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# 2016 State of the Law School

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As presented September 29, 2016 by Dean Donald B. Tobin.

# DEAN DONALD B. TOBIN

Thank you, Joanne, for your kind words and amazing service as chair of our Board of Visitors. We would not be the law school we are today without you.

We are in this beautiful Ceremonial Court Room and building because of your leadership more than a decade ago as we built a much-needed new home for the school.

Fortunately for us, you have continued to be an active member of the Board ever since. We are very grateful to have such a generous and loyal friend.

I'd also like to thank our many friends throughout the university who are here today, especially President Jay Perman, a staunch supporter of our school.

Just yesterday, he told me a wonderful story about how, during his recent trip to Israel with the Governor, one of the other university presidents started to criticize law schools.

I jumped in: "And you defended us?"

"Defended you? No," he replied. "I bragged about you!"

Now, that is support!

I'd also like to thank the UMB leadership team for joining us today, including Bruce Jarrell, Roger Ward, Jennifer Litchman, Peter Murray, Tom Sullivan and Kevin Kelly as well as my fellow deans—Richard Barth, Jane Kirschling and Albert Reece. We have a great team here at UMB and I appreciate your support.

It is wonderful to look around this Court Room and see so many supporters. Thank you all for joining us.

Now, I would like to give you some well-deserved recognition.

Would the members of the law school's Board of Visitors please stand?

Will the members of our Alumni Board also stand?

And, will the members of the UMB Foundation board and the boards of other UMB schools also stand?

Thank you for everything you do on behalf of the law school and university—we deeply appreciate your support.

And, of course, I want to thank all the law school faculty, students, staff and alumni who are with us. This presentation is about you and the wonderful work you do.

I'd like to begin this afternoon by sharing with you some thoughts from our alumna, Alicia Wilson.

#### VIDEO: RESPONSIBILITIES OF OUR PROFESSION

## Making a Difference

As Alicia highlights, lawyers are committed to using law as a tool to make a difference in the world.

Our goal at Maryland Carey Law is to educate the next generation of great lawyers and leaders who can think critically and deeply about the law and its impact on us all.

Maryland Carey Law is one of the oldest law schools in the



country. We are also pioneers. More than 40 years ago--long before most law schools—we began integrating legal theory and practice, when we opened our first clinic for clients who could not afford a lawyer.

We expanded our clinical work with the Cardin Requirement, named for our alumnus and US Senator, Ben Cardin. In the late 1980s, he chaired an important state commission charged with increasing access to justice for low-income people across Maryland.

We established the Cardin Requirement in 1988, shortly after the commission issued its report. It requires everyone who begins law school as a full-time student to take a clinic or course that provides legal assistance to those who are poor, socially disadvantaged or otherwise lack access to justice in the legal system or to organizations acting on behalf of such persons.

As a result of the Cardin Requirement—and our early commitment to integrating legal theory and practice--we now run 16 clinics that have delivered 150,000 hours of free legal services during the last two academic years to the people of Maryland.

We are extremely proud of the service our Clinical Law Program provides. And, it remains one of the finest examples of how this law school forges new paths.

But there are many, many more examples, from every part of the law school community. As you will see today, we have a vibrant, creative and cutting edge legal community.

For example, we have a roster of outstanding specialty programs and centers, including the leading Health Law program in the country.

The work of the faculty, students and staff in that program spans a broad spectrum of legal issues, ranging from medical ethics and mental health parity to drug use disorders, regulatory regimes for probiotics and global health initiatives.

Our Environmental Law Program continues to be a national and international leader.

Due to the generosity of our late alumnus Joel Fedder, 19 students in the program have been able to present papers at a prestigious international conference that is held every year.

We also have leading thinkers in traditional subjects such as Constitutional Law, Torts and Property.

And, we are breaking new ground in cybersecurity, cyber civil rights, privacy and big data.

We are very proud of our history and what we have accomplished.

## orging New Paths

We are also excited and just as proud of the new paths we continue to forge. Here are some of them.

Over the last two years, we embraced our own entrepreneurial spirit and expanded opportunities for our students interested in business law.

With the help of Assistant Dean Dana Morris, we started





#### Postgraduate Business Fellowships

Brown Advisorv

Brett D. Rogers '02, General Counsel Evergreen Health Cooperative Elliott Hooper '13, Counsel Greenberg Gibbons Commercial Brian J. Gibbons '87, Chairman of the Board & CEO The Cordish Companies David S. Cordish '63, Chairman & CEO University of Maryland Medical System Megan M. Arthur '86, Senior Vice President & General Counsel

#### Summer Business Fellowships

#### LifeBridge Health, Inc.

Joel Suldan, Vice President and General Counsel; Sponsored by The Honorable Robert McGowan '84 and his wife Lydia McGowan T. Rowe Price Darrell Braman '88, Managing Counsel and Vice President; Sponsored by William J. Pittler '59 FutureCare Health and Management Corporation Gary L. Attman '79, President & CEO; Sponsored by

Edward Manno Shumsky '73 and his wife Susan Kronick Vasoptic Medical Inc. M. Jason Brooke '10, Co-Founder, CEO & General Counsel

two new business fellowship programs—one is a summer program for students partially funded by gifts from several alumni.

The other fellowships, which provide yearlong placements for recent graduates, are supported by businesses where several of our alumni are employed. The fellowships offer recent graduates an opportunity to work in the legal and business operations of companies across Maryland.

Our Business Law Program is helping to expand our Clinic's footprint by providing counsel to consumers in bankruptcy who otherwise would have not been able to afford legal advice.

Professor Patricia Campbell is working to expand both the geographic and substantive scope of our Intellectual Property Clinic, which currently operates in College Park.

The goal is to bring the clinic services to Baltimore and to help entrepreneurs and startups with their intellectual property and business law issues. My hope is that our students and clinic will help contribute to the economic growth of the city and the state.

Our Business Fellows are getting some great experience. In fact, the first fellow you will see now has a permanent position at The Cordish Companies.

#### VIDEO: BUSINESS FELLOWSHIP PROGRAM

The MPower collaboration with College Park encouraged us to launch several initiatives, which are now thriving.

In just a few years, the Agriculture Law Education Initiative—our collaboration with the agricultural schools in College Park and the University of Maryland Eastern Shore—has become an important and popular resource for family farmers across our state, thanks to the hard work of attorney Sarah Everhart and Professor Michael Pappas.

Maryland Carey Law is our state's flagship law school. And my goal is to make sure that it attracts Maryland's most talented college graduates.

The MLaw program for undergraduates at College Park is helping us do that.

Many of our faculty are teaching classes to undergraduates in College Park—in fact, I'm teaching there in the spring.

Undergrads are coming to the law school for panels and events.



And Mark Graber, one of our most distinguished professors, is coaching the Mock Trial Team in College Park.

Finally, the Master of Science in Law, another MPower initiative, is exceeding everyone's expectations, due to the hard work of many people, including Associate Dean Jose Bahamonde-Gonzales and Assistant Dean Crystal Edwards.

In just two years, we've enrolled 86 high caliber students, including engineers, MBA's, PhDs and an ER physician.

The MSL is for working professionals who desire legal knowledge to supplement their knowledge of their own fields.

The program is offered in College Park, and its students come from as far away as Bel Air, Maryland and Woodbridge, Virginia.

I'm confident you will be as impressed with our MSL students as we are.

#### VIDEO: BRIDGING THE LEGAL GAP

During the last year, we have strengthened our ties with law schools and alumni in China.

Thanks to the energy and skills of Assistant Dean Katrin Schroll, we have also expanded our international network by welcoming 31 lawyers from 20 countries who are with us this year to earn LL.M.s—a master's degree for lawyers who want deeper knowledge of a particular practice area or of US law more generally.

Here are just two of our alumni with ties to China.

A Chinese graduate of our LL.M. program now living in Baltimore.

And a JD alumna who grew up on the Eastern Shore and now lives in Shanghai, where she is one of only five partners on the executive committee of a Chinese law firm--the sixth largest law firm in the world.

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#### VIDEO: INTERNATIONAL OUTREACH

# Sharing Knowledge

Faculty are the foundation of Maryland Carey Law. Their teaching inspires and shapes the careers of our students. Their scholarship enriches and influences the intellectual life and practice of our profession.

We are fortunate to have 51 full-time, incredibly productive faculty members. The program you received is a digest that includes just a small sampling of their most recent publications. For those of you who are not

familiar with legal scholarship, it is important to note that law review articles can be as long and as influential as books.

I'd like to give you a glimpse of the intellectual activity that characterizes our faculty.

#### VIDEO: FACULTY SCHOLARSHIP

It is intellectually invigorating and a true pleasure to work with colleagues who are exploring everything from the Founding Fathers' disputes about the 14th Amendment to the dangers of big data and cyber harassment.

I'd like to mention two more books.

Jana Singer, who you see in this slide, recently co-authored Divorced from Reality, in which she argues that the dispute resolution techniques, used in courts across the country, are a poor fit for today's disputing families. She proposes instead a new model, relying on collaborative law principles.



Professor Leigh Goodmark co-edited a new anthology entitled Comparative Perspectives on Gender Violence: Lessons from Efforts Worldwide, which looks at families and disputes through an international lens to show us how different countries and cultures respond to gender violence.

Maryland Carey Law provides its students with a strong foundation in legal theory. But we are careful to integrate that theory with practical experience in our Clinical Law Program.

The Clinic can be a transformative experience for students.

The Clinic can be even more transformative for its clients, saving them from eviction, winning them asylum in the US or empowering them to escape violent relationships.

In the next video, you will meet several people, including Professor Renee Hutchins, the co-director of our Clinical Law Program, and Dawna Cobb, who directs the Just Advice Project.

In fact, you can find Professor Cobb, her students, and the lawyers who volunteer their time, at the UMB Community Engagement Center every Tuesday, from 12 to 3. In addition to providing low-cost legal advice, Just Advice connects people with free services available from other UMB schools to help them take care of their dental, medical or social service needs.

During the last few years, Professor Maureen Sweeney, who directs our Immigration Clinic, has worked with her counterparts in other states to build a body of case law so that courts now grant asylum to women and children fleeing domestic abuse or gang violence in their Central American homes.

And Professor Leigh Goodmark focuses her clinical work on gender violence of all kinds.

#### VIDEO: IN THE COMMUNITY, FOR THE STATE

Over the last decade, Maryland Carey Law has developed some of the most distinguished specialty programs in the country, with only Georgetown and Harvard Law having more nationally ranked programs.

We are very proud of that. Although the specific rankings for individual specialty programs vary from year to year, the fact is that all of these programs remain nationally rankedyear after year after year.

This year, we were gratified that our Alternative Dispute Resolution program was nationally ranked. We have known for some time what an amazing program we have here at Maryland, but it is nice that others are recognizing that as well.

Unlike what we see on TV, only about two percent of cases are resolved in court. The rest are handled by mediation, negotiation, and other methods of Alternative Dispute Resolution-or ADR.

Professor Deb Eisenberg and her outstanding team are using ADR to make a huge difference in the lives of children in Baltimore.

With support from UMB's Center for Community-Based Engagement and Learning and the Charles Crane Family Foundation, we have been able to partner with Callaway



Elementary School in West Baltimore, where we offer teachers and administrators new, conflict management strategies designed to reduce disruptive classroom behavior. The results are impressive. Suspensions there have plunged 76 percent since 2013.

This fall Professors Eisenberg and Pinard are teaching a new course called the school to prison pipeline, which will have our students working in Baltimore City schools. This video helps to explain why it is needed and what they hope to achieve.

#### VIDEO: SCHOOL TO PRISON PIPELINE

Although most others schools at UMB actively seek outside funding, law schools generally have a difficult time obtaining outside support. Maryland Carey Law is an exception. As this slide shows, we're ranked 8th for foundation and other external funding among 200 accredited law schools, and 4th among public law schools, with only Michigan, the University of California at Hastings, and Berkeley earning more.

The work being funded is diverse.

For example, studies underway by our Law and Health Care program and our Legal Resource Center for Public Health Policy range from how to conduct ethical medical research on pregnant women in order to stop the Zika pandemic to the development of tobacco control polices for the state.

Meanwhile, Michael Greenberger and his staff of almost 50 at the Center for Health and Homeland Security have built a portfolio of 40 grants that have them working with officials from foreign nations, the federal government, and Maryland counties and cities.

Our Environmental Law Program is part of a \$10 million effort by the USDA to increase farmers' use of sustainable water. And our environmental law clinic is continuing its work to protect the Chesapeake Bay.

Grant funding has allowed us to offer a low-income tax clinic, which Professor Beverly Winstead, its director, has kindly allowed me to help teach this semester.

Grants have also supported the work of Professor Michael Millemann, in providing a range of legal and social services to many elderly prisoners who were released due to the Unger decision by Maryland's highest court, which found that in hundreds of cases jurors had received improper jury instructions, resulting in unfair trials.

Every academic faculty thrives and grows because it is a mix of seasoned scholars and fresh intellectuals who bring new ideas and energize us all. It is my great pleasure to welcome our newest faculty members and to congratulate those who have earned promotions.



Maryland Carey Law ranks #8 in total grants and contracts, #4 among public universities.

- Harvard University (\$25.4 M)
- New York University (\$23.4 M)
- Georgetown University (\$14.4 M)
- Brooklyn Law School (\$9.8 M)
- University of Michigan (\$9.3 M)
- UC Hastings (\$9.3 M)
- UC Berkeley (\$7.7 M)

#### Maryland Carey Law (\$7.2 M)

- American University (\$6.8 M) 10. Illinois Institute of Technology (\$6 M)
- Columbia University (\$5.3 M)



# **Regulating Microbiota Transplants**



#### Leslie Meltzer Henry

Conducting Ethical Research with Pregnant Women to Stop the Zika Pandemic Wellcome Trust

#### Kathleen Hoke

Legal Advice to Public Health Departments, Robert Wood Johnson Foundation; Develop and Implement Tobacco Control Programs and Policies, Marvland Department of Health and Mental Hvaiene

Deborah Weimer HIV Legal Representation Maryland Legal Services Corp



Michael Greenberger 40 grants, including Senior Crisis Management and Legal Executive Forums, US State Department: Presidential Inauguration Support, District of Columbia Presidential Inauguration Committee

**Robert Percival** Michael Pappas Legal Barriers to Sustainable Water USDA

Jane Barrett Environmental Law Clinic Campbell Foundation



Michael Millemann Prisoner Advocacy and Re-Entry Support Open Society Institute



Training and Research in Dispute Resolution Maryland Judiciary



Low Income Taxpayer Clinic

For example, Simon Canick, our new associate dean for library and technology, has done impressive work at Columbia Law School and Mitchell Hamline Law School in St. Paul.

We are also thrilled to welcome Kevin Tu, as a new associate professor specializing in business law. His scholarship explores the legal framework needed for emerging payment systems such as PayPal, Bitcoin and mobile wallets.

Professor Russell McClain, who was recently promoted to law school associate professor, also is our first associate dean for diversity and inclusion. He will be working with the entire law school community to ensure that we promote those essential values.

Professor Patricia Campbell also was promoted and is the new director of our Intellectual Property Law Program. She and her clinic students have worked for years with MTech and the Clark School of Engineering at College Park. If all goes well, those students will bring their skills to Baltimore and its entrepreneurs.

Prospective employers tell us over and over again that young lawyers must have superb skills in writing and critical thinking. Fortunately for us, our students are in the capable hands of Professor Sherri Keene, who was also promoted and will continue to direct our Legal Writing Program.

#### Student Successes

Students are at the center of what we do. They are why we are here.

Students create a community of learning.

They run organizations.

Their service reaches deep into our city's and state's neighborhoods, businesses, government agencies and nonprofits.

They support one another as personal friends and professional colleagues.

And in the process, they learn to become the lawyers and leaders who will take us forward into the future.

Successful lawyers need many skills. And part of our job is to offer a variety of ways for students to acquire and hone them.

Moot courts and trial teams give law students opportunities to practice their advocacy skills, as do less litigationoriented competitions in negotiation, mediation, transaction and other areas.

The competitions are both regional and national.



All the teams have coaches and judges, who are often alumni, members of the bench-or both.

Winning is important, but the professional lessons learned are even more valuable.

Listen to what a faculty member and a student have to say about advocacy competitions.

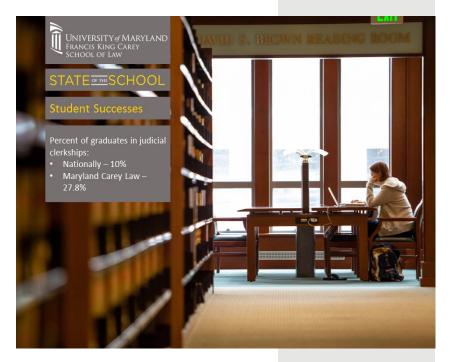
#### VIDEO: ORAL ADVOCACY

Law school teaches you to think like a lawyer. But a clerkship teaches you what happens in the courtroom. It is old-fashion mentorship at its best. As a clerk, you have the opportunity to work inside a judge's chambers...to learn how a judge thinks. This is incredibly valuable for anyone who wants to practice law.

During the last five years, clerkships have become so popular--and so competitive—that many judges choose their clerks two years in advance and some young lawyers hold two or even three clerkships before accepting a permanent position.

Maryland Carey Law is fortunate. We have received outstanding support from the bench here in Maryland.

We are doing a terrific job of making sure our recent grads have this remarkable experience. Last year, only 10 percent of new grads nationwide went to work as law clerks for a judge, while almost 30 percent of our students did—a 13 percent increase for us since 2012.



Clerkships are valuable for both clerks and prospective employers, as two of our alumnae discovered.

One of them insists on hiring only former clerks for the nonprofit organization she founded and runs.

The other spent the last year clerking for a judge at the U.S. District Court here in Baltimore and has just started a second, highly sought after clerkship with an alumnus, Judge Andre Davis of the U.S. Court of Appeals for the Fourth Circuit.

#### VIDEO: JUDICIAL CLERKSHIPS

### Staff Successes

We cannot succeed as a law school without tremendous staff. They work every day to make our school great.

I'd like to congratulate everyone on both of the next two slides. We are especially proud of the fact that UMB honored two of our staff members with awards.

Steven Boggs, our registrar, was awarded Employee of the Year for making sure our students were able to take their final exams online during the unrest, when the city-wide curfew forced the law school to close.



Janet Nance-Richardson, coordinator of our Clinic, won

the UMB Community Service Award for founding and leading Baltimore Metro-Greeks Unite, a four yearold organization of more than 1000 members that has raised thousands of dollars to support minority-owned small businesses and other organizations. The individuals on this slide have made important contributions to organizations. Associate Dean Susan Krinsky chairs the board of the Law School Admission Council, which administers the LSAT test to all prospective law students.

The members and co-chairs of our Staff Collaboration Committee have provided a wide range of webinars, workshops and other professional development opportunities for our staff.

Thank you, everyone, for your terrific work.

## Engaging Our Community

During the last few years, Baltimore has been at the forefront of a national conversation about some of our country's most difficult problems—problems which must be addressed directly.

The law school has tried hard to encourage those important conversations.

After the death of Michael Brown in Ferguson, Missouri, we co-hosted forums for our students and faculty with the School of Social Work.

During the unrest in Baltimore, I held informal conversations open to all students.

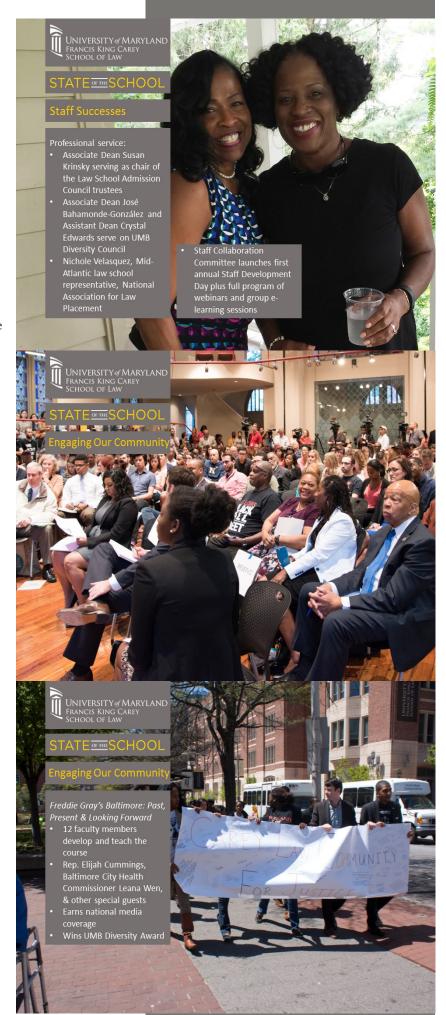
Our students organized a panel discussion that included faculty and a member of the Baltimore Police Department.

Verna Myers, a well-known diversity advocate, led the entire law school community in an excellent workshop on implicit bias.

Professor Renee Hutchins, co-director of our Clinical Law Program, launched a mentoring program with Community Law in Action, a local nonprofit, that brought 15 high school students to the law school for a full day every month to engage with faculty and student. The group also took legal field trips, including a visit to the Baltimore City Circuit Court, where they watched part of the trial of an officer charged in Freddie Gray's death.

Just a few weeks ago, we co-hosted a remarkable town hall with the NAACP Legal Defense Fund and Congressman Elijah Cummings. It gave almost 300 Baltimore residents a chance to share their experiences of local policing with the Department of Justice, which is negotiating a consent decree with the city to improve police practices.

But perhaps the work that drew the most attention was Freddie Gray's Baltimore, a new course we offered that looked at policing practices, housing, health care, education, employment and other factors that led to the unrest in Baltimore and Freddie Gray's tragic death.



Last spring, my colleagues and I were impressed by a student-wide effort to create a conversation about Islamophobia and its threat to the constitutional rights of Muslims and other Americans.

The Freddie Gray course—which was developed by a group of faculty and spearheaded by Professor Michael Greenberger—engaged our community in honest, probing conversations about the causes of the Baltimore unrest and criminal justice reform. The Islamophobia discussion opened a dialogue among our students, faculty and staff about the challenges facing many of our Muslim neighbors.

#### VIDEO: ENGAGING CONVERSATIONS

#### Our Network of Success

Alumni play a crucial role in every academic institution. Ours do too. But as leaders, they are also crucial to the success of our city, state and business community.

Maryland Carey Law has educated elected officials at all levels of city, state and the federal government.

This is also true for the judiciary at the municipal, county, state and federal levels.

We are particularly proud of the fact that four of the seven judges—including the chief judge—of the Maryland Court of Appeals, our state's highest court, are alumni.

And our alumnus Andre Davis is a senior judge on the U.S. Court of Appeals for the Fourth Circuit. For those of you who are not lawyers, cases from the Fourth Circuit and other federal appeals courts are appealed to the Supreme Court.

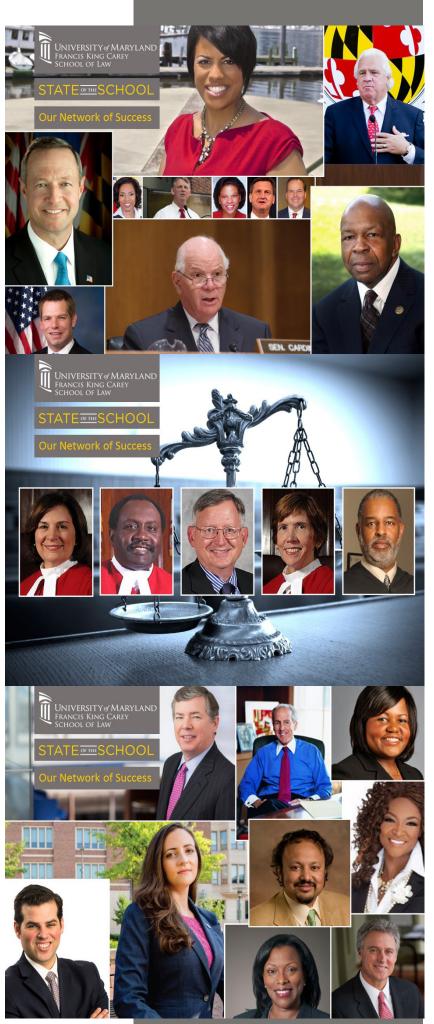
And our alumni are the managing partners, CEO's and executive directors of law firms, companies and nonprofit or public interest organizations.

This year, Maryland Carey Law lost Hamish Osborne, one of our greatest friends. He was a person who was full of life, energy, passion and love. In addition to chairing both the Law School Fund Board and the Maryland Law School Club, he served on the Board of Visitors and the Alumni Board.

Hamish loved the law school, and was also a strong supporter of the School of Medicine. After a double lung transplant here at Maryland, in 2013, Hamish and his wife, Christie, endowed a professorship at the Medical School to support research into pulmonary fibrosis, which claims 40,000 lives every year.

We will miss him and the vitality that he brought to everything he did.

Alumni are essential for every school's growth and success. Fortunately, Maryland Carey Law has received some outstanding support this year from our alumni and friends.



Scholarships remain our most pressing philanthropic need and this year we were fortunate enough to announce two, full-tuition scholarships for outstanding students, thanks to the generosity of the Osborne and Hopkins families.

The Middendorf Foundation allowed us to match a grant from the France-Merrick Foundation that will help us upgrade the law school's technology, essential to the work of our students and faculty.

Meanwhile, the new Jablow Mediation Fellowship will support our students working in community mediation centers across the state, strengthening our work in alternative dispute resolution.

For the last several years, more than 30 percent of our entering class have been people of color. We believe strongly that a diverse student body is important to ensure that our students learn from each other, learn different points of view, and are prepared to practice law in a changing and diverse society.

We are reaching out to law firms across the city for scholarship support to help us recruit even more such young people, who will be outstanding students for us—and outstanding young associates for them in the future.

The events in Ferguson, New York, Chicago, Tulsa, Charlotte and, of course, Baltimore have brought us to a critical juncture; to an emerging consensus that we cannot continue on the same course; we must change. We must listen to each other, and we must work affirmatively to try to understand each other.

I see change at our law school. We have started and will continue to speak more frankly with one another. To talk about difficult issues. To scrutinize more closely our assumptions and expectations of our institutions, of other people, of ourselves.

Maryland Carey Law was already deeply engaged in the community before the unrest; that engagement is even deeper and more varied today.

I am proud of my colleagues and our students for all of their hard work, and I am optimistic about the future. Lawyers are leaders; we bring analytical and persuasive skills that can make a huge difference in the life of a neighborhood, city, state or nation.

Listen to a few of our alumni and faculty. They grasp the problems we face, but they also understand the talent, energy, skills and commitment that can take us forward.

#### VIDEO: MARYLAND CAREY LAW GRADUATES CAREY FORWARD



# **Special Thanks**

No law school runs itself. And I am fortunate to have a wonderful team to help me lead this one.

I am deeply grateful for the work of my associate deans, who help to keep us all on course: Jose Bahamonde Gonzalez Simon Canick Barbara Gontrum Susan Krinsky Russell McLain, and Max Stearns, and Renee Hutchins and Michael Pinard, our clinic co-directors

We all benefit every day from the terrific work of our assistant deans: Crystal Edwards Heather Foss Michele Hayes Dana Morris, and Katrin Schroll

And, finally, I want to thank the four people who produced this presentation: John Brosnan Luke Gibson Danielle Lueking, and Jane Wilson

Thank you all so much for being here today. We hope you'll join us now for a reception in the Krongard Board Room, just across the Atrium and down the hall.

