GOING BEYOND LITIGATION

Judie Schwartz

Boot camp. That’s the favored term for the summer session of clinical law. Traditionally, it’s been a time when 23 hardy students carry forth the caseload for all of the school’s clinical offerings. At least for the summer, they are involved full-time. The program is nothing if not intense. In 10 weeks, students learn how to be lawyers while handling 75 to 100 clients. “At the end, the vast majority think it has been a tremendous working experience. They grow so fast,” says Michael Millemann, who became the new director of the Clinical Law Program this summer.

[The transition in clinic leadership has been unusually smooth. Millemann and outgoing clinic director Rick North have long worked together. “Rick has a wonderful managerial style, a nice light touch. He is very well respected by the clinical faculty and staff, a first-rate lawyer, clinical teacher and scholar,” notes Millemann. He adds, “We were blessed to have him as a clinical director for these years. His will be huge shoes to fill.” North has earned a national reputation as an expert on AIDS and AIDS law, and will be in demand to consult and write about those issues. His immediate plans call for a sabbatical from law practice, in favor of ocean kayaking.]

Rolanda Terrell pops into Millemann’s office for a quick question. She pronounces her summer experience “good so far. It’s busy enough to have us crazy but not enough to make us hate it.” Rolanda also helped by role playing as a witness in one case. “She’s not only going to be a good lawyer; she’s a great actress,” Millemann tells her.

A strong proponent of the integrated approach to theory and practice, Millemann believes legal education that focuses primarily on the classroom demands too little of its students. “They are capable of learning a lot more about law practice in law school than we have challenged them to do,” he asserts. “The summer clinic is the ultimate challenge, but we ought to demand more of our students throughout the three-year experience.”

This year’s U.S. News & World Report rankings placed Maryland’s clinical program third in the country. It has earned its reputation primarily as a litigation clinic. The new director intends to expand that focus by teaching “interesting and important nonlitigation ways to practice law. The emphasis would not shift away from representing poor people,” Millemann explains. “They need legal help and cannot get it other places. And, they present issues that teach students one of the most important things about law practice—the obligation to help others and the fun it can be.”

With its strong criminal defense component and Millemann’s keen interest in the subject, the clinic is likely to remain involved in death penalty cases. It has worked on three so far. Millemann sees the clinic’s role not as primary counsel. “That demands a level of continuity and commitment of resources we just don’t have. But we can help other lawyers significantly and will continue to do so.”

In addition, he plans to expand representation of community-based corporations or groups. “Through these non-profit groups we will increasingly get involved in neighborhood projects. Students will
engage in transactional work as opposed to solely litigation,” says Millemann. The goal is to help community groups incorporate so that they can rehabilitate vacant houses or build low-income housing and have a real impact on their local neighborhoods.

Law school representatives are exploring the possible creation of a housing and community development institute designed to help community groups in these ways. The idea preceded the city’s application for empowerment zone designation, and Millemann anticipates that conversations with Michael Seipp, coordinator of the city’s empowerment zone effort, will continue whether the federal funds come Baltimore’s way or not.

“Michael has done a fabulous job in developing a structure for community involvement. Our hope is that we can work with that structure to help community groups achieve their goals,” Millemann adds. By working on the empowerment zone proposal, community people defined their legal needs. Basically they need house counsel to advise them on how to organize legally, not politically, so that they can take the appropriate steps to improve their neighborhoods.

Millemann also sees the clinic expanding its emphasis on alternative dispute resolution and drafting. Several clinical faculty members have special expertise in these areas: Roger Wolf in alternative dispute resolution and Deborah Weimer and Joan O’Sullivan in drafting. A newly enacted stand-by guardianship statute, which Professor Weimer and her students helped draft, allows a parent, usually a woman, to resolve the question of what happens to her children before her death. Millemann hopes to formalize student experience in drafting guardianships, living wills and durable powers of attorney.

While health care captures the headlines, an area of recurring concern among the law academy and bar is the need to reform the way legal services are provided for low to middle income people. Millemann explains, “There are large numbers of people who, even though they are employed, cannot afford attorneys. On the other hand, as a society, we are graduating significant numbers of law students. We are trying to figure out how the University of Maryland School of Law might be involved in developing a legal services delivery system that teaches graduating law students how to do good and do well by teaching them how to make a living helping people.”

Some feel law schools should do a better job of teaching students about law office management and how to market their services to reach lower and middle income clients. But the “general practice program” would do more. It would help conceive ways in which lawyers might more effectively represent those populations and still earn a living.

To begin, the University of Maryland and University of Baltimore Schools of Law, together with the Maryland State Bar Association, will commission a study. It will identify the types of legal problems for which people cannot get legal help, and will identify by income level and geographic area those unable to get legal help. The three variables will determine what courses to develop in responding to unmet legal needs.

Using consumer law as an example, Millemann explains, “We may find that people have a hard time getting legal help with consumer problems, in part because consumer law is so complex that it’s inaccessible to lawyers. We may add more consumer courses and teach lawyers to understand and apply consumer law through the use of computer technology. That may enable lawyers to provide services, for a fee, to clients who can’t get legal help now.”

The project will look very hard at computer technology, to identify ways of making lawyers more efficient while simplifying the learning process for lawyers as well as clients. Millemann sees the Clinical Law Program’s role as “a laboratory to test whether lawyers can make a living with certain kinds of cases; we would provide the technology and system for educating lawyers about how they can do just that.” Maryland’s continuing legal education group, MICPEL, is enthusiastic about the project, and will be a partner in implementing the educational plans.