

IN PRACTICE

Newsletter of the Clinical and Legal Theory and Practice Programs
at the University of Maryland School of Law

FALL 2000

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A New Approach to Legal Practice:
Community Oriented Lawyering

Symposia participants visit community owned townhouse re-development

By Brenda Bratton Blom

There are many lawyers whose work affects the safety and health of American communities. A growing number of innovators, both lawyers and community leaders, are experimenting with new ways to integrate use of the law into larger strategies for problem solving and community building. The result is a new approach to legal practice – Community Oriented Lawyering.

From June 4-6, 2000, the University of Maryland School of Law Economic, Housing and Community Development Clinics hosted a national symposium entitled “*Problem Solving for Neighborhoods: Community Oriented Lawyering and Legal Strategies, Emerging and Essential Tools*”. The conference co-sponsored by the National Institute of Justice, the Enterprise Foundation, the Program on Law & Society, The Open Society Institute, Community Law Center, Empowerment Legal Services Program, the Maryland Governor’s Office of Crime Control and Prevention and the National Organization of Weed and Seed, attracted over 200 legal practitioners, community activists and scholars from across the country and from across specializations. Speakers and attendees spent two intensive days examining the emerging practice area of Community Oriented Lawyering.

Symposia participants included federal prosecutors, local prosecutors, defense attorneys, private practitioners, providers of free legal services, scholars in law, social work, and policy, public policy makers, representatives of government, community leaders, grassroots activists, members of development organizations, and representatives of foundations. (Continued on page 3)

Newsletter of the Clinical and Legal
Theory and Practice programs at the

University of Maryland
School of Law
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Susan Leviton, J.D.
Interim Director
Clinical Law Program

There are a number of law school
faculty who contribute to the
diversity of the Clinical and Legal
Theory and Practice Program
through their teaching and
scholarship. We share some of
these faculty's selected publications,
presentations and appointments in
Faculty Notes

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Welcome

The University of Maryland Clinical
Law Program is one of the most
comprehensive in the country. Law
and social work students have the
option of working in clinical
specialties including: mediation,
criminal defense, children's law, an AIDS interdisciplinary clinic, access to
justice and bail clinic, appellate advocacy, civil justice, disabilities, elder
healthcare, and immigration. The Law School Clinics also work with the
neighborhoods in which we are located and contribute to the broader
community in numerous ways.



The Clinic Law Office's Community Law in Action Project has
been integrating law related instruction for high school students with hands-
on work in community development projects. Law students, under the
supervision of a clinical faculty member, have been teaching and supervising
public high school students in Baltimore's Empowerment Zone as well as in
the northwest portion of the city. Similarly, the environmental and
economic housing and community development clinics have been providing
much needed legal support to local communities who are attempting to
revitalize their neighborhoods.

The focus of our program is on students learning about the craft of
lawyering, the norms of the legal profession and the need for reform.
Students learn to bring the principles that govern legal thinking to the
realities of the practice of law. Maryland is also fortunate in that there are
several legal theory and practice courses where students connect theoretical
study in civil procedure, torts, environmental justice or criminal law with
legal services on behalf of poor and under-represented people and
communities.

In this issue we share with you the many ways our students give
voice to people, organizations and communities who otherwise may never be
heard.

Susan Leviton
Acting Director
Clinical Law Programs

Community Oriented Lawyering (Continued from Page 1)

The premise of this emerging method of legal practice is that a growing number of innovators, both lawyers and community leaders, are experimenting with new ways to integrate use of the law into larger strategies for problem solving and community building. This orientation blends a place based strategy for community problem solving with an individualized development plan for reformation. Believing that success for individuals is connected to strong communities, community oriented lawyers support the incorporation of collaborative strategies which link community based organizations and individuals who are in need. This is not a "social service" answer to problems. The law becomes a tool for crafting solutions, and for restoring peoples' trust in our judicial system.

Symposium speaker, Mary Lou Leary, the Acting Assistant Attorney General, Office of Justice Programs reminded us that Attorney General Janet Reno has called on lawyers and other justice professionals to become problem-solvers, not just litigators. She also urged criminal justice agencies to measure their success by outcomes such as neighborhood safety and community development, rather than just efficient case processing. Under Reno's leadership, the Justice Department has supported such problem-solving approaches as community courts, community prosecution, and community justice.¹

¹Remarks were made on June 6, 2000 at the Community Oriented Lawyering Symposium. Symposium participants Roger Conners, Cait Clark, Sean Delaney, Penda Hair and Gregory Countess set a standard in the field of Community Oriented Lawyering. By linking with organizations working on justice issues nationwide, community oriented lawyers are leveraging and incorporating national insight and scope



Brenda Bratton-Blom presenting

But beyond the criminal justice system, lawyers and communities are working together to fight crime and grime through community development strategies. Cleaning up trash strewn vacant lots may take enforcement of city codes, action against absent landowners, and planning for community gardens. At each step, lawyers and community residents work hand in hand to reach the goal. The transformation of the trash strewn vacant lot becomes a symbol of the transformation of community relationships, and community access to justice.

University of Maryland Law School teachers and clinicians are actively participating in this work. Law students are working with community groups, representing them in a broad spectrum of activities, from legal education to economic development initiatives. Community oriented lawyers are also serving as a catalyst within the profession. By linking with organizations working on justice issues nationwide, we can leverage and incorporate national insight and scope to the work being done locally across the nation.

to the work being done locally across the nation.

Maryland Featured at Inaugural Equal Justice Colloquium

By Jana Singer
Associate Dean

The University of Maryland School of Law was well-represented at the Inaugural AALS Equal Justice Colloquium, held September 21-22, 2000 at American University, Washington College of Law. Two Maryland faculty members, Karen Czapskiy and Marina Hsieh, presented at plenary sessions and several other Maryland professors participated in the accompanying working group meetings. In addition, the opening plenary session focused on the Law School Consortium Project -- a three year demonstration project designed to provide support to solo and small-firm lawyers engaged in community-based practices in which Maryland is one of several participating law schools.

The goals of the AALS Equal Justice Project are to develop and evaluate models to encourage teaching, scholarship and service activities that support the provision of legal services to underserved individuals, groups and communities. The Project seeks to promote collaboration among law schools and to establish formal relationships between law schools and equal justice communities. The September colloquium was the first of 19 such meetings across the country, which will bring together legal academics and equal justice practitioners to talk about scholarship, teaching and service models.

Maryland Professor Marina Hsieh was a featured presenter during the plenary on scholarship, speaking on "The Search for Harmony: Letting Justice Drive Your Scholarly Agenda." Her talk addressed the tension that many of us feel when our dreams of using law as an instrument of justice

(Continued on next page)

REFORMING THE LAW

seem to clash with the limitations and demands of our jobs -- whether in the academy, in law firms, or even in public interest or non-profit representation. Using examples from her work and the work of other legal academics, Professor Hsieh argued that legal scholars should broaden their conception of audience, appropriate topics, and "voice" to produce work that will have the widest impact in the world.

Maryland professor Karen Czapanskiy keynoted the plenary on teaching, along with her colleague, Peter Sabonis, Esq.. They spoke about the "FIP Legal Clinic," a joint effort of Professor Czapanskiy, her students and attorneys from the Homeless Persons Representation Project, to monitor and assess welfare reform in Maryland. Professor Czapanskiy used *Tusing v. Fox*, a successful suit brought by the FIP Legal Clinic, as "A Case Study in Collaborative Lawyering, 'Welfare Reform' and Teaching Civil Procedure." The work of the FIP Legal Clinic, and the critical role that students have played in this work, is described in more detail in the next article.

The plenary session on demonstration projects highlighted the work of Civil Justice, Inc., a not-for-profit corporation affiliated with the University of Maryland School of Law. Founded by adjunct professor Denis Murphy, Civil Justice Inc. seeks to increase the delivery of legal services to clients of low and moderate income through a network of solo, small firm and community based lawyers who share a common commitment to increasing access to justice through traditional and non-traditional means. The network is known as The People's Lawyer Network.

For more on the work The People's Lawyer Network, see accompanying article by Denis Murphy on page 8.

Keeping a Watchful Eye on Welfare Reform

By Karen Czapanskiy

For the past three years, University of Maryland Law School students have joined forces with attorneys at the Homeless Persons Representation Project to staff the Family Investment Program (FIP) Legal Clinic. The goal of the clinic is to monitor Maryland's welfare reform to ensure people are getting the assessments and assistance they were promised, as well as making sure benefits are administered properly. The clinic also seeks to determine if it is possible for Baltimore families to achieve economic self-sufficiency given the city's economic and social circumstances.

The clinic's work has included individual casework, community outreach, and systemic advocacy. The program relies on "FIP Exchanges" to listen to people in the community and identify the issues to address. FIP Exchanges are community outreach events where clinic participants ask people to share their experiences. The clinic in turn provides people attending the exchanges with information about their legal rights under FIP. To date, the clinic has engaged in three major advocacy projects. The first case addressed access to Medicaid. Clinic participants discovered that people who were denied welfare or who left welfare were not receiving Medicaid benefits, despite guarantees of coverage to both groups in federal welfare reform legislation. Students worked exceptionally hard to figure out how this could be happening and identified legal theories for addressing the problem. Over the course of the semester, the class prepared to file suit

while engaging in pre-filing negotiations with the state. Finally, just before finals, the state officials agreed to change numerous procedures and reinstate benefits to about 60,000 people. The class declared victory.

The second major project was the preparation of a report on welfare reform in Baltimore City. Called *TIME OUT*, the report addresses a variety of problems in the administration of welfare in Baltimore. The class encouraged state officials to give Baltimore City welfare recipients a temporary exemption from the five-year lifetime limit on welfare benefits included in welfare reform legislation.

The clinic also challenged Baltimore City welfare offices on the practice of diverting administrative appeals. The class filed suit in March, in a case called *Tusing v. Fox*, and entered into a consent order over the summer. Under the consent order, the welfare department mails an appeal form along with every adverse action letter. Since the suit began, the number of administrative appeals has grown from dozens a month to hundreds. As a result, many people can receive an independent assessment from an administrative trial judge about whether an adverse action was proper in light of the law and the facts. Just as important, the filing of an administrative appeal means that the decision will be subjected to a review by a supervisor. Since routine supervisory review is reserved for positive actions (awarding or increasing benefits), this is a significant victory.

This fall the program continues to monitor Baltimore City's compliance with the *Tusing* order, while preparing its next advocacy project.

REFORMING THE LAW

Bail Clinic Assists Indigent Defendants

By Doug Colbert

For the past two and a half years, students enrolled in the Access to Justice and Bail Clinic have been instrumental in addressing and helping to fix a fundamental flaw at the front-end of Baltimore's criminal justice system. Following arrest, indigent defendants have generally not had a lawyer when they appeared at bail review hearings to determine whether they are freed or incarcerated pending trial. Most people, including members of the legal profession, wrongly assume that the constitutional right to counsel extends to the pretrial release stage. Yet it is common to see arrestees in Maryland, and throughout the nation, standing alone without a lawyer at this crucial stage.

Indeed, only eight states and the District of Columbia guarantee legal representation throughout their jurisdictions when individual liberty is first at stake. Maryland was typical of most states that provided lawyers only in a small minority of its localities. In the Spring 1998 semester, Access to Justice clinic students began to fill this glaring gap by commencing their client representation at the bail stage. Previously, most clinic students had been assigned cases well after the bail hearing had been held.

During a five-week period, clinic students represented 75 Baltimore arrestees at bail and habeas corpus hearings. Each individual was accused of committing a non-violent, misdemeanor charge. Students broke new ground by entering Baltimore's pretrial jail facility the day prior to the

hearing, and spending the entire time conducting personal interviews in a jail environment, where lawyers are rarely present. Students persevered and gathered essential information about their clients' family, employment, and community ties. They returned the next morning to Baltimore's District Court where they argued for pretrial release to the presiding bail review judge. By presenting verified information, student lawyers permitted judges to make better-informed judicial decisions.

The results were phenomenal - 70 percent of the students' detained clients gained pretrial release. Students immediately saw the difference effective representation made. Similarly charged, but unrepresented defendants, would remain in jail for 30 to 45 days awaiting a trial that would rarely occur because charges would eventually be dismissed or not prosecuted. In Baltimore, only one in four arrestees are ultimately convicted of any offense. During pretrial incarcerations, many people lose jobs while family and dependents struggle to fill the void left by the absence of their economic provider or home caretaker.

Subsequent groups of clinic law students continued to build upon this remarkable groundbreaking effort. Their successes convinced the Abell Foundation to fund the Lawyers at Bail (LAB) Project and a statewide pretrial release study. During an 18-month period, which concluded in February 2000, LAB's private lawyers and paralegals represented nearly 4,000 people at bail review hearings. Together, they gained the release of five times as many detainees charged with non-violent offenses as similarly situated individuals who did not have an attorney.

Access to Justice clinic students contributed mightily to the reform effort by serving many important roles. They provided an important back-up resource by representing incarcerated detainees at habeas corpus proceedings. Students challenged existing judicial bail practices, such as the ordering of a preset bail, which frequently denied meaningful bail reviews for individuals who had missed a court appearance. Access to Justice students also participated in an empirical study, which confirmed the importance of legal representation at the bail stage.

Finally, during the 1998, 1999, and 2000 legislative sessions of the General Assembly, students shared their experience with legislators and garnered support for statewide legislation calling for a guarantee that indigent defendants receive legal representation. Although the legislation eventually failed, support within the Maryland criminal justice community convinced Governor Parris Glendening to fund the Office of the Public Defender in Baltimore City. Today, indigent defendants are represented at Baltimore City bail reviews.

In addition to their law reform experience, Access to Justice students provided excellent representation to the many clients they represented at the trial stage in the District Court. Students learned invaluable lessons about the benefits of early representation. They saw how it led to an improved attorney-client relationship, and permitted lawyers to fully investigate and prepare a meaningful defense. Collectively, Access to Justice students achieved a remarkable record of success during the past five semesters. Not a single one of their clients was convicted of a crime or received a jail sentence.

LEGAL THEORY AND PRACTICE

Legal Theory and Practice Courses

The LTP courses are intended to bridge the University of Maryland Law School's more traditional classroom-based curriculum and its longstanding, clinical program. Considerable importance is placed on the position of LTP in the early, formative years of students' legal education. Most of these courses are reconceived and integrated versions of required subjects in the second or third semester, including torts, civil procedure, property, criminal law, constitutional law, and legal profession. The students' field work has included the representation of tenants challenging dangerous defective conditions in their rented dwellings, victims of lead paint poisoning, battered women seeking protective orders, death row inmates, HIV positive parents, children with disabilities, community groups and individuals impacted by welfare reform, communities opposing the location of environmental hazards in their neighborhoods, and recipients of drug and alcohol treatment services.

Although LTP courses vary, they share the following essential features:

- Each student is given the opportunity for significant experience in providing legal services to poor people;
- The representational work is integrated with the study of some area of legal regulation so that students' learning of doctrine occurs in a context that aids the development of a critical understanding of the law and its processes;

- Issues of professional responsibility, choice, and identity are the subject of regular consideration; and
- The course employs teaching methods and materials that promote both integrated learning and student capacity for autonomous self learning.

Each of these elements, and the task of synthesizing them, creates particular teaching demands. These courses aim to enlarge students' comprehension of the traditional elements of legal education -- doctrine, policy, procedure, role -- by reassembling them in both the classroom and a practice context. While casebooks are widely used in LTP courses, they are supplemented extensively with materials drawn from trial records, pleadings, lawyers' files, client documents and interviews, statutes and regulations, media reports, census data and critical accounts of legal practice.

Students' practice experiences also serve as an important type of "teaching material." While LTP courses necessarily instruct students in the practice area in which students assist clients, the primary focus is not skills training, but the study of law and legal processes in their theoretical and operational dimensions.

In addition, faculty construct a descriptive picture of the nature and structure of the delivery of legal services, particularly to the poor. Students are then exposed to a variety of perspectives on the performance of the profession generally, and of lawyers representing the poor specifically. In view of the LTP aspiration to support career-long activity by our students in behalf of the poor, LTP teachers offer students an affirmative vision of

approaches to practice that have the potential to moderate or eliminate the processes that systematically disadvantage the poor.

For descriptions of two specific LTP courses, see Barbara L. Bezdek, "[Legal Theory and Practice](#)" [Development at the University of Maryland: One Teacher's Experience in Programmatic Context](#), 42 J. Urb. & Contemp. L. 127, 137-141 (1992); Richard Boldt and Marc Feldman, [The Faces of Law in Theory and Practice: Doctrine, Rhetoric, and Social Context](#), 43 Hastings L.J. 1111, 1119-1129, 1133-1141 (1992).

Greater Than the Sum of Its Parts: Integrating Trial Evidence and Advocacy

By Alan D. Hornstein

The University of Maryland School of Law has long taken as its distinctive mission the integration of legal theory and the study of doctrine as they apply in the world of law practice. Another recent instance of this integration combined the basic course in Evidence with the basic course in Trial Practice for a one semester, six-unit course on Trial Evidence & Advocacy. The course was co-taught by two faculty members, one of whom is primarily a clinical teacher and the other, primarily a classroom teacher (though each of has visited in the other's instructional realm).

The course was designed as a single, seamless study of the interplay of evidence doctrine and courtroom advocacy. Students would master the law governing impeachment of

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IN THE CLINIC

(Greater Than The Sum)

witnesses—and impeach witnesses; students would learn the law governing expert testimony—and qualify an expert witness; students would learn the principles of relevancy—and develop competing theories of the case. We sought to obliterate the false distinction between the “academic” and the “professional” in legal education, and we believe we succeeded.

Students’ approach to the material quickly and dramatically turned from what we have come to expect from the ordinary religion of the law school classroom. Verbal knowledge was not the coin of the realm; the question was not, “What can I say about this,” but rather, “What can I do with this?” Much of the students’ time and energy was devoted to planning and focused analysis of their own performances in light of those plans. “Performances” included not just the sort of skills typically associated with Trial Advocacy classes, but the students’ knowledge and appreciation for the limitations imposed and the possibilities provided by the rules of evidence.

The students gained a deeper understanding of both the rules of evidence and the practice of trial advocacy, as well as a more profound and nuanced appreciation of the relationship between theory and practice. The professors also learned a great deal from each other and from the students about their own specialties and their relationship to each other. They also learned an enormous amount about the teaching enterprise itself. Just as the students were required to reflect on their performances throughout the semester—habits that, it is hoped, will continue throughout their professional careers—so too did the teachers engage in an extended reflection of their experience in teaching the course. Interested readers can find that reflection at Alan D. Hornstein & Jerome E. Deise, *Greater Than the Sum of Its Parts: Integrating Trial Evidence & Advocacy*, 7 CLINICAL LAW REVIEW 301 (2000).

Environmental Law Clinic Cleans Up Maryland

By Steve Solow

As part of the University of Maryland School of Law’s environmental law program, the Environmental Law Clinic undertakes advocacy on behalf of clients in virtually every legal context, including litigation, legislation, rulemaking, counseling, and negotiation.

Clinic students serve as legal counsel to a wide range of clients, from Baltimore City neighborhood groups to the newly created Anacostia Riverkeeper. Some of the clinic’s other recent clients and issues have included the Cleanup Coalition, the lead paint initiative, diesel engines and the Clean Air Act, 1000 Friends of Maryland, and the Clarkson Street Community Group.

The clinic serves as general counsel to the Cleanup Coalition, an umbrella organization of Maryland citizen groups that monitors environmental compliance and enforcement in Maryland.

On behalf of the Coalition the clinic has pursued Maryland’s failure to reissue an updated permit to the Bethlehem Steel plant in Sparrow’s Point. The plant is among the top 50 dischargers of toxic metals into the nation’s surface waters.

While the plant’s discharges flow to the embattled Chesapeake Bay, the Maryland Department of the Environment (MDE) had allowed the plant to keep operating under a permit that expired in 1990. On behalf of the Cleanup Coalition, the clinic students pushed the MDE to prepare a new permit. As a result of their efforts, a draft permit was issued on October 12th, 2000. Clinic students are prepared to review the permit and call upon the MDE for tougher limits on the plant’s toxic discharges.

Baltimore City has a nationally recognized problem with lead paint in its housing supply. Uncaring landlords have long ignored requirements that they remove lead paint from their rental units. As a result, children, particularly in minority and low-income neighborhoods, are exposed to dangerous levels of lead that can cause permanent brain damage. City officials and clinic students will work together to bring enforcement actions against landlords who have failed to obey lead paint cleanup orders from the City’s Health Department.

In 1999, six major manufacturers of diesel engines signed a consent decree with the Environmental Protection Agency (EPA) and the Department of Justice to resolve allegations that they had installed “defeat devices” in truck engines that enabled the engines to burn more fuel, and generate more emissions, than permitted under the Clean Air Act. The devices resulted in 88 million tons of excess emissions of nitrogen oxide (NOx). To settle the case, the manufacturers agreed to accelerate the timetable for more stringent restrictions on engine emissions in an effort to recover some of the lost tons. However, the manufacturers now seek to take advantage of an escape clause in the agreement that allows them to postpone reductions if they cannot find technology to meet the more rigorous limits. The clinic has monitored these talks, and implementation of the decrees, on behalf of Maryland, Territorial Air Pollution Program Administrators (STAPPA), and the Association of Local Air Pollution Control Officials (ALAPCO). STAPPA and ALAPCO are two national associations representing air pollution control officials in the 55 states and territories and more than 165 major metropolitan areas across the country.

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IN THE CLINIC

(Environmental Law Clinic)

The clinic has analyzed the associations' legal options to force compliance with the decrees, helped clients pressure the EPA and the Justice Department to resist the manufacturers' demands, and is in the process of preparing a memo for STAPPA/ALAPCO members that are considering whether to follow California in imposing more stringent requirements on diesel manufacturers at the state level.

On behalf of 1000 Friends of Maryland, an advocacy group that focuses on sprawl issues, clinic students are preparing to litigate in the United States Court of the Appeals for the Fourth Circuit. The clinic is fighting a decision by the regional transportation authority to use 1990 data, as opposed to more accurate 1996 data, to gauge progress in the Baltimore area's attempt to comply with the National Ambient Air Quality Standard (NAAQS) for ozone. The Clean Air Act requires regional transportation plans to use the most current data, but the Baltimore group discarded an analysis based on 1996 when those more accurate figures showed a large gap between projected progress and progress that will actually be achieved in reducing air pollution.

The Anacostia River is commonly referred to as the forgotten river. For decades this tidal estuary, which flows through the nation's capital, was a national disgrace. Private developers, and city, state, and federal governments all dumped their unwanted waste into the Anacostia, and uncontrolled development filled the once deep water with silt. Fish stocks were depleted or destroyed and wetlands decimated. Now, thanks to a variety of groups and a new advocate, an Anacostia Riverkeeper, the Anacostia is no longer an afterthought. A Riverkeeper is an individual who serves as a watchdog and advocate for a waterbody.

The Anacostia's new Riverkeeper, Damon Whitehead, is an experienced environmental litigator who has asked the clinic to serve as his counsel. It is a task that clinic students have undertaken with great excitement. Some 80 percent of the Anacostia's watershed is in Maryland and the clinic has brought together the Riverkeeper and the Cleanup Coalition. On behalf of these two groups, the clinic is calling on Maryland officials for tough, new water quality standards that will be used to set the limits in all future permits issued for surface water discharges in Maryland.

An empty warehouse on Clarkson Street in South Baltimore was the source of a community crisis. Dilapidated, with broken windows, the building was an eyesore. For years, residents living near the facility had noticed strange odors, oozing streams of discolored liquid, and late-night comings and goings from the building. Then, on the evening of May 19, 2000, an army of emergency equipment and official personnel descended on the building and under the authority of the City Health Commissioner's declaration of a "public health emergency," they entered the building. Inside, emergency response team members found asbestos and drums of waste. But after removing the materials, City officials refused to provide information to the areas residents about the contents found inside the building, whether the warehouse was now safe, and what would happen to the property in the future. Clinic students helped residents organize to demand responses from the City and to push Housing Department attorneys to pursue the building code violations and make the City to undertake an overall cleanup of the neighborhood.

In all of these cases, clinic students are learning important lessons about complex environmental issues and the power, as well as the limits, of the legal process to effect change and protect the public.

Civil Justice: A Link To The Future

By Denis Murphy

Civil Justice, Inc., a law school Clinical Law Program made possible through a grant from the Open Society Institute, recently moved its offices from Park Heights, where it had operated a neighborhood law office for two years, to 207 E. Redwood Street in Baltimore. "This brings our office downtown and closer to the law school," explained Denis Murphy, director of the program.

The project, which ultimately seeks to increase access to justice to under-served low and moderate income clients, presently serves a network of 45 young lawyers in community based practices. Community Lawyer Resource Networks (CLRN's) are designed to increase the viability of lawyers working in neighborhood offices either in a private practice setting or in a community based organization. About 90 percent of the lawyers in the Civil Justice network are in solo or small firm practice settings and participate in a listserv hosted by the law school. The project provides participants with mentoring, referral, and substantive law updates that apply to the practices of the members. Professors Blom and Stokley provide direct mentoring services to lawyers employed in non-profit community organizations.

This Fall the project is offering a two hour credit course in the evenings in Law Practice Management and as many as 20 of the network members have participated in the class discussions about the nuts and bolts of surviving on your own in solo or small firm practice.

In the coming months, Civil Justice hopes to explore a number of group buying initiatives and the possibility of tackling an unbundled project involving students and network members in assisting qualified clients in filing Chapter 7 petitions in bankruptcy pro se cases.

IN THE CLINIC

News from the Health and Elder Law Clinic

By Joan O'Sullivan

Student attorneys in the Health and Elder Law Clinic have been hard at work on their cases this fall. They each have a number of cases involving the rights of people who have disabilities or who are elderly.

One interesting case involves the spouse of a person who had Alzheimer's Disease. Last year the spouse announced he was going to the store, and drove off. His car was found the next day in Pennsylvania, but he was nowhere to be found. He has not been found in more than a year since he disappeared.

The student attorney is filing for guardianship of his property on behalf of his wife, because when Social Security and his pension fund found that he was missing, they cut off his checks. His wife has lived on her meager Social Security funds since he disappeared, and on their savings. Once the guardianship is in place, our client will be able to access his pension and Social Security checks so that she can pay her monthly bills, all of which are in the disappeared spouse's name. The house, car and all of the monthly bills are in the spouse's name, making it imperative that the wife have access to his funds so that she can pay his obligations.

While the clinic has filed and defended many guardianship cases, this is the first one in which the cause for the guardianship is that the alleged disabled person has disappeared. Maryland law used to provide for a seven year absence before a person could be declared dead, but the law was changed and now the court will consider all the evidence to determine whether the person should be declared dead. If during the absence the person was exposed to a specific peril of death, the court will consider this fact.

Bringing Neighbors Together

by Roger Wolf

Not all legal disputes are settled in the courtroom through the adversary process. The University of Maryland School of Law clinic course in mediation is helping students develop the appropriate skills and knowledge for dealing with conflict. The clinic explores mediation as an appropriate method of resolving disputes by providing students with more than forty hours of mediation training that includes theory, simulation, and hands on experience. The real-life exposure of the students includes observing actual mediations, co-mediating with experienced mediators, and co-mediating with fellow students while being observed and critiqued by experienced mediators.

The Baltimore City District Court in both the civil and criminal areas, as well as cases referred by community organizations, local and state agencies, and private attorneys steer cases to the clinic. The clinic is presently involved in a pilot project to explore the applicability of the Baltimore City District Court program to District Courts throughout Maryland.

An example of a case handled by the Mediation Clinic involved a man charged by his neighbors with assault with a deadly weapon. The neighbors' daughter claimed that when she knocked on the man's door to speak with his daughter, the accused answered the door holding a gun in his hand. However, no gun was ever found.

The neighbors were reluctant to mediate the criminal matter because they said the man was always shouting and they worried about being in a room with him. During the mediation, the neighbors learned that the man shouted because he was very hard of hearing and didn't wear his hearing aids.



Roger Wolf

They also discovered that what had been identified as a gun was actually a remote control for the TV, which the man had been watching when he was interrupted by the knocking on the door. The mediation conducted by the students revealed to the parties that they had much in common. In addition, the neighbors discussed how they would deal with problems in the future, and exchanged phone numbers.

This example demonstrated the valuable role mediation plays during a case that is rooted in a simple misunderstanding between parties.

Award-Winning Students



Kevin Gerold and Dawn Lanzalotti pose with Professor Joan O'Sullivan after Mr. Gerold received the Geriatrics and Gerontology Education, Advocacy and Research (GGEAR) Programs' award for excellence in clinical service to older clients in May 2000.

Kevin Gerold was the recipient of the Geriatrics and Gerontology Education, Advocacy and Research (GGEAR) Programs' award for excellence in clinical service to older clients in May 2000. The GGEAR program awards \$100 to students from each of the professional schools on campus. Mr. Gerold provided excellent service to his older clients while in the Health and Elder Law Clinic.

Dawn Lanzalotti, who was a student and then a teaching assistant for the Health and Elder Law Clinic, received the Ward, Kershaw and Minton award for excellence in clinical service along with Terrance Storey, a student in Professor Jan Stokley's Community Development Clinic. Ms. Lanzalotti continued to handle cases while serving as a teaching assistant and provided excellent service to all of her clients. Both students received the Law and Health Care Program's certificate in health care.

IN THE CLINIC

The CLIA Program: Clinical Law Students Working with Urban Youth

By Terry Hickey

It has been a busy semester for Community Law in Action (CLIA), the Clinic's youth outreach and community service program. Six law students help high school students identify issues or problems in their neighborhoods, create strategies for addressing these issues, and then implement the plans and present the results to the public. Law students also work to create or strengthen other CLIA programs at high schools, middle schools, and community centers around Baltimore.

This semester's community projects each have far-reaching implications. The first group, led by Alexa Eggleston and Alysa Zeltzer, is working with their students to examine safety issues in two local middle schools. Among other concerns, the group is fighting to have smoke detectors placed in bathrooms and to have school safety plans shared with students and community members. Alysa is also helping to plan two workshops (one on police/youth relations and another on starting a city-wide youth congress) that CLIA is facilitating for a large youth conference being held on November 11 at Morgan State. Alexa is working with CLIA staff to write conflict resolution lessons for an alternative to suspension program CLIA is offering to sixth graders in the early spring. Additionally, both law students have been spending their Thursdays tutoring youth at the Umar Youth Outreach Center in the Sandtown-Winchester neighborhood.

The second group, headed by John Hamilton and Noel Manalo, is mapping a sixteen-block area in East Baltimore and working with local residents to develop a community training and monitoring process that will focus on vacant houses,

trash-strewn lots, sanitation issues, and drug nuisance cases.

The group is also working to help the State's Attorney's office strengthen their existing court watch program in that area. Noel recently presented a seminar on "Youth and the Law" to a group of trainees at Baltimore City Community College. The Sar Levitan Center program at Johns Hopkins University oversees this unique training. The trainees will eventually staff the City's new Youth Opportunity Centers (YOCs). The YOCs are designed to help out-of-school youth, ages 16 to 24, find training and meaningful employment. Noel's seminar dealt with spotting common legal issues that often hinder a youth's chances of success, such as a criminal record, child support arrearages, or landlord/tenant problems. CLIA will repeat this program at the next training in December. Both John and Noel are also working with our partners at Associated Black Charities and Pimlico Middle School to develop an after-school mock trial program that will begin next month.

The third group, under the supervision of Ira Treuhaft and Michael Glazer, is focused on a tremendous problem in our urban communities: liquor stores that skirt the law to open at 6 a.m. and target students, young mothers, and alcohol addicted individuals. The group is working with local state legislators, the Citizen's Planning and Housing Association (CPHA), and the Park-Reist Corridor Coalition (PRCC) to document nonconforming establishments and create legislation that will allow the City Liquor Board to crack down on stores that prey on youth. Michael and Ira are also helping CLIA's staff administer its Externship program, which has currently placed almost a dozen high school seniors in public and private law-related jobs around the city.

On another positive note, CLIA's Advisory Council Co-Chair, Judge Andre Davis, was recently nominated to serve on the Fourth Circuit Court of Appeals. Judge Davis, along with

Judge Wanda Heard, the other Co-Chair, has been tireless in his support of CLIA, and the staff wishes him the best of luck in the nomination process.

There is also good news in the development area. CLIA was recently awarded an \$80,000 grant by the Open Society Institute-Baltimore to sustain existing programs, and a \$50,000 grant by Baltimore City to establish a new program at Patterson High School. Additionally, CLIA will receive a \$10,000 gift from the Ginsberg Foundation in November.

Thanks to a wonderful staff, energetic law students, and a great deal of support and assistance from the faculty and administrators here at the School of Law, CLIA continues to grow and thrive. If you would like to get involved, or if you would like more information about CLIA, please call (410) 706-4301 or contact Terry Hickey by-mail at thickey@law.umaryland.edu. Mentors, tutors, or other volunteers in any of our existing programs are always welcome.

AIDS Clinic: Employment: Righting a Wrong

By Deborah Weimer

The student attorneys in the AIDS Litigation and Counseling Clinic work across multidisciplinary lines in their collaboration with medical providers and social workers at University of Maryland Medical System in providing services to clients at the Pediatric and Adult HIV Clinics. In addition to working with individual clients on family law, benefits, discrimination and other issues, students are often asked to provide legal advice or information to the providers. Questions they are asked include: must an adolescent's parent/caretaker be involved in medical decision-making? Or can the provider notify a parent of an adolescent's health status despite the patient's objections? (Continued on next page)

IN THE CLINIC

(AIDS CLINIC)

Employment, family law, health care and school discrimination cases continue to be a substantial part of our practice. For example, the clinic represented a woman with symptomatic HIV infection in a claim against her employer, a large national grocery chain that ultimately fired her due to her HIV illness. Despite her 10-year employment history and excellent work record with the company, her employer attempted to force her resignation about a year and a half ago, around the time when she first disclosed her illness. Student attorneys from the AIDS Litigation and Counseling Clinic intervened on her behalf and educated the client, the employer, and the union involved as to the client's right to reasonable accommodation under the Americans with Disabilities Act, as well as her right to take intermittent leave under the Family Medical Leave Act.

After a year and a half of difficult negotiations, the employer invoked a pretext to fire the clinic's client, and the student lawyers filed a complaint on her behalf with the Maryland Human Relations Commission. In addition, a student attorney drafted a demand letter threatening suit against the employer for violation of the Family Medical Leave Act. Due to the client's poor health and reluctance to pursue drawn out litigation, the case was settled for \$5,000 in back pay. In addition, the store manager who gave her such a hard time was fired, and company managers have been educated about their obligations under the Family Medical Leave Act and the Americans with Disabilities Act.

The majority of requests for assistance over the past year have been in the area of family law, particularly custody and child neglect cases.

Single mothers with HIV illness often face prejudice or hostility when they seek or try to maintain custody or visitation with their children.

Clinic students representing these clients must educate themselves and the Courts about many complex issues, including the efficacy of treatment of HIV illness, and how best to serve the needs of a child who has a parent with a life threatening illness.

Checking in With the Community Transactions Clinic

By Jan Stokley

The Community Transactions Clinic is off to a busy start representing more than thirty community-based organizations across the state in a variety of simple and complex transactions. Each of these organizations plays an important role in developing more viable communities across Maryland. Their legal needs provide opportunities for students to work on an incorporation/tax exemption/corporate start-up; a major ongoing real estate transaction; and legislative advocacy.

The clinic is helping a variety of community-based organizations become incorporated as nonstock corporations in Maryland, adopt bylaws, and develop and submit an application to the IRS to become certified as tax exempt. Tax-exempt status under Section 501(c)(3) of the Internal Revenue Code is critical to the growth of these organizations because it enables them to receive charitable contributions and grants. For clinic students, it makes the material learned in Business Associations more concrete. Here are some representative incorporations being undertaken by students this fall:



Jan Stokley

- A neighborhood association in West Baltimore in existence since 1948 is seeking help in becoming tax-exempt. Tax-exempt status will help the group make a leap in their funding as they seek to expand their activities to include, for example, rehabilitating an unused community pool for youths.
- A coalition of Sisters of Mercy-related nonprofit service organizations is incorporating the coalition in order to obtain resources for a more coordinated and effective community empowerment strategy in Southwest Baltimore.
- A church in East Baltimore is forming a nonprofit family empowerment organization to deliver a variety of social service, educational and community development programs.

Each semester a new group of students steps in to continue work with community-based development organizations on ongoing real estate transactions.

(Continued on next page)

IN THE CLINIC

(Community Transactions)

Because of the complex funding situation of the clients and the difficulties with many of the project sites, a real estate project can take two to three years to complete. Students test their client counseling, negotiating, instrumental drafting, and business judgment on these more complex projects. Here are some of the ongoing real estate transactions being undertaken by students this fall:

- A family support program on the Eastern Shore continues to make progress in developing a family center that will provide parenting, childcare, early childhood education and other services to families.
- The Community Housing Development Organization (CHDO), formed by a YMCA in Western Maryland, is developing transitional housing for people in recovery from substance abuse in collaboration with the local Health Department on a site it already owns, and is exploring the feasibility of acquiring and rehabilitating a vacant hotel for similar housing needs.

Clinic students work to assist statewide community development organizations on legislative advocacy. They learn the role of transactional lawyers in shaping the legislative, regulatory and financing infrastructure that makes it possible for their clients' enterprises to thrive. This semester, for example, students are working on several legislative issues that affect low-income communities in Maryland:

- Regulation of payday lending in Maryland.
- Access to basic banking services in Maryland.
- Equal access to justice and administrative relief by Maryland residents who are not English speaking.

- Creation of a regional nonprofit housing organization to implement the recommendations of the Baltimore City Homelessness Task Force

Finally, students enrolled in the Community Transactions Clinic are undertaking a number of self-assessment and career planning activities that complement and support the positive impact the community-based corporate clients have on each student's professional identity formation.

IN THE CLINIC

Children's Law Clinic: Making the Law Work

By Susan Leviton

It is never too early for a law student to make a difference in another person's life, especially a child. This past semester students in the Children's Law Clinic represented Denise, a middle school student who had been denied the education she was entitled to by Baltimore City schools.

Denise's story began when a routine hospital physical revealed that the one-year old baby girl had venereal disease. She was removed from her biological mother's custody and placed in foster care. Ms. Walker, a cousin of Denise's father, took custody of her at two years and five months as a foster mother and eventually adopted her.

At age three, Denise began to scream in fear at the sight of insects, dolls and even snow. She was terrified of noises and crowds. Denise would also shred household items to release nervous energy. During a three-week hospital stay to monitor medication, Denise, then 10 years old, realized that she only felt safe when in the hospital. She began running away from home and returning to the hospital telling the staff that she wanted to hurt herself. At first the hospital would keep her for a week but eventually, because of insurance concerns, had to release her. Ultimately, the hospital had Denise arrested because she refused to leave.



STUDENT IN THE CHILDREN'S LAW CLINIC CELEBRATING NEW SCHOOL PROGRAM WITH HER CLIENTS

Despite Denise's repeated hospital visits and a psychologist's recommendations, the Baltimore City school she attended from sixth through eighth grade refused to label her as emotionally disturbed and give her the special education services she needed, and is guaranteed under both Maryland and federal law. Instead, she was placed in mainstream classes with thirty-plus students and suffered abuse from the other students.

However, Denise's story took a turn for the better once the student attorneys from the University of Maryland's Children's Law clinic began to represent her. The school finally agreed that they could not provide the services she needed and placed her in a private special education school. This fall, Denise started at the private school, which is staffed by an enthusiastic and energetic team of teachers, social workers and psychiatrists specially trained to work with emotionally disabled students.

In classrooms with three teachers and seven students, she finds it easier to cope with children who face challenges similar to hers. She is also learning practical skills like cooking, shopping and training to be a hair stylist. According to her mother, teacher, and social workers, she loves school and is flourishing there.

The clinic students were at first shocked that despite the clear mandate by the law for certain procedures the school was not complying. By working with Denise and her family, they began to see first-hand that for those with limited means unable to afford counsel, securing legal representation is vital to accessing the rights allocated them by the law.

School of Law Starts Federal Low-Income Taxpayer Clinic

by Paul Alpuche, Jr.

The University of Maryland School of Law continues to grow its clinic program. The newest offering is the Federal Low Income Taxpayer Clinic (LITC), which began serving the needs of Maryland's low-income households in the summer of 2000 as the result of a grant provided by the IRS to the Maryland Volunteer Lawyers Service (MVLS). The LITC is focused on providing free legal advice and representation to low-income taxpayers throughout Maryland who are involved in controversies with the IRS. As with the other clinics run by the University of Maryland, the LITC provides students with the opportunity to experience the practice of law with the support and guidance of a supervising attorney.

The LITC consists of a seminar component and a practice component. The seminar component involves presentations and discussions on issues such as: tax return filing obligations; filing status and dependency exemption issues; the Earned Income Credit (EIC); researching Federal tax law; the "Life Cycle" of a tax controversy; the basics of representing a taxpayer before the IRS; examinations, collection procedures and statute of limitations; the Appeals Conference and Tax Court litigation; innocent spouse relief; and offers in compromise and installment agreements.

The practice component of the LITC concentrates on teaching substantive lawyering skills such as interviewing, negotiating, tax research and writing in conjunction with practical skills like the organization of files, maintenance of time sheets and monitoring of client relationships.

The legal issues involved in representing clients have included the EIC; non-filers; discrepancies in the reporting of income or the claiming of dependents; self-employment income; qualification for head-of-household filing status; and collection matters (in various stages of resolution).

Once the student attorneys begin representing clients, classroom discussion turns to the substantive issues raised by the cases, including professional responsibility issues and the strategies and actions that should be taken on behalf of the clients. These sessions provide students an opportunity to present their knowledge and analysis to the other students and the supervising attorney. For example, one of the cases handled this summer presented an EIC issue, while another raised a collections statute of limitations question. At different times in the semester, the students handling these cases made presentations to the class on the substantive and practical issues associated with resolving their cases.

Although the cases that come before the LITC do not generally involve significant amounts in terms of absolute dollars, because the clients are subject to income and net worth limitations, the economic recoveries (or the settlement of outstanding liabilities) sought by the student attorneys on behalf of their clients represent a very significant benefit to such clients. For example, in the late summer of 2000 a student attorney filed a petition in the Tax Court on behalf of a client challenging a Statutory Notice of Deficiency. In the case, the IRS sought to impose an additional \$1,350 of tax, interest, and penalties on a taxpayer, who is raising two children, with a gross income of less than \$19,000 for the year in question. In another case, a student attorney is seeking reconsideration of the IRS's denial of the EIC where the tax return preparer made a mistake resulting in the disallowance of the taxpayer's \$3,000 refund. This taxpayer is also raising two children and has a taxable income of less than \$14,000 annually.

While participating in the LITC, student attorneys interview clients and evaluate cases to determine the pending status of a matter with the IRS; perform the legal research needed to provide substantive legal analysis and advice on the issues presented; counsel clients on the administrative aspects of resolving disputes with the IRS and alternative courses of action that may be available; draft informative and persuasive correspondence on behalf of clients; and negotiate settlement terms. In the course of representing clients, students are required to address issues dealing with the complexity of the tax laws, client literacy and cooperation, and the practical limitations of attempting to resolve a case before the IRS.

The clinical faculty is excited about the opportunity the LITC provides to expand the scope of services provided by the law school's clinical programs to those citizens in need of legal services.

Clinic Crosses Boundaries to Fully Serve Client Needs

By Andrew Reese

Often, the needs of a client in the clinic go beyond mere legal representation. Many need emotional, financial, and medical assistance as well as an advocate for their legal rights. Fortunately, the clinic program at the University of Maryland School of Law is able to provide that kind of assistance through interdisciplinary partnerships between the law, medical, and social work schools.

Sixteen-year-old Keisha came into the adolescent clinic with her father for an HIV test in April 1999. When her test results came back positive for HIV, she immediately left the clinic and ran away from home. Her father didn't hear from her for over two weeks.

(Continued on next page)

IN THE CLINIC

(Social Work Continued)

Keisha would come into the clinic for care when she had an urgent health need, but would not follow through on any subsequent appointments. Medical tests revealed that Keisha had advanced HIV and was in urgent need of treatment.

Keisha's home situation was as precarious as her health. Her mother was deceased, while her 76-year-old father had health problems of his own. Her father's partner had a substance abuse problem. There was no gas or electric service in the home, which was later discovered as being used as a shooting gallery for neighborhood friends of the father's girlfriend.

A social work student began attempts to engage Keisha in treatment in September. She started by helping Keisha to get re-enrolled in school, which was Keisha's stated goal. Once the student was able to help with this, Keisha began to develop trust in her. She began attending medical appointments if the student accompanied her.

Over the course of the year, the student made tremendous progress with Keisha and her family. Keisha is now taking HIV medications regularly and her health has dramatically improved. Keisha successfully finished the school year, although the student had to periodically check in because of continued problems with regular attendance. Keisha and her father moved into a house with utilities in a safer neighborhood. In addition, the social work student was able to provide Keisha a referral to the AIDS Legal Clinic for assistance with applying for SSI benefits. In addition to advanced HIV, Keisha also had a developmental delay. A law student is now helping Keisha through the SSI application process.

The social work students have worked with many of the different clinics. The following is an example of a successful effort by the social work and law students in the criminal defense clinic. James was initially referred to the social work supervisor from the criminal defense clinic.

His attorney wanted an assessment of James' ability to understand the criminal charges against him and assist in the defense. James had been charged with purchasing marijuana. In conducting the assessment, the supervisor learned that James had a history of chronic mental illness and substance abuse. He had not been involved in treatment for either for over a year. James admitted that he was trying to purchase marijuana; he claimed it was to help with residual pain from surgery he had for cancer in the last year. We also learned that he was concerned that the pain was an indicator that the cancer was returning, but he had not seen his oncologist for follow up care after his surgery.

Because of all of James' service needs, a social worker student was assigned to help connect him with services. James cooperated in all referrals. He returned to mental health and substance abuse treatment. He also began participating in a support group for people with mental illness. The student also helped re-connect James with his oncologist; who followed up and found that the cancer had not returned.

As a result of James' success with re-engaging in treatment, the law student was able to negotiate with the state's attorney's office to dismiss the charges against James. Even after this, James continued regular participation in all treatment programs. James requested that a social work student continue working with him for the next year to help keep him connected to these programs and help with other case management needs that arise such as help with food and completing his re-certification for SSI.

Student Seeks Post Conviction Relief

By Surell Brady

Andrea Bell (3D), under the supervision of Professor Surell Brady, is representing a client in a post-conviction proceeding. This case is a prime example of challenging issues that arise in the law school's Clinical program. Issues such as, the relationship between federal habeas relief and state post-conviction remedies, and what constitutes final relief after a state court conviction and appeal will all be argued in this petition.

This case, which arrived at the doorsteps of the clinic on referral from two Baltimore law firms, presents issues of first impression. In April 1999, Professor Brady filed a petition for certiorari to the U.S. Supreme Court on the issue of what constitutes arrest for the search-incident-to-arrest doctrine. The client was caught up in a long-standing undercover drug operation conducted by the Baltimore Police Department. As part of the police operation, undercover officers purchase illegal drugs, and then identify the seller to a team waiting nearby. The team detains the individual, searches him, asks for identifying information, takes a photograph, and asks the individual to sign a receipt for all of the items on his person. However, the police officers declare that the individual is not under arrest, and release him.

Police officers testified explicitly that they do not intend to and do not arrest individuals during the course of these operations. The police department believes that it can make greater impact on the drug problem by waiting in these cases, and later conducting sweep arrests of 20-30 individuals. However, the clinic's client was never taken into custody for the charges arising out of the undercover operation. (Continued on next page)

Post Relief Continued

Instead, he was arraigned for the charges nine months later, when he was in jail for other charges. Professor Brady argued in the certiorari petition that the search-incident-to-arrest doctrine does not apply because the client was not arrested at the time he was searched. Before this case, the doctrine has been applied only when police took physical custody of suspects. The Supreme Court denied certiorari. The case is now back in Maryland's Circuit Court for post-conviction relief.

This case also provides a front row view of the effects of the drug laws. Our client received an intermittent education up to the age of 15 as he moved in out of various institutions beginning at the age of three when his mother was institutionalized. At the time of his sentencing, he was 20 years and received a sentence of 23 years.

PUBLIC INTEREST



First Lady Hilary Rodham Clinton with University of Maryland School of Law students at the National Association for Public Interest Law (NAPIL) Conference in Washington, D.C., last October 1999. From left to right: Mrs. Clinton, Kaliope Parthenos ('00), Tisha Edwards ('01), Jennifer Schwartzott ('01), Melinda DeAtley ('01), Darcy Hubbard ('01) and Alison Mendiola ('02).

Public Interest Careers

By: Teresa Schmiedeler

According to Ronald Fox, author of Lawful Pursuits: Careers in Public Interest Law, approximately 40% of law students begin law school intending to work for the public good. This may only reflect the prospective students personal statements, but I believe many students do choose law to make a difference in the world. In spite of their intentions, only a few graduates pursue a public interest job at graduation according to Fox. In fact, the National Association for Law Placement reported that only 2.8% of the Class of 1999 graduates went to work for a public interest organization. Basically, the competitiveness involved in finding an entry-level public interest job and the substantial cost of financing a legal education compel many graduates to abandon plans to seek a career in public interest law.

(Continued on next page)



Left to right: Administrative Law Judge Barry Richmond from the EEOC, Associate Dean Jana Singer, Leslie Margolis, Esq. From Maryland disability Law Center, Syeda Jaffery (2D) and James Neidermeyer (3D) discuss public service opportunities through the ASPER externship program at a panel sponsored by the Career Development Center.

PUBLIC INTEREST

Moreover, pressure from classmates, family, law school and the general public discourage many students from pursuing public interest opportunities because a career in public interest may not fit into images of professional and financial success. It is important for students to seek out validation to offset this pressure. In support of the unique needs of the public interest student, the University of Maryland School of Law, Career Development Office sponsored a Public Interest Awareness Week, the week of October 2, 2000. This week long event highlighted panels on gun violence prevention; how to receive academic credit for public service work; summer funding of public interest internships; and public interest job search strategies. As a public interest counselor and former Legal Aid attorney, my mission is to offer guidance and affirmation by providing facts, career counseling and resources to public interest students and alumni. Our office has a full-time Resource Coordinator, Raymond Bailey, dedicated to providing up to date notices regarding public interest jobs; internships and public interest programs.

The Career Development Office is also spearheading a new **Public Interest Mentor Program** for the Class of 2001 graduates. Public interest attorneys willing to speak to our current third-year students about job search strategies and opportunities in the public interest sector will only strengthen our efforts to support students in the public interest job search.

National Association for Public Interest Law (NAPIL), Career Fair & Conference

The NAPIL 2000 Public Interest Career Fair & Conference supported by the University of Maryland School of Law was held from October 20-22, 2000 at the Renaissance Washington, D.C. Hotel. The NAPIL Public Interest Law Career Fair offers a unique opportunity for law students and graduates to meet with public interest employers from across the country.

Maryland Public Interest Law Project, Inc.

The Maryland Public Interest Law Project, Inc.(MPILP) is a student run, non-profit organization at the University of Maryland School of Law. MPILP believes in equal access to our legal system for everyone. MPILP promotes the awareness of, and participation in, public interest law in order to cultivate a lifelong dedication to public service. In furtherance of these goals, MPILP supports both educational forums and fundraising events to fund a summer internship grants program. The summer internship grants program provides financial support to law students to work for public interest organizations. MPILP raises funds at an annual Spring Semester Goods & Services Auction to support the summer public interest grant program. Furthermore, the Maryland Legal Services Corporation provides additional funding for the MPILP summer grant program.

FACULTY NOTES

Professor Doug Colbert

Publications:

Thirty-Five Years After *Gideon*: The Illusory Right to Counsel, 1998 U.Ill.L. Rev. 1-58, May 1998.

Zeroing In On Policing Styles, Baltimore Sun, April 20, 2000.

Do Attorneys Really Matter? The Empirical and Legal Case For The Right To Counsel At Bail (Recent manuscript sent to law reviews.)

Discourse, Not Displays on Justice, Baltimore Sun, February 24, 2000.

Community Service:

Executive Director, Lawyers at Bail Project (LAB), Baltimore City, Maryland 1998-2000.

Educational Forums on Criminal Justice The Mark Steiner National Public Radio Show (14 appearances)

Commentator, WBAL-WNBC TV, State of Georgia v. Ray Lewis (May 14, 21, 24, 28 and June 4, and 6, 2000); Ray Lewis and the Right to Bail (two hours, February 14, 2000)

Speaker/Panelist (selected)

American Bar Association 2000 Keynote Panel, "Discretion and Racism in the Courts", July 9, 2000.

Panelist, University of Pennsylvania Symposium on Race, Crime and the Constitution, January 29, 2000.

Awards:

Award, Legal Excellence in Advocating Unpopular Causes, Maryland State Bar Association
1999-2000 Annual Recipient

FACULTY NOTES

Professor Jerome Deise

Publications:

“Greater Than the Sum of Its Parts: Integrating Trial Evidence & Advocacy”, 7 *Clinical Law Review* 301-346 (2000) (with Alan D. Hornstein).

Presentations:

“Death Penalty, DNA – Innocence” Program Moderator, October 18, 2000

UM College Park – Criminal Justice Program – Death Penalty Law (Lecture). October 19, 2000.

Professor Stanley S. Herr

Publications:

Herr, *Special Education Law and Children with Reading and Other Disabilities*, 28 *J. OF LAW AND EDUCATION* 337-389 (1999).

Herr, *Presidential Address 1999 – Working for Justice: Responsibilities for the New Millennium*, 37 *MENTAL RETARDATION* 407-419 (1999).

Herr, *AGING, RIGHTS AND QUALITY OF LIFE: PROSPECTS FOR OLDER PEOPLE WITH DEVELOPMENTAL DISABILITIES* (Paul H. Brookes Publishing. 1999), lead editor, pp. 392.

Herr, *A GUIDE TO CONSENT* (American Association on Mental Retardation, 1999), co-editor and author of three chapters, pp. 125.

Presentations:

“The International Significance of Disability Rights,” American Society of International Law, Proceedings of the 93rd Annual Meeting, in Washington, March 27, 1999.

United Nations Inter-Regional Symposium and Seminar on Norms Relating to Disability Rights, moderator of session on proposed disability rights convention inclusion, Hong Kong, December 14-16, 1999.

“ADR and Disability Rights,” Ministry of Justice, National Center for Mediation and Dispute Resolution, Tel Aviv, January 20, 2000.

“Ethics and the Rights for People with Mental Disabilities,” Clinical Seminar on Human Rights, Tel Aviv University Law School, February 21, 2000.

“The Americans with Disabilities Act and the Disability Discrimination Act in Comparative Perspective,” Ministry of Health, London, April 19, 2000.

“Working for Justice for People with Learning Disabilities,” University of Bristol, Bristol, England, May 2, 2000.

“From Exclusion to Inclusion: Disability Discrimination Law in the United States, England, and Israel,” The Mary Switzer Research Fellows Seminar, National Institute on Disability and Rehabilitation Research, Washington, May 24-25, 2000.

“The Law on Equal Rights for Persons with Disabilities: Lip Service or True Commitment?” Hebrew University, Faculty of Law, in Jerusalem, June 7, 2000.

The Ian Karten Endowed Lecture on Rehabilitation: “From Exclusion to Inclusion: Disability Nondiscrimination Laws in Israel and the United States,” Haifa University, June 13, 2000.

Honors and Awards; Professional Offices:

University System of Maryland Regents’ Award for Public Service, 1999.

U.S. Government’s Mary F. Switzer Distinguished Research Fellowship (U.S. Department of Education, 1999-2000).

Maryland Bar Foundation’s Legal Excellence Award for the Advancement of the Rights of the Disadvantaged, 1999.

Invited expert by the United Nations and the Hong Kong Equal Opportunities Commission, Inter-regional Symposium on Norms Relating to Disability Rights.

Rosemary F. Dybwad Distinguished Service Award, National Institute on Disabilities, 1999.

Immediate Past President and member of the Board of Directors, American Association on Mental Retardation.

American Bar Association, Commissioner to the ABA Commission on Mental and Physical Disability Law.

Chair, Editorial Advisory Board, *Mental and Physical Disability Law Reporter*, published by the American Bar Association.

Elected to the Board of Directors, Special Olympics Maryland, April 2000.

Professor Susan P. Leviton

Publications:

Children: Wards or Waifs of the Court, *MARYLAND BAR JOURNAL*, Vol. XXXIII, No. 2 (March/April 2000).

Presentations:

“Should There Be Social Host Liability in Maryland?” Park School, February 3, 2000.

“Education As a Crime Prevention Strategy,” Maryland Justice Policy Institute, Baltimore, Maryland, February 8, 2000.

FACULTY NOTES

Professor Leviton Continued

"Diversion and Alternatives to Incarceration for the Mentally Ill," Judicial Institute, Judiciary Training Center, April 13, 2000.

"Making A Difference," National Association of Women Business Owners, Baltimore Regional Chapter, April 17, 2000.

Awards:

"Women of Distinction" Baltimore Chapter of Hadassah, 2000.

Professor Joan O'Sullivan

Publications:

"Therapeutic Alternatives to Adult Guardianship," 6 Journal of Mental Health and Aging, (forthcoming, summer 2000).

"The Increasing Medical Malpractice Risk Related to Pressure Ulcers in the United States," (with Richard D. Bennett, M. D., Eric M. DeVito, J. D., and Robin Remsburg, Ph. D., R. N.), 48 Journal of the American Geriatric Society 73, January, 2000.

Presentations:

"Informed Consent, Surrogacy and Guardianship," Developmental Disabilities Administration, Central Region, Owings Mills, MD., September 29, 2000.

"Consent, Guardianship and Competency Workshop," Texas Association on Mental Retardation 2000 Annual Convention, Galveston, TX, July 25, 2000.

"Voting and Nursing Home Residents: Practices and Policies," Health Law Teachers Conference, Cleveland, OH, June 9, 2000.

"Informed Consent and People with Mental Retardation II: Applications in Real Life," American Association on Mental Retardation Annual Meeting, Washington, DC, May 31, 2000.

"Drawing on the Culture of Other Disciplines in our Legal Work," AALS Conference on Clinical Legal Education, Albuquerque, NM, May 9, 2000.

"Health Care Decision Making in Maryland," Frederick Memorial Hospital Medical Staff, Frederick, MD., February 4, 2000.

"Nursing Homes and the Law: How to Enforce Quality of Care?," moderator, Association of American Law Schools Annual Meeting, Washington, DC, January 7, 2000.

"Medicare and Medicare Reform," moderator, AALS Aging and the Law Section field trip, AARP, Washington, DC, January 6, 2000.

Professor Janette E. Stokley

Selected Publications:

Child Care in Communities with Yolie Aguilar, Annie E. Casey Foundation, Baltimore, Maryland (2000)

"Proposal for a Child Care Facilities Development Intermediary", *Child Development Policy Institute*, Sacramento, California (January 2000).

Economic Impact of Child Care, National Economic Development and Law Center, Oakland, California (1998, 1999).

Selected Presentations:

"University-Community Partnerships", National Community Reinvestment Coalition National

"How Child Care Strengthens Local Economies", San Mateo County Progress Seminar, Monterey, California. (April 2000).

"Assessing Child Care as an Industry", National Community Capital Association National Conference, Philadelphia (November 2000).

"Resiliency in Children: The Role of Faith-Based Organizations", University-Community Forum, University of Maryland at Baltimore (November 2000).

Professor Deborah Weimer

Presentations:

"Testing and Treatment of HIV positive Adolescents and Children: Legal Issues," 11th Annual Maryland Conference on AIDS, Institute of Human Virology and University of Maryland Medical Systems, October 5, 2000.

HIV, Disability and Discrimination: the Current State of the Law," Evelyn Jordan Clinic, University of Maryland Medical Systems, June 27, 2000.

"The New Standby Guardianship Rules," Judicial Institute, Annapolis, September 23, 1999.

Awards:

Award for Professional Legal Excellence in the Advancement of Unpopular Causes, Maryland Bar Foundation, March 2000.

National Jurist Magazine, "Law Clinics that Make a Difference," Honorable Mention for AIDS Legal Clinic, Summer 1999.