law" became rich fodder as assorted members of the business community, including practicing attorneys and legal scholars from across the nation, gathered at the School of Law last October 13 for the Fifth Annual Business Law Conference. Panels of experts focused on the interplay of state and federal law in the ways corporations operate, and addressed issues of corporate law as it stands today, in areas of governance, finance, and corporate practice.

Discussion ensued on the evolving rules relating to the board of directors, including the organization of boards, as well as methods for election and their compensation; securities litigation, from the implications of the Supreme Court’s decision in Dabit Pharmaceuticals to evolving state law fiduciary duties relating to disclosure; and developments under SLUSA, including the Supreme Court’s decisions in Dabit...
The Constitution: Three Centuries Old and Going Strong

The leading annual gathering of law professors and political scientists in the nation, the Constitutional Law Schmooze this year addressed “An Eighteenth-Century Constitution in a Twenty-first Century World.”

“An eighteenth-century constitution may not address twenty-first century problems,” says Prof. Mark Graber, the event’s organizer. “Eager to preserve the authority of the ancient text, interpreters may engage in imaginative exercises about how white men in bad wigs would have answered political questions that were beyond their capacity to conceptualize.”

Schmooze attendees prepare a short ten-to-fifteen-page paper, their “ticket of admission,” which spurs the conversations. This year’s topic was inspired by publications by two frequent attendees, Sandy Levinson’s Our Undemocratic Constitution and Kim Lane Scheppelle’s The International State of Emergency: the Challenge for Constitutionalism after September 11. Discussions ensued about new and old constitutions, the democratic deficit, originalism and living constitutions, current directions, and terrorism.

“Contemporary calls for constitutional reform are too often rooted in the traditional populist contrast between good people and bad institutions,” says Graber. “This dichotomy helps explain why those who favor working within the existing constitution are constantly charged with failing to trust ordinary people.”

“CSI” in Real Life

Forensic science has hit the big time on TV, and the School of Law put a microscope on this explosion in popularity and its aftershocks in the September 14 symposium “The ‘CSI’ Effect.” Members of the medical and forensic science communities joined faculty, students, and alumni for an exploration of mass entertainment’s effect on the way cases play out at trial— in real life.

“Today’s discussion explores the effect that top-rated TV programs such as ‘CSI,’ ‘Law & Order,’ ‘Bones,’ and their many spin-offs, have on jurors, and what prosecutors and criminal defense attorneys are doing to combat jurors’ TV-show-fueled expectations,” said Jacob A. France Professor of Equality Jurisprudence and Francis & Harriet Iglehart Research Professor of Law Taunya Lovell Banks, who organized the panel as part of the law school’s Linking Law and the Arts series. “Ninety-one percent of all TV viewers watched the O.J. Simpson trial. In the post-O.J. world, we’ve learned that TV both reflects and shapes culture.”

Kenneth W. Ravenell (’85), a defense attorney and a partner at the law firm of Schulman, Treem, Kaminkow, Gilden & Ravenell, P.A., argued the case for greater expectations for forensic evidence. Robert T.M. Phillips, a forensic specialist and adjunct/professor at the School of Law, discussed the disparity between forensic capabilities and what is “possible” on television: “Isn’t it interesting how the investigators on TV do everything, including solve the crime?” In fact, real life crime scene investigators simply collect the evidence requested by the police, and fingerprints on guns are rare.

Forensic pathologist Mary Ripple, Maryland’s deputy chief medical examiner, was inspired to become an M.E. by TV’s Quincy. She discussed how the unrealistic expectations for forensic evidence has affected what is expected of crime lab technicians and medical examiners. “I can’t tell you how many times we forensic experts find ourselves saying in court, ‘This is reality, not TV.’”

—Lori Romer (’02)

and Kircher. The Hon. Jack Jacobs of the Delaware Supreme Court was the luncheon plenary speaker.

“Particularly interesting was discussion of the fact that corporate reforms not only have altered the way public companies do business, but also have had an impact on private companies and even non-profits,” said Prof. Lisa Fairfax, director of the Business Law Program. “This is because these latter entities have come to believe that the federal reforms embodied in Sarbanes-Oxley and various listing requirements reflect ‘corporate best practices’ that all corporations should strive to achieve.

“This belief is encouraged not only by public sentiment, but also by lawyers who counsel their non-profit and private clients on proper corporate governance mechanisms. My general impression was that many people saw this spillover effect as a good thing, because it encouraged other companies to clean their house in much the same way that public companies were being so encouraged.”

The conference was organized by the Business Law Program and Frank Razanno of Dickstein Shapiro LLP, and supported through the generosity of the Association of Securities and Exchange Commission alumni and the Miles & Stockbridge Fund for Excellence in Business Law. Conference proceedings and papers are available through the Marshall Law Library’s website.

—Gynene Sullivan

Justice Jack Jacobs of the Delaware Supreme Court delivered the keynote address at the Business Law Conference on federal corporation law.