TO: The Honorable Members of the Maryland House and Senate  
DATE: March 31, 2010

As law professors and deans of law schools, we write to express our concern about the attack on the rights of citizens represented by the University of Maryland’s Law School Clinical Program and the academic freedom and professional responsibilities of the law faculty providing needed legal services now under consideration in the Maryland General Assembly. The proposed amendment would withhold funds from the University of Maryland’s Environmental Law Clinic, pending the legislature’s review of the Clinic’s case selection over the past two years, which involves delving into client matters that are protected by ethical duties of client confidentiality.

The amendment’s sponsors have made no secret of the fact that their political intervention was prompted by a notice of intent to sue one of the nation’s largest poultry processors for violating the Clean Water Act, filed by the Clinic on behalf of various waterkeeper organizations. Not only does this kind of heavy handed censorship reflect poorly on the members of the Maryland General Assembly advancing this piece of legislation, it will also needlessly tarnish the sterling reputation of the Maryland School of Law.

A university’s ability to attract top students and faculty rests upon the fundamental notion that it must be free to take up controversial ideas that may be at odds with established interests within the state. Rather than punishing the Maryland School of Law, state lawmakers should be praising it.

Like all environmental law clinics, the Maryland Environmental Law Clinic represents people who lack access to justice, including poor Marylanders who would otherwise have no access to courts, and middle-class citizens who could not otherwise afford to exercise their legal right to challenge polluters who may be threatening the environment or the health of their children or grandchildren. The powerful, privileged and politically connected will always be able to afford lawyers. The University of Maryland Law School serves only those who cannot take legal justice for granted.

The budget amendments under consideration would limit the ability of clinic professors to freely select cases that fit their expertise, offer the best educational potential for students, and serve clients who would not otherwise be able to claim their rights under environmental law.

The legislature’s political interference on behalf of large poultry interests is intimidation of the coarsest kind. Attacks on access to justice for the poor and on academic freedom are never the right answer.

We hope that Maryland’s lawmakers will turn away from this unwise course, and not stain the reputation of one of the best environmental law programs in the United States.

Signed: (Please note that titles and school affiliations are for information purposes only, and that the signors have added their names in their individual capacities as legal educators and do not necessarily reflect the opinions or views of any other person or institution.)
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