A Pioneer in Requiring Experiential Learning

Reflecting on the 30-year history and impact of the Cardin Requirement.

BY JANE WILSON
Students in the Clinical Law program at Maryland Carey Law are given an opportunity to positively impact the community around them. They take on real cases and apply what they’ve learned in the classroom to produce real outcomes. Sentences are reduced, families are reunited, legislation is drafted, and those who lack access to justice get help receiving it.

Life in the clinic prepares students for life as a lawyer and they gain this invaluable experience in part due to the adoption and fulfillment of the Cardin Requirement.

“The Council was productive. It did some great work in just eight months, probably because we had great talent, like Clint Bamberger and Mike Millemann — they really understood the problem,” Cardin says. “Also, we knew there wasn’t a silver bullet. We’d need something comprehensive — a federal, state and private sector approach. We had to be visionary, but realistic — which is a challenge.”

Within a year, Cardin had met at least part of that challenge, when he won the financial support from Maryland Governor William We’d need something comprehensive — a federal, state and private sector approach. We had to be visionary, but realistic — which is a challenge.”

— Senator Ben Cardin

The Road to the Cardin Requirement

In 1987, then-U.S. Representative Ben Cardin ’67 agreed to chair the 30-member Maryland Legal Services Corporation (MLSC) Advisory Council. The Council was formed to embark on an intense research effort to quantify the unmet need for civil legal services among Maryland’s poor and find solutions to meet it. One of 41 recommendations coming out of the Council would “require law school clinical experience in providing civil legal services to the poor as a condition of graduation.”

“That recommendation was at the top of my list,” recalls Cardin, who is serving his second term as a U.S. senator and remains an active and longtime member of the law school’s Board of Visitors. Maryland, like many other states, had relied for years on growing federal support for legal services to the poor. But 1981 saw major cutbacks in federal dollars and new restrictions on them. “By 1987, we had hit a wall,” Cardin says. “We were in a critical situation and everyone on the Council knew it.”

In 1980, for instance, Maryland programs providing civil legal services to the poor received an estimated $9.04 for every income-eligible person. By 1987, that number had dropped to $7.24 in 1980 dollars. Meanwhile, the need for civil legal aid had increased by at least 40 percent — all according to the Advisory Council’s report, which estimated that 80 percent of people eligible for legal services weren’t getting them.

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Schaefer that allowed the law school’s dean at the time, Michael Kelly, to hire enough new faculty to launch the Cardin Requirement.

Cardin remembers explaining to the governor that even though he had been a day student, he had also worked in a firm during law school and believed the practical experience had made him a better lawyer and taught him the importance of having access to legal services. He wanted other law students to have a similar experience and thought working in a clinic would do that.

“Schaefer was interested and sympathetic, but asked what the private sector would contribute,” says Cardin, who explained that the Council was also recommending mandatory pro bono service and deposits to the Interest on Lawyers Trust Account (IOLTA), which pools client funds that are too small or would be held too briefly for an attorney to place them in an interest-bearing account.

“That caught the governor’s attention,” Cardin recalls. “Once we persuaded the judiciary, the General Assembly and the legal community to switch from voluntary to mandatory IOLTA contributions, we got funding for the Cardin Requirement almost immediately.”

Next, the law faculty followed an extensive process to decide whether to accept the Cardin Commission’s recommendation and if so, how to do it. The curriculum committee and faculty council discussed this over several months, and then voted by a substantial margin to impose the requirement provisionally. After three years, the school commissioned an external study of the Cardin courses, which was very positive, and after further faculty discussion, approved the requirement as a permanent part of the curriculum.

The Cardin Requirement raised the profile of the Clinical Law Program in Maryland’s legal services community, says Professor Michael Millemann. The new policy brought “the addition of considerable resources to expand the school’s experiential program by adding Legal Theory and Practice (LTP) courses to the clinical courses,” he notes. “The overwhelming majority of students thought this was an exciting new opportunity to learn — clinical education was then, as now, very popular — and within a couple of years the requirement became the accepted norm.”

The Cardin Requirement & Clinics Continue to Thrive

The Cardin Requirement, which allows students to handle criminal and civil cases, became not only a norm, but a sustained force for propelling the integration of legal theory and practice (LTP) courses at the law school, as well as the growth of its nationally ranked clinic. Today, that integration is one of the law school’s defining features, with almost 20 clinics providing more than 75,000 hours of free legal services every year to individuals, organizations and communities in Maryland — numbers that are comparable to those of a thriving public interest law firm.

For students then and now, the LTP courses and strong clinical program offer an extraordinary opportunity to acquire a range of skills that are essential, especially for recent graduates trying to navigate a legal marketplace that demands “practice-ready” young lawyers.

“The Gender Violence Clinic helped me develop a client-centered approach to advocacy and gave me practical litigation skills that I use every day in court,” says Hilary Tebeleff ’16, a staff attorney at The Marjorie Cook Foundation Domestic Violence Legal Clinic in Rockville, Maryland.

An informal poll of clinical faculty seems to...
confirm that students acquire a common core of basic skills — interviewing, legal research and writing, analytic problem solving, negotiation and, in many cases, practice at litigation in a range of forums.

“Our clients come to us in crisis,” says Professor Maureen Sweeney, whose Immigration Clinic student will argue a case before the U.S. Court of Appeals for the Fourth Circuit this semester. “Everything is threatened — our clients’ homes, jobs, and families. My job is to teach students how to empathize, find their individual strength as lawyers, and then forge an effective professional relationship with that client in crisis. It’s the core skill for any lawyer involved in any kind of individual representation.”

Effective client representation also demands that students acquire a suite of related skills, argues Professor Michael Pinard, co-director of the Clinical Law Program. These include the ability to work across differences in race, socio-economic status, age, gender, gender identity, sexual orientation and trauma; to work in teams, and manage time well.

Students also learn to work with other professionals. “My experience in the clinic was the first time I worked closely with students in the School of Social Work,” recalls Chelsea Crawford ’13, an associate at Brown Goldstein &

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Clinic at a Glance

40 YEARS
OF THE
Clinical Law Program

30 YEARS
OF THE
Cardin Requirement

20
Clinics and Legal Theory & Practice Courses

EACH YEAR

20
faculty lead

150
students in providing

75,000
hours of free legal services to the community

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Levy LLP who now consults regularly with social workers to develop mitigation evidence for her criminal defense clients.

Other clinics offer skills specific to a practice area. For instance, Professor Leigh Goodmark, who directs the Gender Violence Clinic, notes that her students “have experiences with clients that challenge their preconceptions — for example, about who a murderer is.” Students in the Consumer Bankruptcy Clinic “learn the nuts and bolts of putting together a complete Chapter 7 bankruptcy petition ready to be filed with the bankruptcy court,” according to its director, David Portnoy. Those in the Landlord Tenant/HIV AIDS Clinic “see for themselves how a court does not function as it should when only landlords typically have access to attorneys,” observes director and Law School Professor Deborah Weimer.

In the Low Income Taxpayer Clinic, co-taught by Dean Donald B. Tobin, students assist clients who have disputes with the Internal Revenue Service. Dean Tobin observes, “It’s not just about the money in dispute. Students gain an understanding of how relieving a tax problem can significantly change their clients’ outcomes.”

“Clinic gave me a sense of ownership over a case that most second and third year associates at large law firms do not experience,” remarks Jason Downs ’07, a partner at Downs Collins P.A., a criminal defense firm in Baltimore. “Clinic made me a much more aggressive attorney. I had confidence early in my career because of my courtroom experience as a law student.”

For some students, the Cardin Requirement provides not just skills, but direction. Danica Buck ’14 was seeking just that when she enrolled in the General Practice Clinic as a rising 2L. She spent the summer working on the Unger Project with Professor Millemann and stayed in Clinic II until she graduated, working for a full year with a single client.

“I joined the clinic for less than impressive reasons, but I could not imagine my life if I hadn’t had that experience,” says Buck, who is now an attorney with the Office of the Public Defender in Howard County, Maryland because of her clinic experience.

As Professor and Clinic Co-Director Renée Hutchins notes, the clinic can be a transformative experience for students. “They are representing real people, facing real problems in the real world ... For many of them, it is the first time they have ever been asked to take responsibility for another person’s life, or for another person’s liberty, or for another person’s economic success.”

Because of that experience, Professor Pinard says, students “have learned about their clients’ deep suffering and courage as well as the limits and integrity of law and process.”

The school’s LTP and clinic courses are works in progress, evolving to meet new needs. Last year saw the introduction of “The School to Prison Pipeline,” a course focused on how practices in elementary and middle school can encourage students to drop out and move into the criminal justice system. This year, the Immigration Clinic is adding a second attorney to meet increasing demand, and the Intellectual Property Clinic is expanding to offer a full range of business law services to start ups in both Baltimore and College Park (see IPEC story on p. 16).

“I am very proud of what our law schools have done over the last 30 years,” says Senator Cardin. “The Cardin Requirement put Maryland Carey Law’s clinic on the map and established it as a national leader. It has sensitized generations of young lawyers to their responsibility to serve the poor. And it has never been a burden, but a great opportunity for us all.”

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— Professor Renée Hutchins