



## Clinic Represents Those Wrongly Convicted Decades Ago

Prior to 1980, judges in criminal trials in Maryland gave criminal juries several instructions imposed by the Maryland Declaration of Rights and a statewide rule that they, not the judge, had the responsibility to decide the legal issues in the case. They were the judges of the law and anything the judge said about the law was advisory only. In other words, the legal “advice” the judge then gave, and that the jury was explicitly invited to reject, included that every defendant is presumed to be innocent and that the state has the burden of proving guilt beyond a reasonable doubt.

In Maryland, the presumption of innocence and requirement that the state establish guilt beyond a reasonable doubt were optional in criminal trials. If a jury accepted the judge’s “advice,” they applied. If it did not, they did not. Every jury was its own constitutional convention. How it resolved those issues could determine whether or not it found the defendant guilty. History helps to explain what, by today’s standards, is a wholly counter-intuitive provision. Dating back to eighteenth century England, its explicit purpose was to give juries the right to nullify rigid English laws, vindictive criminal prosecutions by the Crown, and the harsh rulings of English judges. The Maryland settlers incorporated this nullification provision into the Maryland Declaration of Rights, and relied on it to control Tory judges. Other colonial states did the same.

Over time, all these states, except Maryland, abolished the provision. As the last hold-out, Maryland, through its Court of Appeals, finally prohibited the instruction in 1980, realizing that it could not co-exist with modern-day constitutional rules governing criminal trials. In 2012, the Court decided *Unger v. State*. In *Unger*, the Court finally recognized what common sense had dictated years before: the nullification instruction produced trials that were structurally flawed and fundamentally unfair. If you can’t answer the question “What rules did the jury apply before convicting the defendant of murder?,” you can have absolutely no confidence in the result.

*Cont'd on p. 2*

### FROM THE DIRECTOR . . .

In this edition of *In Practice*, we highlight collaborations and transitions. The cases and projects described are rooted in collaborative enterprises that further justice, from working with the Law and Social Work Services Program and the Office of the Public Defender to represent individuals incarcerated for decades after trials that reduced the fundamental tenets of our criminal process to options for juries to consider; to working with several organizations to protect waterways against coal ash and related discharges; to partnering with courts and agencies to mediate conflicts in Baltimore City courts and public schools; and to working with communities to protect individuals living with mental illness and substance abuse disorders against discriminatory health insurance practices. We also highlight two of our longtime, cherished colleagues who have recently retired and three clinic alumni who are creating pathways by working on behalf of individuals and communities in Maryland.

Michael Pinard  
Director, Clinical Law Program

## Wrongly Convicted

Cont'd from p. 1

Specifically, *Unger* reaffirmed that the advisory only jury instruction given in all criminal cases was unconstitutional and held the ruling applied retroactively to persons that were still incarcerated and were convicted prior to 1980. What the court invalidated was not just any instruction. It was an instruction that nullified all of the constitutional requirements in criminal cases.

After the *Unger* ruling, twenty-four students in our 2012 Summer General Practice Clinic, taught by our Managing Director, A.J. Bellido de Luna, began the process of identifying individuals still incarcerated that would be affected by the ruling. The students went into prisons to meet with inmates and began the process of identifying individuals who could be affected by the ruling. At the end of the summer, they presented their findings to Professor Michael Millemann, Jacob A. France Professor of Public Interest Law, and the State's Public Defender, where a working relationship was formed on how to deal with these cases.

As a result of the Clinic's findings, Professor Millemann and Professor Jerome E. Deise created the Criminal Law Reform Clinic, specifically designed to work with inmates affected by the *Unger* ruling. The new Clinic had 20 students, along with the assistance of six students from the school's Law & Social Work Services Program, directed by Professor Rebecca Bowman-Rivas. The Clinic also teamed up with the Office of the Public Defender and has been working with that office to identify the affected prisoners. Students have painstakingly gathered case records, some over three decades old.

Today, Maryland is housing approximately 200 prisoners who were convicted prior to 1980. So who are these 200 prisoners? They, of course, have many different qualities. Overwhelmingly, they are African-American males, convicted by juries from which African-Americans and women had been systematically excluded, and tried and sentenced by white male judges. (They were tried before the U.S. Supreme Court held that prosecutors could not routinely strike jurors based on race or gender.) They are older men. In hearings held so far, several inmates came to court in wheelchairs or supported by canes. Many have acute health problems—basic age-related ailments aggravated by decades of prison life. They are hands-down the most expensive prisoners in the Maryland prison system. “How, consistent with our most basic constitutional values, could we have convicted and incarcerated these men for three, four or five decades based on trials in which judges told juries to make up their own legal rules?” questioned Professor Millemann, in a *Baltimore Sun* op-ed.

They were convicted when they were young—some as young as 15, 16, or 17—and have grown up in prison. Most have become peaceful adults and high achievers. Most earned GED degrees, many bachelor degrees, and some graduate degrees, before Congress in 1994, as part of its “Contract With America,” abolished Pell grants for prisoners. The vast majority have worked, taken vocational courses and trainings, and participated in a broad variety of programs. All were sentenced to life with parole, with the expectation, based on the policies and practices of the day, that if they did what they were supposed to do, and demonstrated that they would not endanger society, they would be paroled in 20 years or so.

By 1993, many were on work release, living in prerelease centers, taking buses to and from their free-world jobs, living with their families on weekends, and about to be



*Professor Michael Millemann (standing) welcoming clients and their families at a re-entry event at the law school.*



*Professor Jerome Deise (standing foreground) greeting family and friends of clients at re-entry event.*

paroled. That all changed when a life-sentenced prisoner on work release killed his girlfriend and then himself. All of the lifers were immediately returned to maximum security prisons and made ineligible for work release. Subsequently, Democratic governors refused to approve their paroles. That is why as many as 200 such lifers remain in prison today.

This past summer, 10 new students in the Summer General Practice Clinic continued the work from the Criminal Law Reform Clinic and together filed 24 *Unger* appeals and have worked to represent many others in negotiations for release. To date, 36 inmates have been released and many more are waiting their day in court. “At the end of the day, this project forces the State to obey the rule of law and teaches students how to do this,” said A.J. Bellido de Luna.

While the work has been important and gratifying, it has met with some resistance. Some of the questions presented include, “Isn’t it outrageous to give new trials to, or to free ‘murderers’ convicted three, four or five decades ago?” However it has been the position of the Clinic to ask, “How, consistent with our most basic constitutional values, could we have convicted and incarcerated these men for three, four or five decades based on trials in which judges told juries to make up their own legal rules?” Most of our clients have been convicted of felony murder, which does not require intent, premeditation, recklessness, or even that you were the killer, for conviction. If they aided or abetted a robbery and someone was killed, they were guilty of murder and sentenced to life.

Most have supportive families, and, because of the work of the Law & Social Work Services Program will have carefully developed release plans before they are released. Because these men face many challenges re-entering society, our Social Work students meet with every individual before they are released and create plans to help ensure a smooth transition back into society. Their services include resources not offered by the state. They submit release plans that include contacting family, applying for essential benefits, researching possible employment, concerns of mental and physical health, even providing information for obtaining a driver’s license or identification card. “These guys are going through something that really no one else can truly understand,” Professor Bowman-Rivas told the *Baltimore Sun* in article after several inmates were released. “So we’re trying to create a community.”

Not all inmates face lengthy new trials. In Baltimore City, in 2012 and 2013, almost all of the *Unger* litigants who had filed and obtained hearings won reversals of their convictions and were being scheduled for new trials. The State’s Attorney then proposed a different approach: Prisoners would give up their *Unger* claims and all other post-conviction rights (except claims of innocence), agree not to challenge their murder convictions, agree to a period of probation, agree that if they violated probation the judge could re-impose their life sentences, and produce a post-release plan that assured they would have the support and supervision necessary to live lawfully in the community. In return, they would be sentenced to “time-served.” Other State’s Attorneys have started to follow suit.

Professor Millemann said it best in his *Baltimore Sun* op-ed; “In my view, and the view of many criminal justice leaders, this is a sensible resolution for many *Unger* cases that protects public safety and recognizes the lawless nature of the trials that produced the convictions.” This project, which engaged over 60 clinic and social work students representing over 55 life-sentenced prisoners, is a wonderful example of a law/social work partnership. Elizabeth Smith, LGSW, who interned with the Law & Social Work Services Program, has stayed on with the project as a Forensics Social Work Fellow. In her decision to return to the project after graduation, Ms. Smith stated, “It is an honor working with these clients, supporting them and assisting them as they transition back into the community.”

Professor Deise has eight new students this semester, along with several of our prior students returning in a Clinic II capacity to continue this important work. For the students and professors involved, this project has produced life changing moments. It has forced everyone to understand that the fight for justice far exceeds any personal goal or beliefs. “This has been the most important law reform project, and has been one of the most fulfilling experiences, of my career, and it has reunited me with my friends, former colleagues and the leaders of the Office of Public Defender, where I began my career,” stated Professor Deise. Professor Deise, along with Professors Millemann, Bowman Rivas and Bellido de Luna are continuing that effort and hope to see the day that every person entitled to relief receives it.



*Walter Lomax speaks at re-entry event at the law school. These events help clients unite with family, friends and the community.*

# Clinic Strengthens Consent Decree, Protections From Coal Ash Pollution

*By Colin Hood '13 and Alana Wase 3L*

As John Wilkes Booth limped his way through the Zekiah Swamp in April of 1865 he was probably only concerned with his freedom. Guided by freed black farmer Oswell Swann, Booth spent six hours marching through what would later become a national heritage site and the largest hardwood forest on Maryland's western shore. Booth probably didn't notice the diamond back terrapins or the oyster beds that would later make the area famous.

While the swamp has been free of presidential assassins for over one hundred years, it has become threatened by a different foe: fly ash. A by-product of coal fired power plants, fly ash contains heavy metals and other pollutants that can easily mix with rain water and leach into the ground. Many of these pollutants such as selenium, copper, cadmium, and mercury have leached out of improperly constructed holding pits at a facility in Faulkner, Maryland, staining nearby streams orange and disrupting the ecosystem's pH levels. Over the last five years the Environmental Law Clinic, partnered with the Environmental Integrity Project (EIP), has represented clients Defenders of Wildlife, the Chesapeake Climate Action Network (CCAN), the Patuxent Riverkeeper, Potomac Riverkeeper (represented solely by the Clinic), and Sierra Club, to ensure that coal ash leachate no longer seeps into Maryland's surface and groundwater and that past discharges are fully remediated.

NRG Energy (formerly known as both "Mirant" or "GenOn") owns and operates three coal ash landfills in Maryland (the Faulkner Landfill in Charles County, the Brandywine Landfill in Prince George's County, and the Westland Landfill in Montgomery County). These landfills have a history of illegal discharges of pollution in violation of Clean Water Act (CWA). For example, NRG's Faulkner facility, built in the early 1970s, had a history of effluent discharge violations and had even been the subject of a failed court-ordered remediation project. The Clinic, with EIP, filed a notice of intent to sue NRG for violations of the CWA in Maryland state court in 2008. This filing then prompted the Maryland Department of the Environment (MDE) to bring their own suit against NRG for some of the same violations. The clients attempted to intervene in MDE's suit in state court, but were denied.

After delay in state court, MDE transferred the litigation to federal court, where the clinic successfully intervened for its clients regarding alleged CWA violations at Brandywine. Intervention in the federal court proceeding allowed our clients to participate in the settlement negotiations, in which we fought for important safeguards against future leaks and increased public participation in future permitting decisions at the sites.

In December of 2012 GenOn and MDE filed a motion for entry of the draft Consent Decree. The clinic's work (along with extraordinary help from Jennifer Duggan of EIP) in the 2012-2013 academic year focused on reviewing the Consent Decree and advocating for improvements sought by our clients. The Clinic identified several weaknesses in the Consent Decree. First, the provisions protecting drinking water wells were vague and ambiguous, so the Clinic pushed for stricter notice provisions for impacted well owners and clearer obligations for NRG to provide owners with bottled water. Second, schedules meant to keep Faulkner facility remediation on track were vague. Third, the Consent Decree did not prohibit NRG from expanding its Faulkner facility in the future, despite NRG's assertions in the media and in state court that the facility would be closed. Finally, the draft Consent Decree did not require NRG to comply with Maryland's recently enacted fly ash disposal regulations.



*(from l to r:) Jane F. Barrett, Jennifer Duggan (Environmental Integrity Project), Robin Broder (Potomac Riverkeeper), Andrew Keir, Colin Hood, and Alana Wase*

At the hearing on the entry of the consent decree, clinic student Colin Hood and EIP attorney Jennifer Duggan successfully argued for improvements to the Consent Decree. The parties agreed to improve the protections for impacted well owners and to reduce ambiguity regarding the schedule for remediation at Faulkner. Additionally, MDE stated on the record that any future expansions at the Faulkner facility would be subjected to Maryland's regulations for new coal ash disposal landfills. In addition, the Court requested changes to the Consent Decree to ensure public participation. Specifically, MDE must notify the Clinic's clients if NRG proposes to modify the consent decree or if NRG applies to expand its landfills. Furthermore, MDE must provide the clinic's clients with copies of important Consent Decree implementation plans and determinations.

The Court entered the final version Consent Decree (which included the hearing judge's requested revisions) on May 1, 2013. The Consent Decree requires NRG to: pay a \$1.9 million civil penalty to MDE, install liners in all leachate control ponds and cap all closed disposal cells at its landfills, study the nature and extent of the coal ash pollution and implement corrective measures to remediate the problem, and test local residents' drinking water wells for coal ash contamination.

While the Court's entry of the Consent Decree does not mark the end of the Clinic's involvement in this case (implementation is ongoing), it offers a moment to reflect not only on the significance of the settlement, but also on the hands-on educational experiences that this case provided. By representing their clients in this case from its inception through settlement, student-attorneys experienced many different aspects of environmental citizen suits. Along the way, clinic students filed motions to intervene in state court and federal court, drafted appellate briefs and argued before the Maryland Court of Special Appeals, drafted and filed a notice of intent to sue and a federal complaint, organized and reviewed voluminous public document files, argued for stricter settlement provisions in federal court, researched countless issues relating to environmental regulation and civil procedure, and pored over drafts of the consent decree to weed out errors and ambiguity.

The benefits of the work completed by the Clinic, EIP, and its clients will be long felt in protecting not only the integrity of the natural environment, but also Maryland's quirky rich history. So if any future fugitive has to escape into the night amongst the owls and terrapins, at least he won't have to worry about stepping into water polluted with fly ash.

## **Court Denies Defendants' Motions for Attorney's Fees in Waterkeeper Suit**

Years of litigation over pollution of the Chesapeake Bay ended August 27, 2013, when the U.S. District Court for the District of Maryland denied attorney fees motions from Perdue Farms Inc. and Alan Hudson, one of its contractors. In his ruling, the Honorable William M. Nickerson found that "while alarmingly high levels of fecal coliform, E. coli, nitrogen, and phosphorous had been discharged from Hudson's farm and that at least some of those contaminants would reach the Pocomoke River, Plaintiff had not met its burden of establishing that the poultry operation contributed to these discharges."

Judge Nickerson found that the "alarmingly high levels" of pollution discharged from Hudson Farms came from cow manure rather than the poultry operation. However, he found the Plaintiff's claim that the poultry operation contributed to these pollutants was not "frivolous, unreasonable, or without foundation," the legal standard for awarding attorney's fees to a prevailing defendant in a Clean Water Act citizen's suit. Therefore, the Court held that the defendants were not entitled to attorney fees.

The Environmental Law Clinic at UM Carey Law represented the plaintiff Waterkeeper Alliance, a national environmental group with more than 3,000 members in Maryland.

# Mediation Clinic Continues Strong Partnerships

*by Toby Treem Guerin, Deputy Director, Center for Dispute Resolution*

Maryland Carey Law’s Mediation Clinic continues to offer a rich experiential learning opportunity for its students. Students are trained as mediators by clinic faculty, Professors Deborah Eisenberg and Toby Guerin, and then offer those skills in the community.

Continuing its collaboration with the District Court ADR Program in the District Court for Baltimore City, clinic students volunteer as mediators at the District Court two days per week throughout the semester. This “day of trial” mediation experience resulted in 44 mediations by the Clinic during the last academic year.

In addition, Shannon Baker, Regional Programs Director for the District Court ADR program, identified and referred 105 pre-trial cases to the clinic for possible mediation. The students were assigned these cases and contacted the parties to offer mediation services. About 10% of the referred cases resulted in mediation, and more than half of those reached agreement. Parties engaging in the process commented that mediation was a “better alternative than going to trial” and that the parties “couldn’t work it out without this help.”

Ms. Baker noted, “As a law student myself, I can appreciate the value of real-world skills application, the ability to observe and learn about the use of ADR in Maryland’s courts, and the thrill of jumping in the midst of high conflict to mediate contested cases; some of which may involve attorneys and claims up to \$30,000.00.” The District Court ADR Office is consistently impressed by “the enthusiasm and professionalism exhibited by the students in the Mediation Clinic.” The clinic looks forward to new opportunities when the District Court ADR program expands its services to include mediation of peace orders.

The clinic also receives referrals of employment discrimination cases involving federal sector workers from the local Equal Employment Opportunity Commission. These cases offer the students an opportunity to broaden their skills, as the parties are typically represented by counsel and the litigation more complex.

Because C-DRUM manages the School Conflict Resolution Education Grant program in partnership with MACRO, clinic students also have the opportunity to apply what they have learned about conflict resolution in a public school setting. Law students assisted with peer mediation programs, offered classes on topics related to conflict resolution, or advised individual students interested in resolving school-based problems.

Finally, the clinic provided opportunities for the students to prepare testimony on ADR issues before the state legislature, observe mediations in federal cases, and support C-DRUM’s work in training or providing facilitations in the public and private sectors.



*The photo from the District Court ADR Program Volunteer Appreciation back row (from l to r): Shannon Baker and Sarah Kauffman from the District Court ADR Office; front row (from l to r): Emily Miller; Professor Deborah Eisenberg, Dave O'Donnell, Kimberly Schindel representing the Mediation Clinic and Mary Ann Ferguson, Esq., a volunteer in Frederick County.*

Semester	Pre-day of Trial Referrals	Pre-day of Trial Mediations	Pre-day of Trial Mediation Agreements	Day of Trial Mediations	Day of Trial Mediation Agreements
Fall	53	10	4	18	9
Spring	52	7	2	26	13

## First Annual East Coast ADR Professional Skills Program a Success

“I thought I knew what I was doing and then I took this course,” proclaimed one participant after completing the Advanced Mediation course taught by Nina Meierding and Bruce Edwards. On March 14-16, 2013, 170 attendees from seventeen states and three countries joined nationally renowned faculty at the first annual East Coast Professional Skills Program at UM Carey Law. The program, a partnership between the Straus Institute for Dispute Resolution at Pepperdine University and the Center for Dispute Resolution at UM Carey Law, featured six distinct programs.

The first of its kind in the Mid-Atlantic area, the 2.5 day program provided a unique learning experience, bringing together a diverse group of participants and highly experienced faculty who provide personalized instruction. Participants included a large contingent of state and federal sector employees, attorneys, and ADR practitioners. Many law students also took advantage of the opportunity to increase their dispute resolution skills and learn with ADR practitioners.

Returning in March 2014, the program continues to evolve and will feature some new courses:

- Beyond the Basics: What to Know and Do to be a More Effective Mediator
- Conflict Resolution Consulting
- Conflict Management Coaching
- Family Law Mediation

and some familiar courses:

- Advanced Mediation
- STAR: A Systemic Approach to Mediation Strategies
- Tools for Mindful Awareness
- Strategic Negotiation Skills

UM Carey Law Dean Phoebe Haddon, a participant in the 2013 program, commented, “The partnership with the Straus Institute continues UM Carey Law’s dedication to providing innovative programs that explore the role of attorneys as problem-solvers and promote the appropriate resolution of conflict.”

To register for the 2014 Program, visit  
[www.law.umaryland.edu/adrskills](http://www.law.umaryland.edu/adrskills).



*Howard Gadlin (standing), National Institutes of Health and Toby Guerin lead the ADR in the Public Sector course*



*Rachel Wohl and Len Riskin engage in a discussion with participants in the Tools for Mindful Awareness course*



*Participants in the STAR mediation course interact with instructor Peter Robinson*

# Drug Policy Clinic Pursues Individual Enforcement and Legislative Advocacy to Enforce the Mental Health Parity and Addiction Equity Act

by Ellen Weber, Professor of Law and Director, Drug Policy Clinic

Discriminatory health insurance coverage has prevented many people living with mental illness and substance use disorders from obtaining essential health care. Congress passed the Mental Health Parity and Addiction Equity Act (“Parity Act”) in 2008 to end discriminatory health insurance standards and require carriers to provide equitable coverage for addiction and mental health services. Four student attorneys in the Drug Policy and Public Health Strategies Clinic took on the job of improving implementation of this federal law in Maryland through multiple strategies: direct client representation, community mobilization, education, and legislative reform. They focused on enforcement efforts to ensure that, with the rollout of the Affordable Care Act, enhanced coverage of substance use disorder services will translate into greater access to treatment.

## Client Representation

In September 2012, 2L Eugene Simms and 3L Victoria Chihos met the owner of a small counseling practice who complained about a common insurance practice that effectively limits access to mental health and substance use disorder care. Two national carriers refused to consider the providers’ clinical staff for its provider network, claiming that they had sufficient providers of these services. The carriers’ decision threatened the existence of the practice and posed barriers to patient care. Many of the practice’s potential patients had insurance coverage from the two carriers, but they could not afford to pay out-of-network rates in order to receive services from this provider. This meant that they would forgo treatment altogether. The Clinic recognized that the carriers’ network management policies could present a violation of the Parity Act and agreed to represent the practice.

The Parity Act regulates network admission standards and requires insurance carriers to use comparable standards when deciding whether to include providers of addiction and medical services in its provider network. To assist their client, Mr. Simms and Ms. Chihos needed to determine whether the carriers’ network management standards were more restrictive for mental health and substance use disorder providers, which would result in limited access to care for patients. Although one of the two carriers claimed that the Parity Act did not regulate the composition of its network, Mr. Simms and Ms. Chihos negotiated a favorable result for their client. The carrier agreed to waive network closure standards and grant the client’s staff admission into its network based on their credentials.

The second carrier claimed that its refusal to consider the client’s staff for network admission did not violate the Parity Act, but it refused to disclose its network closure standards, which were necessary to evaluate compliance with the Act. Undeterred, the team filed a complaint with the Department of Labor. According to Ms. Chihos, “we are using the carrier’s refusal to provide essential plan information to present the issue to the Department of Labor. We have asked the federal enforcement agency to clarify the information that carriers are required to disclose to claimants who seek to enforce the law.” When it comes to parity enforcement, the student attorneys have learned that gaining access to a carrier’s plan information is half of the battle.

## Community Mobilization and Self-Advocacy

By assisting a well-informed advocate about the Parity Act standards, the student attorneys were able to help ensure Montgomery County provided parity compliant health plans to all its employees. This partnership began in June 2012, when Professor Ellen Weber was approached by a county employee who was concerned that the County’s employee health plan was not parity compliant and that the County was intending to exercise its right to opt-out of compliance. The employee had a personal stake in ensuring the County’s compliance with parity standards and took on this issue as a citizen advocate. She spoke with the plan administrator and her union representatives and met with County officials to secure revisions that would bring the health plan into continuing compliance with the Parity Act. Along the way, the clinic was able to assist with investigative research, including information about what other counties across Maryland were doing to meet the Parity Act standards. The Clinic’s inquiries to the Department of Health and Human Services ultimately triggered a federal review that prompted the County to comply with the Parity Act in its 2013 plan. According to Mr. Simms, this successful collaboration “demonstrates that sometimes the best advocates are those who understand the impact of a law in their life and fight for equal treatment.”



*Professor Ellen Weber*



## Consumer Education

The Drug Policy Clinic partnered with Maryland Medicaid Matters to educate healthcare providers, consumers, and state and county regulators about federal parity standards in a webcast entitled, “The Mental Health Parity and Addiction Equity Act: Parity in Practice.” In their two-hour presentation, Mr. Simms and Ms. Chihos focused on the Parity Act standards and how behavioral health providers could recognize Parity Act violations in their own practice. Their primary goal was to enable clinicians and consumers, who are in the best position to take action on parity violations, to better enforce the law. The webcast was broadcast live online on January 16, 2013 and is still available as a resource at Medicaid Matters Maryland’s website.

## Legislative Reform

As the student attorneys sought to enforce existing Parity Act standards, 3L John Hebb and 2L Patricia Greenwell worked with members of the Maryland General Assembly to enact legislation that would address gaps in the federal standards that have hindered enforcement. According to Ms. Greenwell, “We learned that many consumers do not know their rights under the Parity Act or do not recognize a parity violation. We also know that some carriers do not identify and remove discriminatory standards.” The team, working with a coalition of mental health and substance use advocates, secured passage of two bills to help consumers understand their rights and ensure better compliance when carriers make key health care decisions.

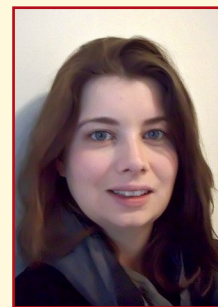
The first piece of legislation, a consumer notification bill, will help consumers understand their rights under the Parity Act and identify resources to help them file complaints. The law requires insurance carriers to provide their members with notice of the benefits that are required under state and federal parity laws and to inform members that they may contact the Maryland Insurance Administration (MIA) for more information about enforcing their legal rights. The law also requires the MIA to post information about the complaint process on its website, including how members can get assistance in filing Parity Act complaints. The second piece of legislation requires carriers to ensure that their utilization review standards comply with the Parity Act. Carriers use utilization review standards – also known as medical necessity criteria – to determine whether to pay for a medical service. Mr. Hebb explained that “this legislation will help reduce parity violations by requiring insurers to guarantee that the criteria and standards used in conducting utilization review comply with the Parity Act. Those standards make all the difference in whether a patient gets the treatment recommended by his clinician.”

The team working on the Parity Act legislation also conducted research on the rate of hospital readmissions for persons with mental health and substance use disorders to determine whether that rate exceeded the readmission rate for persons without these disorders. The team used data from the Health Services Cost Review Commission (HSCRC) and, with the analytical assistance of a Library Fellow, determined that the rate of readmission for persons with mental health/substance use disorders was significantly higher than for persons without these disorders. The report recommended full implementation of the Parity Act to prevent hospital readmissions among this population. The report formed the basis of testimony presented to the General Assembly when it considered the parity bills.

Much work remains to root out discriminatory insurance practices. But through comprehensive and collaborative work with its partners, the Clinic’s student attorneys have made Maryland a leader in the enforcement of the Parity Act.

## Geraldine Doetzer Joins as Staff Attorney

The Drug Policy Clinic is very excited to have Geraldine Doetzer join the implementation phase of its Advancing Access to Addiction Treatment Initiative. Ms. Doetzer brings extensive legal services and policy advocacy experience in public benefits and health insurance to the project. Before joining the Drug Policy Clinic, Ms. Doetzer was the staff attorney at the Health Insurance Counseling Project at the George Washington University Law School, Jacob Burns Community Legal Clinics in Washington, D.C. She provided representation and advice to residents with health law problems, advocated on behalf of low-income consumers and persons with disabilities during the District’s implementation of health care reform, and supervised advanced law students enrolled in George Washington’s Health Rights Law Clinic. Prior to her work at the Health Insurance Counseling Project, Ms. Doetzer was the housing attorney at the National Law Center on Homelessness & Poverty. She started her legal career as the first Equal Justice America Fellow at the Legal Aid Justice Center in Virginia, where she established a public benefits practice and a medical-legal partnership with a federally-funded health clinic. The Clinic team looks forward to the opportunity to work with its community partners to translate health care policy into meaningful access to addiction treatment.



## New Funding and New Support in Law School's Drug Policy and Public Health Strategies Clinic

Professor Ellen Weber's Drug Policy and Public Health Strategies Clinic has received a two-year \$275,000 grant from the Open Society Foundation to ensure that individuals with substance use disorders have access to comprehensive treatment in Maryland's private and public insurance markets under the Affordable Care Act. Building on its policy work that helped shape Maryland's framework for the delivery of addiction and mental health services, the Drug Policy Clinic will now focus on the real-time implementation of the State's Health Exchange and Medicaid programs. Clinic students, under the supervision of Professor Ellen Weber and Clinic Staff Attorney, Geraldine Doetzer, will provide legal assistance to individuals who experience problems accessing addiction treatment services. They will also serve as a "watch-dog" over the enforcement of federal and state standards designed to protect consumers who need addiction treatment. According to Professor Weber, "providing legal services to individuals who are enrolled in the new insurance programs will also help us identify and evaluate access problems and then develop policy 'fixes' to address gaps in service delivery." This is Professor Weber's second grant from the Open Society Foundation to support the Drug Policy Clinic's advocacy work in the implementation of federal health reform in Maryland.

### Drug Policy and Public Health Strategies Clinic Successes

- The clinic secured enactment of the "Overdose Response Program" (HB 590/SB 610), which expands access to a medication that reverses opioid overdose. The program authorizes physicians and nurse practitioners to prescribe the medication to family members and others who have completed a training and certification program in administering the medication to an individual experiencing an opioid overdose. Student-attorneys also prepared fact sheets, organized and conducted meetings with members of the Maryland General Assembly and testified at separate hearings before the House Health and Government Operations Committee and Senate Finance Committee. The bill was passed in a single session of the General Assembly, signed into law on May 2, 2013 and went into effect on October 1, 2013.
- The clinic secured passage of bills to enforce the Mental Health Parity and Addiction Equity Act in Maryland. The Parity Notification bill (HB 1216/SB 581) requires the Maryland Insurance Administration (MIA) to post a notice on its website informing policy holders that they can file a Parity Act complaint with the MIA and receive assistance through the state. It also requires carriers to provide notice to members about benefits required under the Parity Act, and the MIA can be contacted for information. The Utilization Review bill (HB 1252/SB 582) requires carriers to conduct utilization review of mental health or substance use disorder services in a way that complies with the Parity Act. In addition to helping draft the bills, the student-attorneys prepared fact sheets about the bills, organized and conducted meetings with members of the General Assembly and testified at the House Government Operations Committee on the ability to reduce preventable hospital readmissions through the enforcement of the Parity Act. The two bills were signed on May 2, 2013 and will go into effect on October 1, 2013.
- The clinic achieved inclusion of the most comprehensive benefit for mental health and substance used disorder care in the State's Benchmark Plan, the template for all health plans that will be sold to individuals and small employers in Maryland under health care reform. Based on the clinic's analysis, the State substituted a behavioral benefit that did not comply with the Mental Health Parity and Addiction Equity Act with one that covers the full range of outpatient and inpatient services.
- The Health Care Reform team successfully advocated for provisions in the Maryland Health Progress Act of 2013 (HB 228/ SB 274) to ensure continuity of care for persons with substance use disorders as they move between Medicaid and private insurance under health care reform. The continuity of care provisions will go into effect in January 2015.
- The Parity Enforcement team negotiated the resolution of a Parity Act violation against a national carrier that had refused to admit the staff of a small counseling practice into the carrier's provider network. The carrier had closed its network to additional mental health/substance use disorder providers, which created a financial barrier to individuals who sought affordable care under their policy. The carrier agreed to admit the staff based on their credentials. The team also filed a Parity Act complaint with the Department of Labor against a second carrier that also refused admission to its network and would not provide necessary information to determine whether its network closure standards violated the Parity Act.

## Alumni Update: At the Intersection of Law and Policy

Sally McMillan Guy '11 has a keen ability to communicate a message. Whether communicating to youth in Baltimore City, Maryland legislators in Annapolis, or persons accused of committing a crime, Sally has been able to help others understand the law and its effects on their communities.

After receiving a grant from the Maryland Public Interest Law Project, a student-run 501(c)(3) organization, Sally was able to advocate for juvenile defendants accused of felonies while working as a law clerk for the Maryland Office of the Public Defender. As a member of the National Trial Team, she refined her ability to communicate clearly and confidently. Sally also clerked for both a commercial debt collection law firm and the Homeless Persons Representation Project, but it was her work with the Juvenile Law, Children's Issues, and Legislative Advocacy Clinic that challenged her the most. "Having to explain laws to Baltimore City youth, guide them in their own advocacy, and defend them in school board hearings was different than any other experience I've had. Youth ask questions and require you to be firm and honest in your communication," says Sally. Serving as a student attorney and teaching assistant for the clinic, says Sally, confirmed her desire to enter the realm of public service.

Currently, Sally works as a policy analyst for the Maryland Department of Legislative Services (DLS) and serves as legislative counsel to the Maryland House of Delegates Economic Matters Committee. DLS, which is the nonpartisan staffing agency for the Maryland General Assembly, provides legal, fiscal, committee, research, and technological support to members of the legislature and its committees.

As legislative counsel, Sally uses the communication skills she developed throughout law school to advise members of the committee regarding legislation and amendments and to facilitate the committee decision-making process. "Serving as committee counsel requires me to understand the intricacies of the law and explain those nuances precisely. The two years I was a student attorney prepared me extraordinarily well for the role." Sally's areas of responsibility as legislative counsel include alcoholic beverages, corporations, commercial law, consumer protection, economic development, and financial institutions. She drafts and prepares legislation in those policy areas as well as in the areas of criminal law and public safety.

Sally says that her work with the legislature is rewarding yet challenging. "During the legislative session, you never quite know what will come up. Voting sessions are exciting, especially because you never know what question you may have to answer. ... The ability to draft a piece of legislation and see it signed into law is just phenomenal."



*Sally McMillan Guy '11 on the steps of the State House in Annapolis, Maryland*

## Alumni Update: From Big Ideas to Leading in a Big Way

*From nationally-recognized youth advocate and non-profit founder to President and CEO of Big Brothers Big Sisters of the Greater Chesapeake.*

When Terry Hickey started law school, he had no idea what he wanted to do with his degree, but the world of private practice was certainly high on his list. Then he met Professor Michael Millemann and a mere suggestion turned into an idea which ultimately became a calling. In 1997, with Professor Millemann's help and a fellowship from the Open Society Institute, Terry founded Community Law In Action (CLIA), a nonprofit organization in Baltimore that operates law-related academic programs in local high schools, a model worksite mentoring program, and advocacy-oriented programs at local community centers, juvenile detention facilities and the Baltimore City Juvenile Justice Center. Terry went on to serve as CLIA's Executive Director for over a decade.

As a student, Terry participated in two years of Professor Millemann's General Practice Clinic, working with young people from the Park Heights community to address "food deserts," vacant houses and the quality of school buildings in the community. Terry worked with a group of high school students to chart over 200 vacant properties and make a formal request of the city to demolish them or convert them to community use. He also worked with local youth, several nonprofit organizations and a law firm to design and implement a youth-centered strategy addressing illegal alcohol and tobacco billboards in residential neighborhoods.

Since his graduation, Terry has become a nationally recognized expert in the field of youth advocacy and governance and an outspoken champion for youth voices. Today, CLIA serves more than 1,000 youth annually. In 2005, Mr. Hickey led a team that created the first Innovation School in Baltimore (the Baltimore Freedom Academy), through a partnership with the Bill and Melinda Gates Foundation. More recently, Terry helped to organize a coalition of nonprofit organizations around a campaign to convince Governor O'Malley to discontinue plans to construct a new jail facility for juveniles charged as adults.

This past year, Terry assumed his new duties as CEO of Big Brothers Big Sister, where he plans to develop more innovative ways to recruit and train mentors with the aim of connecting them with the hardest to reach young people in the region and an organizational goal to triple the number of youngsters it will work with in the years ahead. "I have a passion for this. I passed on a career as a lawyer and lobbyist and have found my calling making lives better for children," Mr. Hickey said. "There is so much room to grow particularly with the iconic presence that Big Brothers Big Sisters has in Baltimore, Maryland and the nation."

Big Brothers Big Sisters is the nation's oldest, largest and most effective youth mentoring organization. Since its formation in Baltimore in February 1952, Big Brothers Big Sisters of the Greater Chesapeake Inc. has served more than 30,000 vulnerable children. The organization has been providing programs in the Tri-County area of Southern Maryland since 1976 and on the Eastern Shore since 1983.

"We are thrilled to have Terry join us and lead Big Brothers Big Sisters at this pivotal time in the organization's history," said Bradley S. Chambers, chairman of Big Brothers Big Sisters and president of MedStar Union Memorial Hospital. "Terry sees this as his calling; he truly wants to make a difference. He brings passion and energy around the development and support of youth programs and has a strong desire to improve the lives of young people."

In addition to his work, Terry also serves on several local and regional boards and commissions, including President of the Locust Point Civic Association and a member of the Mayor's Workforce Investment Board Youth Council.



*Terry Hickey '96*

## Alumni Update: Building a Movement to End Youth Homelessness

*Ingrid Löfgren '10 is a passionate advocate for at-risk youth, families, and communities*

During her time as a joint-degree student at the UM School of Social Work and Carey Law, Ingrid Löfgren sought opportunities to advance social justice through public interest legal work. She traveled to New Orleans with the Katrina Indigent Defense Project (now part of the Maryland Carey Service Corps); advocated for access to medical care for detainees at the Baltimore City Detention Center as an Albert Schweitzer Fellow at the Public Justice Center; assisted with representation of public housing tenant associations as a law clerk with Maryland Legal Aid's Affordable Housing Preservation Project; and served as the inaugural Linda Kennedy Fellow in Advocacy at the Homeless Persons Representation Project (HPRP). Ingrid was Editor-in-Chief of the *Maryland Law Journal of Race, Religion, Gender and Class* and a student attorney in the Community Justice Clinic. As a clinic student, she worked to advance the development of green affordable housing in Baltimore. These experiences solidified her conviction that safe, stable, and affordable housing is a human right and a vital building block of healthy families and communities.

Following law school, Ingrid served as a judicial law clerk for the Honorable Susan K. Gauvey of the U.S. District Court for the District of Maryland and the Honorable Andre M. Davis of the U.S. Court of Appeals for the Fourth Circuit. In September 2012, she joined HPRP as a Skadden Fellow to launch the Homeless Youth Law Project, which provides civil legal services to youth and young adults between the

ages of 13 and 25 who are homeless and on their own, without a parent or guardian. Ingrid recognized that the number of unaccompanied homeless youth in Maryland was growing, yet there was no one place in Baltimore where they could access the range of legal services they needed. Currently, Ingrid conducts outreach and legal intake in community locations, such as the Youth Empowered Society (YES) Drop-In Center, where homeless youth meet their basic needs for shelter, food, and health care. She represents individual clients primarily in subsidized housing, public benefits, and criminal record expungement matters.

Ingrid also devotes significant time to advocacy efforts to end youth homelessness. She is the leader of a campaign to end youth homelessness through the Moving Maryland Forward Network and was appointed this year by Governor O'Malley to Maryland's first-ever Task Force to Study Housing and Supportive Services for Unaccompanied Homeless Youth. The Task Force will release a report and recommendations to the Governor and General Assembly on November 1st. Ingrid describes these efforts as part of "building a movement to end youth homelessness." Although she says she has her "dream job," Ingrid hopes to work herself out of it. She is adamant that "in one of the wealthiest states in one of the wealthiest nations in the world, it is simply unacceptable that any young person should be homeless and alone, even for a single night."



*Ingrid Löfgren '10*

*This year, two beloved members of the law school's clinic faculty took on the new title of "Law School Professor Emeritus."*



**Brenda Bratton Blom** stepped down from the faculty in December 2012 after 16 years in the Clinical Law Program. She led the Clinical Law Program as Director from 2003 to 2010 and taught the Community Justice Clinic and the Economic Housing and Community Development Clinic. She has a deep and abiding commitment to using the law to support community building activities, the development of affordable housing, and urban policies that support the creation of healthy communities. But perhaps most important, Professor Blom still believes that the core duty of those who choose, and are given the opportunity, to study and practice law is to be a good steward of the justice system. Creating opportunities for students and faculty to learn about the law while they are engaged in solving problems for clients is central to her work. Just before her retirement, she received the Benjamin L. Cardin Distinguished Service Award from the Maryland Legal Services Corporation, which recognizes outstanding public interest attorneys who are regularly involved in providing, promoting, or managing the delivery of legal services.

**Susan Leviton '72** stepped down from the faculty in May 2013 after 40 years in the Clinical Law Program. Professor Leviton, one of the program's founding members, has written and participated extensively in representing children in special education proceedings and the juvenile court. She is past Chair of the Maryland Human Relations Commission and founder of Advocates for Children and Youth, a statewide child advocacy group. Her advocacy work has won numerous awards from the ABA Young Lawyers Division, the National Association of Women Business Owners, The Women's Law Center, the Maryland Chapter of the American Academy of Pediatrics, the Maryland Bar Foundation, the Foster Care Review Board, the Maryland Coalition of Women for Responsive Government, and the Maryland Interdisciplinary Council for Children and Adolescents. Even though she has retired from her full-time faculty position, Professor Leviton will continue to supervise law students in the congressional externship program.



## Faculty Scholarship, Presentations & Activities

### Jane Barrett

“Why Environmental Law Clinics?,” 43 ENVIRONMENTAL LAW REPORTER 10039 (2013) (with Adam Babich).

Co-presenter, “The Good, the Bad and the Dirty: Trends in Environmental Crimes Cases,” National Association of Criminal Defense Lawyers’ 9th Annual White Collar Conference (October 25, 2013).

Panelist, “Today’s Ethics: More Complicated Than You Thought? Managing Conflicts and Virtual Reality in Today’s Environmental, Energy and Natural Resources Law Practice.” ABA Section of Environment, Energy and Resources 21st Fall Conference (October 11, 2013).

“Environmental Policy & Regulation,” Washington College 2013 Fall Lecture Series (September 3, 2013)

### Barbara Bezdek

“Dreaming in Chinese: Accountable Development,” 27 MARYLAND JOURNAL OF INTERNATIONAL LAW 48 (2012)

“Citizen Engagement in the Shrinking City: Toward Development Justice in an Era of Growing Inequality,” 33 ST. LOUIS UNIVERSITY PUBLIC LAW REVIEW (forthcoming 2014).

Symposium Presentation: “Citizen Engagement in Redeveloping Rust Belt Cities,” ST. LOUIS UNIVERSITY PUBLIC LAW REVIEW Symposium *Saving the Cities: How to Make America’s Urban Core Sustainable in the 21st Century* (March 1, 2013).

Conference Organizer, *Fair Housing Law Matters*, University of Maryland Francis King Carey School of Law, Baltimore, MD (April 12, 2013).

Fair Housing Curriculum Innovation Project: trained upper-level law students through classroom instruction and selective externships, to be ready as new lawyers to contribute to the capacity, skills and knowledge of the regional fair housing advocates community; and to involve law students and the fair housing practice community in a day-long conference of peer-learning and knowledge-sharing. (Supported by a competitive grant from the US Housing and Urban Development Fair Housing Initiatives Program, 2013)

SALT Planning Committee, Society of American Law Teachers (SALT) Conference *Teaching Social Justice, Expanding Access to Justice: The Role of Legal Education & The Legal Profession*, Baltimore MD (October 5-6, 2012).

Panelist Presenter, “Advancing Shared Social Justice Goals Through Community-Based Teaching, Learning and Service Programs,” SALT Teaching Conference, Baltimore, MD (October 6, 2012).

### Brenda Bratton Blom

Book chapter, “Mentoring and Professional Responsibility,” (with Dorcas Gilmore) in *Law and Leadership: Integrating Leadership into the Law School Curriculum* (Paula Monopoli and Susan McCarty, eds.) (Ashgate Press, 2013).

Book chapter, “Charting a New Course: New Methods for Teaching Professional Responsibility to Law Students in a Post-Carnegie World,” (with Lydia Nussbaum and Bonnie Allen) in *Law and Leadership: Integrating Leadership into the Law School Curriculum* (Paula Monopoli and Susan McCarty, eds.) (Ashgate Press, 2013).

Book chapter, “The Role of Nonprofits and Religious Organizations in Emergency Response,” in *Building Community Resilience Post-Disaster: A Guide for Affordable Housing and Community Economic Development Practitioners*. (Gilmore and Standaert, eds.) (American Bar Association, 2013).

Working paper, “Studying Law in Snapshots,” (with Leigh Maddox), University of Maryland Carey School of Law Digital Commons, [http://digitalcommons.law.umaryland.edu/fac\\_pubs/1371/](http://digitalcommons.law.umaryland.edu/fac_pubs/1371/) (October 2013).

### Patricia Campbell

“Coping With the America Invents Act: Patent Challenges for Startup Companies,” OHIO STATE ENTREPRENEURIAL BUSINESS LAW JOURNAL (forthcoming Fall 2013).

Presentation, “You Have Developed a Patentable Product on an ATE Grant. Now What?,” ATE National Principal Investigators Conference, American Association of Community Colleges and National Science Foundation, Washington, DC (October 24, 2013).

“Intellectual Property Strategies for Entrepreneurs and Startup Companies,” Presentation to Visiting Entrepreneurs from Russia, Maryland International Incubator, College Park, MD (October 22, 2013).

“Intellectual Property: An Overview,” Lunch With The Lawyer Series, Graduate Legal Aid Office, University of Maryland, College Park, MD (October 15, 2013).

“A Researcher’s Guide to Intellectual Property,” Responsible Conduct of Research Workshop, Howard University, Washington, DC (October 9, 2013).

“Legal Needs of High Tech Startups,” Symposium on Incubators: Function and Future, Ohio State University Michael E. Moritz College of Law, Columbus, Ohio (March 29, 2013).

Presentation, “Intellectual Property Strategies for Entrepreneurs and Startup Companies,” Open World Leadership Center Program on Innovation in Higher Education for Russian Professors, World Trade Center Institute, Baltimore, Maryland (October 22, 2012).

## **Douglas Colbert**

Panelist, “Gideon’s 50th Anniversary and Guaranteeing Counsel at First Appearance,” Iowa Law School Symposium (October 2013).

Speaker, “The Critical Stage of First Appearance Representation,” National Legal Aid & Defender Association (NLADA) Baltimore, MD (September 2013).

Panelist, “Access to Justice, Law Reform and Criminal Defense Clinics,” Southern Clinical Conference, Arkansas Law School (August 2013).

Panelist, “Incorporating Law Reform in Students Criminal Law Clinical Experience,” AALS Clinic Conference, San Juan, PR (May 2013).

Keynote, “Students as Public Citizens: Guaranteeing Immediate Access to Justice,” Robert Cover Public Interest Retreat, Peterboro, NH (March 6, 2013).

Panelist, “Clinic Students Access to Justice for Indigent Defendants,” Midwest Conference, February 7, 2013.

Panelist, “Indigent Defendants and Counsel at First Appearance,” ABA Bi-Annual SCLAID Conference, Houston, TX (February 6, 2013).

Panelist, “Institutional Change and Character Education,” Robert Cover Access to Justice Workshop, AALS Annual Meeting, New Orleans, LA (January 4, 2013)

“Justice Under Construction: Building Blocks for the Effective Assistance of Counsel (Defender Caucus),” Plenary Panelist, National Legal Aid & Defenders Association, (December 6, 2012)

Introductory Plenary, “Teaching Access to Justice”; Panelist, “Curriculum Reform: Integrating the Ethical Lawyer as Public Citizen;” Moderator, “A Conversation with States’ Chief Judges: Extending the Profession’s Pro Bono Service,” SALT Access to Justice and Social Teaching Conference, University of Maryland Francis King Carey School of Law, Baltimore, MD (October 5-6, 2012).

## **Jerome Deise**

“More Than a ‘Quick Glimpse of the Life’?: the Relationship Between Victim Impact Evidence and Death Sentencing,” 40 HASTINGS CONSTITUTIONAL LAW QUARTERLY (forthcoming 2013) (with Raymond Paternoster).

## **Deborah Eisenberg**

“Alternative Dispute Resolution and Public Confidence in the Judiciary: Chief Judge Bell’s ‘Culture of Conflict Resolution’,” 72 MARYLAND LAW REVIEW 1112 (2013) (with Rachel Wohl and Toby Treem Guerin)

“Regulation by Amicus: The Department of Labor’s Policy Making in the Courts,” 65 FLORIDA LAW REVIEW 1223 (2013)

“Stopped at the Starting Gate: the Overuse of Summary Judgment in Equal Pay Cases,” 57 NEW YORK LAW SCHOOL LAW REVIEW 815 (2013).



“*Wal-Mart Stores v. Dukes*: Lessons for the Legal Quest for Equal Pay,” 46 *NEW ENGLAND LAW REVIEW* 229 (2012)

Book chapters, “*Wal-Mart Stores v. Dukes*: Lessons for the Legal Quest for Equal Pay,” and “Money, Sex, and Sunshine: A Market-Based Approach to Pay Discrimination,” in *Women and the Law* (Tracy A. Thomas ed.) (West, 2012).

Panelist, “Regulation by Amicus: The Department of Labor’s Policy Making in the Courts,” New Voices in Labor and Employment Law, Southeastern Association of Law Schools Annual Conference, Palm Beach, FL (August 7, 2013)

Panelist, “The ‘S’ Word in Employment Discrimination Cases: Moving Past ‘Settlement’ to ‘Social Change’ with Restorative Practices,” Law & Society Association Annual Meeting, Boston, MA (May 30, 2013).

Moderator, “2000s: Courts and Community,” Symposium *Access to Justice: Five Decades of Change in Maryland and the Impact on America*, Baltimore, MD (April 19, 2013).

Presenter, “The Top Ten Mistakes Litigators Make in Mediation,” Federal Bar Association Program, U.S. District Court of Maryland, Baltimore, MD (April 12, 2013).

Presenter, “Regulation by Amicus: The Department of Labor’s Policymaking in the Courts,” UNLV William Boyd School of Law, Las Vegas, NV (April 8, 2013).

Trainer, “STAR Basic Mediation” and “Professional Skills Training in Dispute Resolution,” University of Maryland Francis King Carey School of Law, Baltimore, MD (March 11-13, 2013) (in partnership with Straus Institute at Pepperdine University School of Law).

Presenter, “What Lawyers Want from Mediators,” Maryland Mediators Convention, Linthicum, MD (December 7, 2012).

Presenter, “Making the Most of Your Arbitration Process,” Symposium, Business Arbitration: Redefining the Landscape of Efficient Business Practices, University of Maryland Francis King Carey School of Law, Baltimore, MD (November 2, 2012).

Presenter, “ADR 101: Knowing Your Options,” University of Maryland Francis King Carey School of Law, Baltimore, MD (October 18, 2012).

Trainer, “40-Hour Basic Mediation Training,” U.S. Surface Transportation Board, Washington, DC (September 2012) (with C-DRUM co-trainers).

## **Sara Gold**

Poster presentation, “Broadening the Scope: Adapting Litigation Clinics to the Changing Legal Market and Practice,” AALS Conference on Clinical Legal Education, San Juan, PR (April 28, 2013).

“Teaching Lawyering in Context - Teaching Interdisciplinary Practice, Advocacy, and Problem Solving to Law Students - Missed Opportunities in Interdisciplinary Practice/Education,” Poverty Law Conference, American University Washington College of Law, Washington, DC (October 25, 2013)

Steering Committee Member, Family-Informed Trauma Treatment (FITT) Center, University of Maryland Schools of Medicine and Social Work (two-year appointment beginning July 2013).

## **Leigh Goodmark**

“I can’t call the police--he is the police”: Intimate Partner Abuse by Police Officers, From the Square (NYU Press blog), (October 16, 2013).

## **Toby Guerin**

Panelist, “The Intersection of ADR and the Collaborative Process: Assisting Clients in Choosing ADR Options,” MD Partners for Justice Conference, Baltimore, MD (May 16, 2013).

Panelist, “Design Choices for Developing and Enhancing Mediation Clinics,” AALS Clinical Law Conference, San Juan, PR (April 29, 2013)

Presenter, “ADR in Maryland’s Circuit Courts” Maryland State Bar Association Section on Dispute Resolution’s Pizza and Professionalism, Baltimore, MD (February 12, 2013).

## Kathleen Hoke

“Waterpipe smoking among U.S. university students,” *NICOTINE AND TOBACCO RESEARCH*, Vol. 15, Issue 1 (with Primack, Shensa, Kim, Carroll, Hoban, Leino, Eissenberg, and Fine) (January 2013).

Presenter, “Preemption and Tobacco Control: The Latest from the Field—State Preemption,” Webinar hosted by the Public Health Law Center (August 13, 2013).

Presenter, “Denialism and Public Health,” ASLME Health Law Teachers Conference, Seton Hall University School of Law, Newark, NJ (June 8, 2013).

Moderator, “Injury Prevention Policy for Children,” National Meeting of the Safe States Alliance and SAVIR, Baltimore, MD (June 6, 2013).

May 22, 2013: Panelist, “Point-of-Sale Legal Landscape,” Tobacco Point of Sale Workshop, UNC Gillings School of Global Public Health, Chapel Hill, NC (May 22, 2013).

Testimony, In Support of House Bill 735/Senate Bill 698 (Maryland Earned Sick and Safe Leave Act) Before the House Economic Matters Committee and the Senate Finance Committee of the Maryland General Assembly, Annapolis, MD (February 27, 2013).

“Multidisciplinary Approach to Tobacco Policy without Seeking Legislative Change,” Maryland Cancer Collaborative Annual Meeting, Baltimore, MD (January 14, 2013)

Testimony, In Support of Senate Bill 69 (Increasing Penalties for Cigarette Smuggling) Before the Senate Budget and Taxation Committee of the Maryland General Assembly Annapolis, MD (January 30, 2013)

“Powers of County Legislatures and Board of Health in Charter Counties,” Community Transformation Grant Regional Meeting, Aberdeen, MD (January 10, 2013)

Oral and written testimony, Public Hearing on the Regulation of Smoking Cessation/Nicotine Replacement Therapy Products, submitted on behalf of the Tobacco Control Legal Consortium, Food and Drug Administration, Silver Spring, MD (December 17, 2012)

## Peter Holland

Received Arthur W. Machen, Jr. Award, Maryland Legal Services Corporation (December 3, 2012).

Presenter, “Access to Justice and the Myth of the Adversary System: Implications of Debt Buyer Litigation for the Bench, the Bar, and the Academy,” SUNY Buffalo Law School, Buffalo, NY (September 25, 2013).

Panelist, “Debt Collection Litigation,” at Life of a Debt: Data Integrity in Debt Collection, Federal Trade Commission and Consumer Financial Protection Bureau, Washington, DC (June 6, 2013).

Presenter, “Defending Consumers in State Court” and “Claims From Forward Flow Agreements,” Fair Debt Collection Practices Training Conference (Sponsored by NCLC and NACA), Baltimore, (MD March 7-9, 2013).

Presenter, “Attack of the Zombie Debt Collectors,” National Aging and Law Conference, Washington, DC (November 10, 2012)

Presenter, “What You Need to Know Before You Settle: Taxes, Confidentiality, and Not Selling Your Client Short,” National Consumer Rights Litigation Conference, Seattle, WA (October 26, 2012).

Presenter, “ABCs of Defending Debt Collection Suits Against Consumers,” National Consumer Rights Litigation Conference, Seattle, WA (October 25, 2012).

Presenter, “Teaching Attorneys Fee Shifting Statutes,” Society of American Law Teachers Conference, Baltimore, MD, (October 6, 2012).

Presenter, “Defending Debt Buyer Cases,” Federal Trade Commission, Washington, DC (October 4, 2012).

## Renée Hutchins

*Learning Criminal Procedure* (West, forthcoming 2014).

“Stop *Terry*: Reasonable Suspicion, Race and a Proposal to Limit *Terry* Stops,” *NYU JOURNAL OF LEGISLATION AND PUBLIC POLICY* (forthcoming 2014).

“When Enough Is Enough: Location Tracking, Machine Learning and the Mosaic Theory,” (with Steve Bellovin, Tony

Jebara and Sebastian Zimmeck) 8 NYU JOURNAL OF LAW & LIBERTY (forthcoming 2014).

“You Can’t Handle the Truth! Trial Juries and Credibility,” 44 SETON HALL LAW REVIEW (forthcoming 2014).

Presentation, “The Impact of and Responses to Ineffective Lawyering,” Gideon’s Promise and Peril: Meeting the Mandate for Indigent Defense, Harvard Law School (October 11, 2013).

Presenter, “Life After Death Row: A Conversation with Exoneree Gary Drinkard,” Gideon’s Promise and Peril: Meeting the Mandate for Indigent Defense, Harvard Law School (October 11, 2013).

Discussion Group, “Fifty Years After *Brady v. Maryland*: Where Are We Now?” Southeastern Association of Law Schools, Palm Beach, FL (August 6, 2013).

“When Enough is Enough: Location Tracking, Machine Learning and the Mosaic Theory,” (with Steve Bellovin, Tony Jebara and Sebastian Zimmeck), Privacy Law Scholars Conference, Berkeley, CA (June 6, 2013).

“Stop *Terry*: Race, Reasonable Suspicion, and a Proposal to Limit *Terry* Stops,” Mid-Atlantic Criminal Law Research Collective, hosted by the University of Maryland Carey School of Law, Washington, DC (May 23, 2013).

“Innovations in Clinical Education at UM Carey: Reconciling Resources, Student Demand, and Educational Priorities,” Curriculum Committee Program, University of Maryland Carey School of Law (April 24, 2013).

“Chief Judge Bell and the Right to Counsel in Maryland,” Access to Justice: Five Decades of Change in Maryland and the Impact on America -- A Symposium in Honor of Chief Judge Robert Bell, Baltimore, MD (April 19, 2013).

“Politics and Social Justice: A Private Conversation with Soledad O’Brien,” Open Society Institute, Baltimore, MD (January 25, 2013).

“Prosecutorial Overreaching and the Aaron Shwartz Case,” Voice of America News (January 16, 2013).

“You Can’t Handle the Truth! Trial Juries and Credibility,” Criminal Law Research Collective, held at Georgetown University School of Law, Washington, DC (December 20, 2012).

“Clinics and Teaching Methodologies: Teaching Critical Lawyering Skills Through Layered Legal Education,” Panel Discussion, Access to Justice and Clinical Legal Education Conference (honoring David McQuoid Mason), University of KwaZulu Natal Howard College School of Law, Durban, South Africa (December 10, 2012).

## Susan Leviton

“Acknowledging Uncommon Relationships: Changing How We Teach Students to be Leaders,” (with Kerry Cooperman and Jeremy Grant-Skinner) in *Law and Leadership: Integrating Leadership Studies into the Law School Curriculum*, (Paula Monopoli and Susan McCarty eds.) (Ashgate Press 2013).

“All Hands on Deck: Building Trust to Cultivate Young Leaders,” Conference on Access to Justice and Clinical Legal Education, University of Kwazulu, Natal School of Law, South Africa (December 12, 2012).

## Leigh Maddox

Panelist, “Departing from the Criminal Paradigm: Is it Possible?” International Drug Policy Alliance Reform Conference, Denver, CO (October 26, 2013).

Interview, Real News Network, “If the War of Drugs has Failed, is legalization the Answer?” Filmed Interview (October 19, 2013).

“O’Malley is wrong: More arrests mean more crime: Contrary to the governor’s assertion, stricter enforcement of drug laws won’t reduce violence in Baltimore.” Op Ed. *The Baltimore Sun* (October 7, 2013).

Presenter, “Pending Maryland Drug Policy Reforms: Engaging on all Levels,” Maryland Office of the Public Defender, Baltimore, MD (September 27, 2013).

Panelist, “Knocking Down the Walls: How to Effectively Address the Addiction Needs of our Clients” National Alliance of Sentencing Advocated & Mitigation Specialists. 20th Anniversary Conference, Baltimore, MD (March 22, 2013).

Legislative Testimony in Support of Maryland House Bill 1453, “Criminal Law - Marijuana - Regulations, Penalties and Taxation. House Judiciary Committee, Annapolis, MD (March 19, 2013).

“JustAdvice Clinic,” Television Interview, WBOC Salisbury, MD (March 2, 2013).

Presenter, “JustAdvice Clinic Translates across University Lines: Advocating for Regional Law Schools to Adopt the JustAdvice Formula,” University of Baltimore Clinical Faculty, (February 12, 2013).

Presenter “JustAdvice and the Interdisciplinary Model: Challenges and Successes,” American Bar Association, Standing Committee on the Delivery of Legal Services, Dallas, TX (February 9, 2013).

American Bar Association, Standing Committee on the Delivery of Legal Services, Meritorious Recognition of the JustAdvice Program. ABA Mid-Year Meeting, Dallas, TX (February 8, 2013).

Presentation, “Legalize and Regulate: Reduce Drug Cartel Violence and Enhance our Tax Base,” Rotary Club, Pikesville, MD (January, 17, 2013).

Interview, WBFF FOX 45, “Understanding the Conflict of Laws Between the Federal Government and the States Regarding the Legalization of Recreational Marijuana,” Filmed Interview (November 15, 2012).

### **Michael Pinard**

“Criminal Records, Race and Redemption,” NYU JOURNAL OF LEGISLATION AND PUBLIC POLICY (forthcoming 2013)

Elected to American Law Institute (2013)

Co-organizer and moderator, “How Poverty Creates Barriers to Justice that Influence the Outcomes in Criminal, Family, Domestic Violence and Other Cases,” Impact of Poverty on Judicial Decisionmaking, Maryland Judicial Institute, Baltimore, MD (October 16, 2013).

Co-organizer and panelist, “Still Dreaming: Progress and Struggles Fifty Years after the March on Washington,” Southeastern Association of Law Schools, 2013 Annual Conference, West Palm Beach, FL (August 5, 2013).

Co-presenter, “Addressing Issues of Race in Clinical Teaching,” Clinical Legal Education Association, New Clinicians’ Conference, San Juan, PR (April 28, 2013).

Moderator, “The Right to Counsel and Plea Bargaining,” The Maryland Journal of Race, Gender, Religion and Class Spring Symposium, University of Maryland Francis King Carey School of Law, Baltimore, MD (March 22, 2013).

Panel Chair, “Roundtable: Family, Privacy, Secrets and the Law,” University of Maryland Francis King Carey School of Law, Baltimore, MD (March 8, 2013).

Presentation, “Reentry and Redemption,” Minnesota Justice Forum: Collateral Consequences of Criminal Records, co-sponsored by the Council on Criminal and Justice, and the Robina Institute of Criminal Law and Criminal Justice, University of Minnesota School of Law (October 19, 2012)

Panelist, “Teaching Criminal Justice and Mass Incarceration,” 2012 SALT Teaching Conference, University of Maryland Francis King Carey School of Law, Baltimore, MD (October 6, 2012).

### **Michelle Salomon**

Presenter, “Case 7: HIV/AIDS: Do Complex Diseases Require a Holistic Approach?”, Interprofessional Education Day (April 10, 2013).

### **Maureen Sweeney**

“Immigration Law in Maryland Courts,” program coordinator and panelist for Continuing Legal Education program for Maryland District and Circuit Court judges, Judicial Institute of Maryland, Annapolis, MD (October 17, 2013).

“Immigration Law and Psychiatric Care or Testimony,” University of Maryland Forensic Psychiatry Fellows Program, Baltimore, MD (February 8 and August 16, 2013).

“Maryland Judges in the Criminal / Immigration Context,” 2013 Maryland Judicial Conference, Cambridge, MD (May 10, 2013).

“Representing a Noncitizen Criminal Defendant,” Baltimore County Bar Association, Towson, MD (May 31, 2013).

“Question 4 – Maryland Dream Act,” Be Informed Series, Office of Student Development and Leadership, University of Maryland Baltimore, Baltimore, MD (November 5, 2012)

## Ellen Weber

“Equality Standards for Health Insurance Coverage: Will The Mental Health Parity and Addiction Equity Act End the Discrimination,” 43 *GOLDEN GATE UNIVERSITY LAW REVIEW* 179 (2013).

“Failure of Physicians to Prescribe Pharmacotherapies for Addiction” excerpt reprinted in Alex Kreit’s *Controlled Substances: Crime, Regulation, and Policy* (Carolina Academic Press 2012)

“Incorporating Naloxone into Overdose Prevention Strategies: Legal and Regulatory Issues,” Maryland Opioid Overdose Prevention Planning Conference, Catonsville, MD (March 27, 2013)

“Coverage of Mental Health and Substance Use Disorder Services: Essential Health Benefits Implementation,” State of the States: Health Care Reform Roundtable, University of Maryland Carey Law School, Baltimore, MD (March 1, 2013)

Testimony, “Mental Health Parity and Addiction Equity Act,” House Health and Government Operations Committee and Senate Finance Committee, Annapolis, Maryland (February 27-28, 2013).

“Maryland Can Prevent Overdose Deaths,” *Baltimore Sun* (with Andrea Gielen and G. Caleb Alexander) (February 25, 2013).

Panelist, “‘The Times They Are a’Changin’: Levering Library Services and Resources to Respond to Evolving Faculty Scholarly and Curricular Needs,” AALS Annual Meeting, New Orleans, LA (January 5, 2013).

“Maryland Health Connection: The Path to Expanding Access to Health Care,” Loyola University Chicago School of Law, Beazley Institute, Sixth Annual Symposium on Access to Health Care, Chicago, IL. (Nov. 9, 2012).

“Teaching Social Justice Through Policy Advocacy: Guidelines for Working with Federal and State Advocacy Organizations,” 2012 SALT Teaching Conference, Baltimore, MD (Oct. 5, 2012).

“ACA 101: What the Law Does and the Supreme Court Said,” State Legislative Leaders Foundation and Johns Hopkins Medicine, 2012 Health Care Summit: The Affordable Care Act: Fact, Fiction and Implementation, Baltimore, MD (September 14, 2012).

## Deborah J. Weimer

Workshop panelist, “Teaching Interdisciplinary Practice, Advocacy and Problem Solving to Law Students - Missed Opportunities in Interdisciplinary Practice/Education,” (with Sara Gold), Poverty Law: Cases, Teaching and Scholarship Conference, American University Washington College of Law, Washington DC (October 25, 2013).

“Justice Eludes Tenants: In Baltimore the System is Stacked Against the Poor and in Favor of the Landlords,” *Baltimore Sun* Op Ed (June 12, 2013).



UNIVERSITY of MARYLAND  
FRANCIS KING CAREY  
SCHOOL OF LAW  
The Center for Dispute Resolution

and

PEPPERDINE UNIVERSITY  
School of Law

Straus Institute for Dispute Resolution

*Present*

A photograph of the Baltimore skyline across the harbor. A large white sailing ship with two masts and an American flag is in the foreground. The city buildings are in the background under a blue sky with white clouds.

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BALTIMORE, MARYLAND

March 20-22, 2014

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- **Tools of Mindful Awareness** *Rachel Wohl & Scott Rogers*
- **Family Law Mediation: When Time is Not on Your Side** *Irwin Joseph & Donald Saposnek*
- **Beyond the Basics: What to Know and Do to Be a More Effective Mediator**  
*Toby Guerin & Marvin Johnson*
- **Conflict Resolution Consulting** *Ken Cloke & Joan Goldsmith*
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- Using Practical Tools of Mindful Awareness to Improve the Work and Lives of Lawyers, Mediators, Negotiators, Judges, Arbitrators, and Managers
- Strategic Negotiation Skills
- Family Law Mediation: When Time is Not on Your Side
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Check here for vegetarian lunches.  
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## FEES

The fee, including meals and materials, is \$1,295. *Registration received by Friday, February 14, 2014, will be given a \$100 discount. Early registration discount does NOT include governmental or nonprofit organizations.* A reduced rate of \$895 is available for employees of governmental, nonprofit organizations, and members of the Maryland Program for Mediator Excellence (MPME). Should a paid participant be unable to attend, tuition, less a nonrefundable fee of \$200, will be refunded or a substitute may attend the program. PAYMENT IS EXPECTED AT THE TIME OF REGISTRATION EITHER BY CHECK OR CREDIT CARD (Visa or MasterCard preferred). *PLEASE NOTE: There is a \$50 administrative fee for transferring to another program. When canceling, we require 48 hours of notice prior to the program start date or there will be an additional \$50 food service fee deducted.*

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