



Changing the Game

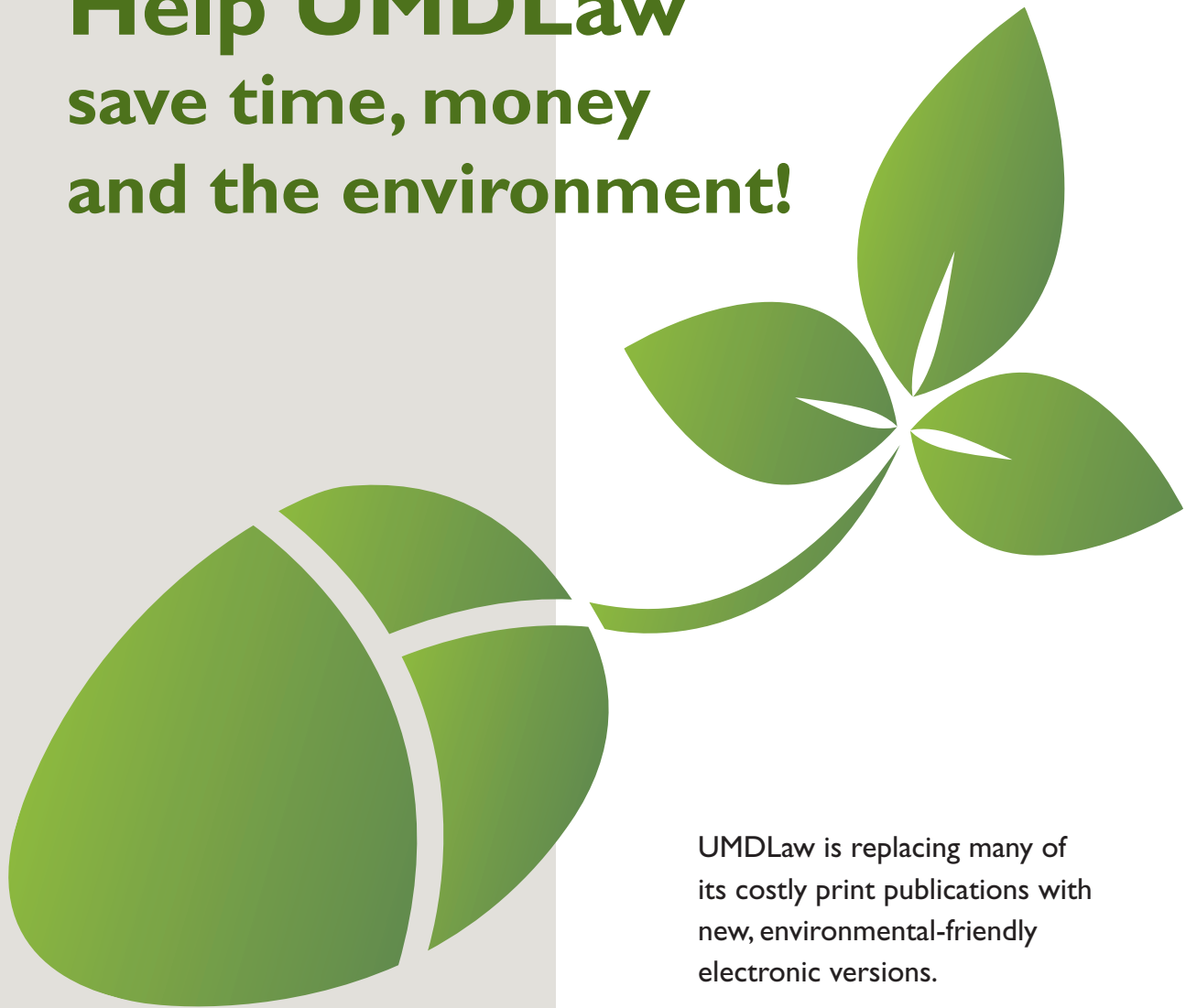
Why today's shifting landscape
requires new moves from
lawyers and the profession

**GOT TALENT?
LOOKING BEYOND GPAs
TO IDENTIFY MVPs**

**SQUEEZE PLAY:
LAW CLINICS BALANCE
COMPETING RESPONSIBILITIES**



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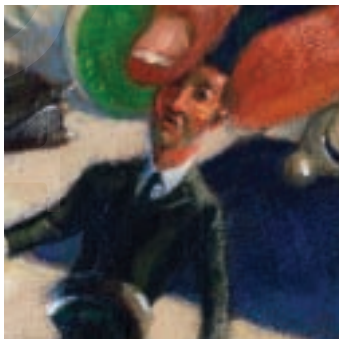


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When it comes to picking—and keeping—the best players, law firms must look beyond GPAs alone to identify their future MVPs.

BY MIKE FIELD AND JAMIE SMITH
ILLUSTRATION BY JOHN PERLOCK

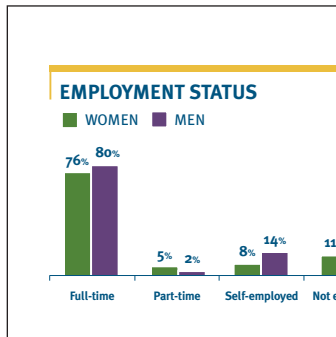


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PUBLISHER
Teresa LaMaster ('95)
*Associate Dean for
Planning and External Affairs*

EDITORIAL DIRECTOR
James R. Smith
Director of Communications

EDITOR
Sue DePasquale

ART DIRECTOR
Cortney Geare

CONTRIBUTING WRITERS
Doug Donovan
Mike Field
Toby Treem Guerin
Patrick A. McGuire
Michael Millemann
Paula A. Monopoli
Carrie Oleynik
Bryan Pugh
Jeff Raymond
Mary Beth Regan
Gynene Sullivan

**CONTRIBUTING
PHOTOGRAPHERS**
Nick Alexopolous
Robert Burke
Larry Canner
Steve Spartana
Bob Stockfield
Gynene Sullivan

PROOFREADER
Michael Marlow

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Dear Graduates and Friends,

It is no secret that the legal landscape looks dramatically different from just a few years ago. Economic forces have made clients more conservative about paying for legal services, resulting in widespread firm downsizing and a daunting job market for law school graduates. Technology has connected people like never before and offers opportunities to access legal knowledge without the assistance of lawyers. For some clients, “do-it-yourself” tools obviate the need for a lawyer. In short: The game is changing.

After a year as Dean, I am more convinced than ever that UMDLaw is a remarkable place, equipped to face the challenges and opportunities that this changing world presents, and committed to sending out new lawyers, ready to compete even as the rules of engagement change before their very eyes.

What makes us unique? Four qualities that infuse nearly every aspect of our work.

Problem-solving. We train students to solve problems, practically—by offering diverse experiential learning opportunities—and conceptually, through classroom-based theoretical constructs. This conscious linking of the theoretical and the practical is a long-established, nationally known distinction of our Law School. Our faculty pose and examine some of the most difficult

questions in the law today through cutting-edge scholarship and classroom teaching. And our requirement that students gain practical experience grounds this thinking in the real world.

Global reach. Today’s global community demands lawyers who understand the interconnections of multiple legal systems. In response, faculty incorporate comparative approaches to legal questions in their scholarship and teaching, and we are expanding international course offerings. Numerous externships and foreign study programs are available to students, and we have developed an international clinic that is unmatched by other law schools. Last semester, faculty and their students worked on three continents, expanding access to clean drinking water, advancing microcredit programs that helped citizens without access to banks borrow money for their businesses, and addressing deplorable working conditions of migrant workers.

Leadership. Our LEAD Initiative helps students develop cross-cultural competency, leadership skills, and reflective habits to strengthen professional values and develop their capacity for moral reasoning. Students interact with public and private leaders who share their experiences and explore what it means to lead in a range of professional contexts. Through hands-on work, students confront problems of marginalized citizens and noncitizens and reflect on what it means to lead without replicating the hierarchies that have disempowered many of these clients. Our students are developing the collaborative skills and strong moral core that will be essential in this changing economic environment and global reality, no matter where their career paths take them.

A public calling. We recognize the concept of law as a public calling—the notion that in addition to their responsibility to any one client, lawyers have a responsibility to foster the greater good, to ensure access to justice for all, and to strengthen the quality of justice itself. Indeed, this responsibility sometimes creates the greatest questions and conflicts lawyers experience in their careers, when their calling reaches beyond the requirements of the Rules of Professional Conduct, to the operation of their moral conscience. Teaching students to recognize these sometimes competing obligations and giving them the tools to work through conflict is a hallmark of our Law School.

This issue of *JD* outlines the changing landscape of the legal profession and the steps that UMDLaw is taking to respond. We remain committed to staying ahead of the game, especially in uncertain times. With your continued support, we can continue not only to respond in the face of change, but also to be game-changers ourselves.

Best wishes,

Phoebe A. Haddon
Dean and Professor of Law

Wit and Wisdom

from Faculty on Legal Issues of the Day

“The SEC allegations are premised on the fact that hedge funds and Goldman Sachs itself were so convinced of cataclysmic failure that they were looking for investment vehicles that would profit each time a homeowner defaulted on his or her mortgage. In other words, there were competent and smart people making billions because they could foresee the obvious: people with poor credit would not be able to repay their home loans. In short, it was not that no one knew. Savvy insiders knew.”

—*Michael Greenberger* in *The New York Times* on the SEC’s filing of a civil lawsuit against Goldman Sachs for securities fraud

“OMB is substituting its judgment for the judgment of the EPA administrator, and that’s not the way this is supposed to work. [EPA administrator] Lisa Jackson is accountable for environmental protection and that she could be overruled by a bunch of economists in the basement of the executive office tells us that this process is frighteningly dysfunctional.”

—*Rena Steinzor* in a *New York Times* article about the White House overruling EPA’s proposed regulation of coal ash

“Many of us were made uncomfortable by the scene that Justice Roberts described, of Congressmen standing up and cheering a criticism while the Supreme Court sat there. The reality is that the Court doesn’t often have to face the public. This is one of the few occasions in which they do, and I think our Supreme Court and our democracy is strong enough to survive the Court sitting there for one evening a year and facing—on some occasions—some derision from the members of Congress.”

—*Sherrilyn Ifill* on MSNBC discussing treatment of Supreme Court Justices at the 2010 State of the Union address

“What? That’s absolutely wrong. . . . That’s the definition of bribery.”

—*Abe Dash* in a *Washington Post* article about a Prince George’s County lawmaker who opined that asking for campaign contributions in exchange for votes is politics as usual

“It’s one thing to buy something because you think it tastes good, but it’s another thing if you buy it because you believe it has health properties. On the flip side, to the extent that these products are beneficial and therapeutic, we don’t want to over-regulate them and stifle their development and people’s ability to access them in the marketplace.”

—*Diane Hoffmann* in a Baltimore Sun article about her research into the efficacy and potential need for regulation of probiotics

“Jurists can hold differing views

concerning the role (and even the possibility) of original understanding, the value of precedent, how constitutional structure informs constitutional meaning, and the extent to which considerations of history—and yes, policy—prove relevant after other considerations have been exhausted. These are fundamental questions in a deliberative democracy, and ones that a meaningful, and teachable, confirmation hearing would explore.”

—*Max Stearns* in a Baltimore Sun op-ed calling for a more forthright confirmation process for Supreme Court nominees

“Because the remarks can be reasonably interpreted as political rhetoric and not allegations of specific wrongdoing, the court should refuse to unmask the posters and dismiss the suit.”

—*Danielle Citron* in an Associated Press article about a Louisiana parish president’s defamation lawsuit against anonymous online commentators

“The notion of benefiting public health and public safety without spending tax revenues is a beguiling one, relentlessly espoused by a handful of national plaintiffs’ mass tort-law firms that stand to benefit handsomely.”

—*Don Gifford* in an Associated Press article about a Rhode Island lead paint case

“The present religious makeup of the Supreme Court seems a similar statistical oddity unreflective of broader social practices. Protestants have long been overrepresented on the Supreme Court, in the federal judiciary, in state judiciaries, and in most government offices. Protestant voices will be heard, even if no Protestant is on the Supreme Court. In a country where every President but one has been a Protestant, we might pause before demanding the Supreme Court demographically represent the United States.

—*Mark Graber* on the UMDLaw faculty’s new blog, “Quoth the Raven”



Ambassador Ron Kirk, 16th U.S. Trade Representative, and Dean Phoebe Haddon

Dean Haddon Shares Global Vision for Law School and Legal Education

ALMOST 400 GRADUATES AND FRIENDS gathered at the School of Law on Oct. 3 for “Justice & the Global Economy,” in celebration of Phoebe Haddon’s appointment as Dean. In her first official address as Dean, “Educating Lawyers with a Global Vision,” Dean Haddon offered her view of legal education’s vital role in creating lawyers who will work around the world to strengthen democracy, promote peace, and advance human rights. “Our collective vision for this school must be grounded in a sense of mission and institutional values that are responsive to the complex, changing nature of our larger world,” said Dean Haddon. “Local issues like lack of quality education, poverty, and unequal access to justice are also universal issues that plague developing and developed nations across the globe—and beg for new solutions that come from our collective thinking and engagement.”

Congressman Elijah Cummings ’76 introduced Ambassador Ron Kirk, 16th U.S. Trade Representative, who delivered the keynote address, “The Trade Agenda: Overcoming Challenges, Creating Opportunity,” focusing on trade as a tool of peace and prosperity. Paul Bekman ’71, Chair of the School of Law’s Board of Visitors, welcomed Dean Haddon on behalf of UMDLaw’s graduates and friends, as well as the broader Maryland legal community.

The event began with a panel discussion, “Challenges to the Future of International Economic Cooperation,” featuring international trade expert Lewis Leibowitz ’75 of Hogan & Hartson, Robert Percival, Director of the Law School’s Environmental Program, and Shruti Rana, Assistant Professor of Law. The event took place at UMB’s new Southern Management Corporation Campus Center and was followed by a reception at the School of Law.



(from left to right) Professor Michael Van Alstine, Professor Robert Percival, Professor Shruti Rana, and Lewis Leibowitz ’75

To view photos and a video of the event, visit www.law.umaryland.edu/globaleconomy.

Navigating New Spheres of International Law

AN OVERFLOW CROWD of 400 graduates and friends filled Westminster Hall on Oct. 22 to hear former Secretary of State Madeleine Albright deliver the keynote address of the two-day symposium, “Multilateralism and Global Law: Evolving Conceptions of International Law and Governance.”

“We are well into the 21st century and yet we cannot claim that justice always prevails or that the strong no longer oppress the weak,” said Albright. “This means that law schools still have much work to do. The strengthening of international law is critical to our future, especially as the shape of law changes in response to new circumstances.”

Following her lecture, Albright signed copies of her new book, *Read My Pins: Stories from a Diplomat’s Jewel Box*, which outlined how she became known for wearing brooches that purposefully conveyed her views about the diplomatic situation at hand. In recognition that the lecture took place just yards from Edgar Allan Poe’s tomb outside the Hall, Dean Phoebe Haddon presented Albright with a silver raven pin to add to her collection. The lecture was supported by the Norman P. Ramsey Business Law Fund, established through the generosity of Tucky P. Ramsey in honor of her husband.

Dozens of experts in international law gathered for the conference to discuss topics including: the rise of global environmental law; the impact of the economic crisis on existing structures that regulate international trade; and the trajectory of the relationship between traditional conceptions of international law, and emerging conceptions of global law and governance.

Videos of Dr. Albright’s keynote address and the conference are available at <http://www.law.umaryland.edu/internationallaw>.

Dr. Madeleine Albright (left) signs books for guests of the Ramsey Lecture.



Distinguished Visiting Professors Offer New Perspectives



JOHANN VINCENT VAN DER WESTHUIZEN, Justice of the Constitutional Court of South Africa, presented a public lecture, “The Independence of the Judiciary and the Rule of Law,” to conclude UMDLaw’s first International Law Week in October. During his visit, he spoke with students and faculty about his experiences in leading constitutional efforts in South Africa, including his role on the Independent Panel of Constitutional Experts that advised the final drafting of South Africa’s Constitution in 1995.

Prior to joining the Constitutional Court of South Africa in 2004, Justice van der Westhuizen was appointed as a judge in the Transvaal Provincial Division of the High Court of South Africa (now the North Gauteng High Court in Pretoria) by President Nelson Mandela. Justice van der Westhuizen led efforts in providing legal resistance to apartheid and was the founding director of the internationally recognized University of Pretoria’s Centre for Human Rights.

SHIRLEY ABRAHAMSON, Chief Justice of the Supreme Court of Wisconsin, delivered the 2010 Pearl, Lawrence I. & Lloyd M. Gerber Memorial Lecture, “View from the Middle Seat,” during her February visit. She also met with students and participated in a faculty panel discussion about the judicial perspective on the modern practice of law, and in a dinner discussion—about the status of women in the legal profession—with law school alumni and faculty.

The first woman to ever serve on the Supreme Court of Wisconsin, Chief Justice Abrahamson was appointed judge in 1976 and as chief justice 20 years later, and has served as the administrative leader of the Wisconsin court system since.

SEC Inspector General Lectures on Madoff Scandal

ON FEB. 25, H. David Kotz, Inspector General of the Securities and Exchange Commission, delivered an insightful and thought-provoking public lecture to the Law School community, “The Madoff Scandal: Why the SEC Failed to Uncover It and How It Can Identify the Next One.”

In his lecture, Kotz described the events leading up to the discovery of the extensive ponzi scheme orchestrated by Bernard Madoff, identified several weaknesses in the SEC’s examinations, and discussed the red flags apparently overlooked in the process. For example, when the examinations revealed inconsistencies or troubling information, the examiners generally discussed the matters directly with Madoff rather than to verify the information with independent third parties. Kotz finished his presentation by explaining several of the recommendations put forth by the Office of the Inspector General as a result of the Madoff investigation.

The lecture was organized by DLA Piper Scholar Stephanie Bignon ’11 and the Business Law Society. As UMDLaw’s Business Law Program works to strengthen its relationship with the Robert H. Smith School of Business, this lecture marked the first formal event bringing together MBA students, JD students, and joint-degree students.



PARTICIPANTS in the *Journal of Race, Religion, Gender & Class’s* symposium on Problem Solving Courts included (from left): Aubrey Fox (Director of Special Projects for the Center for Court Information); Judge Ellen Heller ’77; conference organizers Ingrid Lofgrn ’10 and Chris Madaio ’10; and UMD School of Social Work Professor Corey Shadimah. They discussed the past, present and future of these courts and explored supporting arguments and criticisms of the system in Maryland and nationwide. To view the discussions, visit www.law.umaryland.edu/problemsolving.



REGULATORS, INDUSTRY LEADERS, AND LEGAL EXPERTS gathered at the Law School on Nov. 16 to discuss “Emerging Issues in Food and Drug Law: A National Conference for Lawyers, Policy-Makers, and Corporate Leaders.” Speakers included (from left): Dr. Andrew C. von Eschenbach, Former Commissioner of the U.S. Food and Drug Administration; Jeffrey M. Senger, Deputy Chief Counsel, U.S. Food and Drug Administration; Associate Dean Diane Hoffmann, Director of UMDLaw’s Law & Health Care Program; and Jeremiah J. Kelly ’08, an associate at Whiteford, Taylor & Preston who moderated one of the panels and assisted in organizing the conference. To watch the panel discussions and keynote speeches, visit www.law.umaryland.edu/foodanddrug.



Game

By Patrick A. McGuire
Illustration by Kevin McSherry

Changer

Why the rapidly evolving landscape for clients requires creative new moves from lawyers and the profession.

LIKE GRANDMASTERS OF CHESS, the best lawyers win far more than they lose. Looking many moves ahead of their competition, they marshal logic, creativity, and daring to set themselves apart.

But suddenly, some of the law's top practitioners find themselves struggling to adjust to rules that are seemingly being rewritten in the middle of the game. Consider:

- ▶ Unprecedented numbers of litigants are representing themselves—an increase not only among those who can't afford a lawyer, but also among middle income individuals who are opting to Web-surf hundreds of cheap, do-it-yourself approaches to divorce, bankruptcy, and automated assembly of contracts, leases, and other legal documents.
- ▶ In new books like *The End of Lawyers*, legal experts warn fellow attorneys that the market for their services has gone bump in the night. The public no longer is willing to pay high fees for legal procedures they now believe they can do themselves.
- ▶ A critical report by the Carnegie Foundation has cited law schools for overemphasizing the mantra “think like lawyers,” while doing little to prepare graduates for dealing with real people.
- ▶ Traumatized by the financial crisis, many blue-chip corporate clients routinely assign millions of dollars in legal work to their usual external law firms. Instead they are now watching costs closely, sometimes making law firm hiring decisions based on price. In response, previously unthinkable layoffs have decimated Big Law firms, some of which have stopped hiring young associates right out of law school.

The ongoing upheaval in the legal landscape poses challenges today to every kind of attorney—from those with million-dollar salaries in firms of 4,000 lawyers to the solo practitioner who works writing wills through his lunch hour to make ends meet.

It has also challenged law schools to ask themselves some hard questions about how they do what they do. In response, a handful, including the University of Maryland School of Law, have taken the lead in identifying and implementing changes aimed at preparing their students for a legal world unlike that encountered by their traditionally trained predecessors.

While a nationwide self-examination by law schools is now prompting other institutions to begin considering revamped curricula, UMDLaw is already moving ahead. For decades, its innovative commitment to linking theory and practice and the nationally ranked Clinical Law Program have helped students gain practical skills requisite for career success. Now, the School of Law is building upon this foundation to prepare creative, efficient, and client-focused lawyers whose problem-solving abilities will always be in demand—regardless of how the legal landscape unfolds.

“We are at a time when there are major changes in the profession,” says Michael Millemann, the Jacob A. France Professor of Public Interest Law at the University of Maryland School of Law. “Large numbers of lawyers, the legal profession, and some legal educators are engaged now in redefining and rethinking the ways in which lawyers deliver legal services. The changes are coming in all forms of practice, with some of the most significant in solo and small firms.”



Richard Susskind, an internationally known lawyer and author of *The End of Lawyers*, warns that the law profession faces the threat of being eroded out of existence. His prescription calls for attorneys “to introspect, and to ask themselves, with their hands on their hearts, what elements of their current workload could be undertaken differently—more quickly, cheaply, efficiently.”

Watching the Clock—and the Bottom Line

Much of the change has been building slowly. Over the past 20 years, a steady movement toward self-representation has now reached a point nationwide where courts are saturated with inexperienced litigants; many stumble through the legalese of statutes and struggle over the various forms and documents required in legal proceedings. But a lot of the change—especially unsettling disruptions in the once rock-steady world of Big Law—has been accelerated by the economic meltdown of the past three years. Once seemingly unthinkable developments, like the outsourcing of legal work overseas and the commoditization of legal services, are now becoming increasingly common.

“Within Big Law firms,” says Millemann, “there is a real restructuring going on. There’s been an assault by clients on the hourly rate, which I can understand. The rates keep going up and up. But now you’ve got increasingly good consumers as clients. So big law firms are rethinking their economics.”

Before the meltdown big firms lived off big mergers and big litigation. “When Time Warner and AOL merged they hired big firms,” says William Reynolds, the Jacob A. France Professor of Judicial Process at the School of Law. “You need to throw a lot of bodies at these sorts of things. Law firms were charging what seems like tons of money, but in the context of a corporate acquisition worth billions of dollars every year, no one even notices a \$50 million legal fee.”

A common practice among large firms was the annual recruiting of star graduates of prestigious law schools. Hired as associates they were paid upward of \$165,000 a year. It became common practice for a big firm lawyer to bring several associates to a client meeting. Each would then submit a breathtaking bill. When the economy imploded, clients immediately limited the number of lawyers they’d allow used on a given issue.

“Those clients very likely felt that they were essentially paying for that associate’s on-the-job training,” says Professor Robert Rhee.

One of the long-term trends that has played out in large corporations since the most recent fluctuation, says Rhee, is a new mindset regarding external lawyers. “It asks whether there are certain aspects of a legal practice that may not require the unique talents and skills of a lawyer who is at, say, the prestigious firm XYZ. It asks what legal services are subject to efficiencies that can be gotten from the use of technology and from lower-paying contract attorney services that can be more cost effective.”



“LARGE NUMBERS OF LAWYERS,
the legal profession, and some legal
educators are engaged now in
redefining and rethinking the ways
in which lawyers deliver legal services.”



Michael Millemann, the Jacob A. France Professor of Public Interest Law at the University of Maryland Law School

Clients are also increasingly unwilling to foot the bill for firms' overhead in areas not essential to their own legal needs.

“The client is saying is that we want you to serve us well, but we don't want to buy a bunch of services we don't need,” says Millemann. “The question is, how far can you cut and not affect the quality? The answer is, you can cut substantially and not affect the quality. Another way of putting it: It's becoming more competitive.”

Jolted by such changes, many big law firms have instituted painful layoffs. According to figures published in April 2010 by *American Lawyer Magazine*, nearly 15,000 people—a third of them attorneys—have lost their jobs in major law firms since Jan. 1, 2008. In addition, more and more basic legal work is being outsourced to India, where lawyers tag documents for as little as \$20 an hour. According to Forrester Research in Boston, 50,000 U.S. legal jobs will move overseas by 2015.

“There is a great deal at stake for the corporate client,” says Rhee. “Just a very minute extraction of efficiencies from the cost of legal services translates into large value added for corporate America. I don't think right now that law firms are providing legal services at those efficient levels. And if that's the case, the next assumption is that clients will continue to search for efficiencies.”

But continue forever? Or just until the economy gets better?

“The thought is that these changes will be permanent,” says Reynolds. “I don't believe that for a second. Somehow, if the economy tomorrow was the same as it was three years ago, I think we would be back to where we started.”

Ward B. Coe, III, a 1973 UMDLaw grad and a veteran Baltimore litigator, takes the long view. “Things have changed in the profession all along,” observes Coe. “There's the pervasiveness of technology that's been both good and bad. And there are financial troubles that create terrible problems for lots of clients of law firms. But on the other hand, there are an awful lot of lawyers out there still doing what they've always done. Which is representing clients.”

Going It Alone

Whatever the case for the permanent or temporal nature of changes besetting Big Law firms, only a quarter of America's lawyers are employed there.

“I think we are missing the mark if we only emphasize changes in large law firms,” says Lynne Battaglia '74, a Judge on the Maryland Court of Appeals. “We need to look at the impact economically on solo practitioners and their clients, practitioners in businesses, and the advent of self representation.”

Courts around the country are noting a remarkable rise in the numbers of *pro se* litigants.

“The working assumption,” says Millemann, “is that in litigation you've got two sides: two lawyers who fight with each other. But the accurate model is that one or both sides are not represented.”

A recent report issued by the American Bar Association's Standing Committee on the Delivery of Legal Services (Millemann is a panelist) offered this sobering snapshot:

“When going to state court, most people proceed *pro se* most of the time. High volume state courts, including traffic, housing, and small claims, are dominated by *pro se* litigants. Over the course of the past 20 years, domestic relations courts in many jurisdictions have shifted from those where litigants were predominately represented by lawyers to those where *pro se*'s are most common. In these areas of the courts, *pro se* is no longer a matter of growth, but rather a status at a saturated level.”

In half of all divorce cases in Maryland, neither side is represented; in 85 per cent of Family Court cases, only one side is represented by an attorney, notes Battaglia. She sees it even at the Court of Appeals level, where almost all cases heard come through the granting of a writ of certiorari—a complex legal petition detailing arguments and precedent for hearing the appeal of a case.

In response, a practice known as “unbundling”—officially termed “Limited Representation”—is becoming commonplace. Lawyers agree to represent some clients for only particular parts of a case. While unbundling is popular with *pro se* litigants, courts and lawyers only recently have begun adapting to the growing reality of such services.



An increasing number of states have drawn up rules, approved by the ABA, governing the practice. Many courts now offer *pro se* litigants many kinds of help in navigating unfamiliar procedural hurdles. Some offer self-service kiosks in their courthouse and personal guides.

Still, says Millemann, “When you talk about partially representing someone it raises a lot of challenging issues, lots of ethical issues that arise out of changes in structures and functions of lawyers and law firms.”

The trend highlights areas that many law schools traditionally do not cover—preparing lawyers to act as entrepreneurs, to negotiate limited service contracts, to essentially be flexible and willing to adapt on the run. In many smaller law firms,

attorneys often find themselves competing with inexpensive, do-it-yourself services, many offered online with attention-getting headlines such as “Easy Divorce—\$199,” and “Win Without a Lawyer.” Readily available software encourages people to forego lawyers to create their own wills, leases, and other legal documents.

“I think the middle class fears that they can’t afford a lawyer,” says Battaglia. “But what we’re seeing is not only people who can’t afford it but those who can afford it yet think they can represent themselves.”

Missing, she says, is the perception by the public that lawyers are actually worth the time and money. “I believe we have to distinguish ourselves as having some knowledge that is important to impart. We need to reinforce to the public that there is something lawyers bring to the table, specific knowledge that can’t be purchased on the Web.”

Adapting to the Rules of a Changing Game

UMDLaw is working to ensure that its graduates will continue to possess the kind of skills and abilities that Judge Battaglia says are indispensable to clients. At the same time, it is trying to ready students for the changing professional landscape they will encounter.

In 2008, in a three-year \$1.6 million partnership with the Fetzer Institute, the School of Law started the Leadership, Ethics and Democracy (LEAD) Initiative—a program in response to “a range of societal pressures and cultural forces [that] have converged to create many challenges for the legal profession.”

“Leadership will be critical,” predicts Millemann, who directs the project. “[We need] lawyers who are flexible, who respond well to change and the challenges it provides. They can work with others, are creative, and can understand and move organizations. In the changing legal arena, good leaders will be better able to succeed.”

To Professor Ellen Weber, leadership means understanding a client’s problem and taking the actions necessary to solve it. Students in her Drug Policy and Public Health Strategies Clinic have employed a wide range of tools in their effort to expand access to drug treatment services in Baltimore.

“OUR STUDENTS have learned that there are many ways for lawyers to attain their clients’ goals. And not all of them are expensive. They’ve learned to take into account what resources are available.”



Professor Ellen Weber

“Drafting legislation, publishing educational materials, organizing public protests and attracting media attention, attending mediation, pursuing litigation; they’ve done it all,” says Weber. “Our students have learned that there are many ways for lawyers to attain their clients’ goals. And not all of them are expensive. They’ve learned to take into account what resources are available.”

In last April, the LEAD Initiative worked with former UMDLaw Dean Michael Kelly to organize a conference at the School of Law to discuss the impacts of change on the practice of law. The papers delivered at the one-day conference by faculty, invited guests, and alumni will be reviewed in an upcoming edition of the *Maryland Law Review*.

“Good organizations need to do a self-assessment,” says Millemann, one of the conference organizers. “In some senses [the conference] was a sort of taking stock of where is the practice today. Is there an appropriate connection between what we do at the law school and what goes on in the practice world?”

On the minds of many attendees was the report published three years ago by the Carnegie Foundation, which criticized law schools for failing to better translate case law learned in the classroom into real world practice. The report also charged that “students are often warned not to let their moral concerns or compassion for the people in the cases they discuss ‘cloud their legal analyses.’ Students have no way of learning when and how their moral concerns may be relevant to their work as lawyers.”

One of the report’s recommendations was that law schools pay more attention to developing students’ professional identities.

“Values are how we deal with each other,” says Battaglia. “What are our priorities? Faced with a decision between the best interests of the client and our own self-interest, the core tradition is that the client value comes first.”

The import of that value, she believes, is being eroded “by our concern about economic well-being. There’s always been a survival element to being a lawyer,” she says, “but there is a difference between aggrandizing wealth and what’s good for your client.”

A key point of the change debate is to what extent—if any—a law school should modify or even blow up its curriculum. Reynolds, for instance, notes that every new specialty track introduced takes away time from study of the basics. “I think the old way [of teaching] turned out superb lawyers,” he says. “You studied the basic stuff like contract law. I don’t know what the law is going to be like 50 years from now, but people properly prepared in the basics can make the shift.”

An interesting example of a hybrid course that blends the traditional approach with modern questions of ethics is one taught by Rhee. His corporate ethics seminar gives students a chance to apply ethics to the real world problems of corporate decision-making. Case studies include analysis of the Enron collapse and the J.P. Morgan takeover of Bear Sterns.

Rhee teaches pretty much the same course in the Robert H. Smith School of Business and intentionally does not try to slant one strictly for lawyers and the other for budding business executives.

“I don’t believe in false separations between the professions,” he says. “In order to deal with issues we need to be familiar with law, economics, and policy and be able to speak the language.

I think, at least in the field of business, that’s where professionalism should be headed. The world has gotten very complicated. We shouldn’t be compartmentalizing knowledge along the silos of professional schools.”

The debate, of course, has only just begun.

“We’ve got a terrific set of classroom teachers,” says Millemann, “terrific clinical teachers, and lots of specialty programs. I’m proud of where we are. So I start with the premise—rightly or wrongly—that we are not going to gut the structure of what we do. I don’t think we should.”

Then, again, he says, “I think we’re talking about more than just tinkering.”

The Next Move?

IN APRIL, UMDLaw, as part of its Leadership, Ethics and Democracy (LEAD) Initiative, hosted a national symposium to examine major changes in law practice and their implications for law schools. Suggestions from the symposium for legal education included:

- ▶ **Teach students about organizations, including legal organizations.** As lawyers, they will both represent organizations and work in one. Include in this education the macro-ethics issues that derive from the structures of organizations, law office management, and getting and retaining legal work.
- ▶ **Improve “transactional” legal education.** Teach accounting and corporate financing and more about drafting and negotiation (for organizations as well as individuals). Show students how lawyers and corporate clients reach and execute agreements.
- ▶ **Introduce students to new forms of representing individuals,** including unbundled (limited scope) representation. Diversify teaching methods and goals to include more experiences with and information about the importance of interdisciplinary and team work, creative problem solving, alternative dispute resolution, and leadership.
- ▶ **Better prepare students** for international and transnational practices.
- ▶ **Add practice-based experiences to the curriculum,** including by integrating more practice into theoretical courses.

— *Michael Millemann*
Jacob A. France Professor of Public Interest Law and Director,
Leadership, Ethics & Democracy Initiative

CHANGING

A Changing Eye for Talent

By Jamie Smith and Mike Field
Illustration by John Perlock

When it comes to picking—and keeping—the best players, law firms must look beyond GPAs alone to identify their future MVPs.

THOUGH MORE THAN A DECADE has passed since he went through the law firm recruitment process, bad memories still nag Maurice Bellan '98. As he prepared to graduate from UMDLaw, he couldn't land a single interview, let alone a job, with any of the top firms in New York or Washington.

To these firms, Bellan did not fit the conventional model of high-achieving law student: He attended school part time in the evening, with decent but not outstanding grades.

Maybe if these firms had given him an interview, he says today, they would have recognized the strong practical skills he had developed through UMDLaw's Clinic. They might have grasped the leadership potential that had led the Secret Service to tap him for its agent training program. And they might have understood the determination that fueled him to pursue a legal education even while working full time as an investigator for a federal public defenders office

But they didn't. So Bellan went to work for a small Baltimore firm, litigating malpractice claims. And he quickly employed the many talents that went unrecognized by legal recruiters to attain remarkable success as a lawyer. He moved through a succession of increasingly prominent firms, to an appointment as a prosecutor in the

U.S. Department of Justice's Civil Rights Division, to partnership at Arent Fox in Washington D.C., where his practice today encompasses a broad range of complex commercial litigation.

"When it comes to recruiting, employers need to recognize there's more to being a good lawyer than getting good grades as a first-year law student," he says. "We need to redefine legal talent far more broadly than a law school GPA."

Legal employers and law schools alike have long judged applicants by measures, like grades and test scores, which ostensibly gauge cognitive ability. In so doing, they have deemphasized other skills, including problem-solving, leadership, and consensus-building, that a growing body of evidence—and many leaders in the legal field—suggest are equally important in becoming a successful lawyer. Overlooking candidates like Bellan has come at an increasing cost to firms, as retention has become a major problem. Today, say legal educators and other experts, it is increasingly in the best interests of employers to rethink how they recognize, recruit, retain—and ultimately define—top legal talent.

In 2006, the *Wall Street Journal* noted that law firms employing more than 500 attorneys lost nearly 40 percent of their associates within four





“Firms are very slow to change when it comes to recruitment,” says UMDLaw’s Assistant Dean for Career Development Dana Morris. “There’s been a lot of talk, but not a lot of action.”

“When we look at the students who are selected for interviewers, you can tell that grades are still the first indicator for many, many employers. We do our best to tell them about students who we know are talented in terms of legal research or writing, have been on journals or moot court. But lawyers are risk averse. During boom times, firms are more open-minded in considering a range of factors when recruiting. But when times are tough, they seem to revert to what they perceive to be safe. And

years of hiring them. After six years the ratio climbed to 60 percent. This attrition has not been good for clients or firms. Studies suggest that lost employees cost law firms millions of dollars, with an estimated cost of between \$200,000 to \$500,000 to replace and retrain for each vacancy. At the same time, clients are increasingly unwilling to pay for on-the-job training, with a changing cast of junior associates having to learn and study the same basic background information over and over again.

“Clients are saying we need you to deliver quality talent at lower costs. The main way to do that is to look at the costs of hiring and retaining talent,” says Larry Richard, a Ph.D. psychologist and lawyer who heads Hildebrandt International’s Leadership & Organization Development Practice Group, and serves as a speaker and consultant to the Leadership Forums that are part of UMDLaw’s LEAD Initiative.

“Look at the initial process of hiring and developing people. Most firms have used up or out, which is founded on hiring lots of people you know aren’t going to stay long-term. Is that a rational system? To hire people with the notion that you’re going to keep only the cream of the crop is itself a very inefficient model. In a time when efficiency doesn’t matter, that’s fine. But today efficiency matters a lot more.”

Redefining Recruitment: Good Grades Aren’t Everything

Despite the high costs associated with making poor hiring decisions, most legal employers continue to use conventional metrics in analyzing potential new hires.

that’s going to the top-rated schools and going after the students with the highest grades.”

“The current way of selecting new hires is very good at measuring cognitive skills,” says Richard. “But most managing partners are aware that isn’t all you need to succeed nowadays. Lawyers play many more roles than just practicing law. They’re supervisors, committee chairs, rainmakers, and leaders. And with all these roles, you need people skills. Everyone knows it, but these skills are amorphous and harder to measure than the traditional skills. So everyone just keeps doing it the same old way.”

From his office at Arent Fox, Maurice Bellan agrees, and says he works to convince his partners that there’s much more to evaluating potential hires than a GPA and the name of the school on their diploma.

“I’ve seen associates from schools with lofty credentials who end up frustrating you. You assume that anyone you hire at this point has basic competencies, like the ability to research. But who can apply that research to a business solution? Who can provide a resolution to the client’s problem?” he says.

“That’s what we are: problem-solvers. Not everyone can translate his or her law school education into being a problem-solver for the client. It’s not always running to trial, but analyzing a problem and coming up with a solution based on the available statutes, regulations, and laws, or even your best sense as a businessperson. That’s what helps your clients.”

Morris points out that diversity hiring suffers when firms stick to traditional norms in recruiting talent.

“There is a wealth of incredibly talented people who might not be in the top 10 percent of their class because of their background before coming to law school,” she says. “People coming from families where they’re the first one to go to college, or where they have to work during the day to afford school at night. They’re still playing catch-up with some of their classmates, but are incredibly talented and determined, and are ready to shine once they’re on an equal footing in the working world.”

Improving Retention: Beyond Billable Hours

When Sebastian Kurian joined Miles & Stockbridge in the firm’s Baltimore headquarters after graduating from UMDLaw in 2008, his biggest concern was keeping his job in the face of the economic downturn. To his delight, he’s ended up enjoying opportunities at which many of his classmates marvel, benefiting from the firm’s willingness to reconsider how junior associates are managed and directed in their work.

A member of the firm’s commercial real estate group, Kurian was given the chance to serve as co-counsel on a jury trial in a collections case. He was also able to contribute to the firm’s outreach initiative seeking to grow business internationally, taking advantage of the fact that both of his parents were born in India. And recently, when the firm put together a real estate industry program to strengthen its real estate business portfolio in the midst of a deep industry downturn, he was tapped to become a member of the team.

“What Miles & Stockbridge does is find a way to get associates excited and involved in activities beyond the dry legal stuff,” Kurian says. “It gives you an opportunity to get invested in what the firm is doing. That’s what makes a big difference. My friends at other firms are envious of the ways I’ve been able to participate.”

Kurian is benefiting from a growing movement in the legal profession. Richard says he is aware of about 100 firms that are considering or have implemented competency models that look beyond hours billed and technical skills to evaluate how well young lawyers have mastered abilities—like working in teams and managing client relationships—that differentiate the best performers in the firm. While nurturing associates’ enthusiasm and satisfaction can be a

beneficial byproduct of such approaches, the real goal is to help lawyers quickly develop the skills that will most directly enhance client satisfaction and, thus, increase profitability.

In-house attorneys are closely watching associate costs and training, says Susan Hackett, general counsel of the Association of Corporate Counsel. She suggested that firms rethink associate compensation, better train and supervise new attorneys, and ensure that clients benefit down the road from the on-the-job training for which they pay.

“Clients don’t so much hate paying for inexperienced lawyers as they hate constantly paying for the learning curve of kids who cycle in and out of their work,” she says.

DLA Piper is at the forefront of this new approach. Last year, at the direction of Chairman Francis B. Burch, Jr., a 1974 UMDLaw graduate, the firm initiated significant changes in how it evaluates, compensates, promotes, and advances associates, stating: “The four Core Competencies that drive success at DLA Piper are Professional Excellence, Client Impact, Interpersonal Effectiveness, and Leadership.”

In announcing its new competency model, DLA Piper eliminated minimum billable hour requirements and pay increases based on years of service. Instead, firm managers will base associates’ compensation on “value delivered to clients and the firm, not tenure or hours.”



“Employers need to recognize there’s more to being a good lawyer than getting good grades as a first-year law student. We need to redefine legal talent far more broadly.”

—Maurice Bellan '98, Partner in Arent Fox's Washington office



“Firms need to reduce the amount of time and money they expend on individuals whose success in law school doesn’t correlate with the growth of the practice.”

—Joseph G. Finnerty III, ’87, Chair of DLA Piper’s U.S. Litigation Practice on the East Coast

“Our new competency model is a logical reaction to the changing realities of the marketplace,” says Joseph G. Finnerty III, a 1987 UMDLaw graduate and member of the School’s Board of Visitors, who is chair of DLA Piper’s U.S. Litigation Practice on the East Coast. “We need to reduce the amount of time and money we expend on individuals whose success in law school doesn’t correlate into the growth of the firm. And we need to identify and nurture those individuals whose talents will help us better serve our clients.”

According to Finnerty, many of those talented lawyers are women and members of minority groups. The ABA reports that 4 percent of partners in private practice are minorities. And while law schools have been graduating roughly equal numbers of men and women for the past 25 years, today only 19 percent of law firm partners are women.

“My perspective is through the lens of gender, where the statistics are very clear,” says Professor Jana Singer, who last year conducted a survey of UMDLaw graduates to better understand their professional and personal career paths. “At the most junior level, men and women are equally represented. At every step up from there the percentage of women drops. Firms are losing talented women. How do we recruit and retain them?”

“I think there is a growing awareness that we can ill afford to train and advance lawyers in the profession the way we do,” says Veta Richardson ’86, Executive Director of the Minority Corporate Counsel Association (MCAA) in Washington. The MCAA advocates for the expanded hiring, promotion, and retention of minority attorneys in corporate legal departments and law firms, and publishes research on best practices in the legal profession.

“One of the major challenges is *access*. Access takes three particular forms: to key mentors; to opportunities

to showcase abilities, and to the right kinds of work that helps to advance a career.”

The bottom line may begin to drive firm behavior. Just as client dissatisfaction with paying for the work of young associates is prompting change in how such lawyers’ talents are developed, client demand for diversity could prompt firms to address their poor record in that area, says Thomas Sager, Senior Vice President and General Counsel of DuPont.

“To be globally competitive, you must compete and have employees that reflect the diverse base of your customers, your shareholders, your suppliers, and the communities in which you work,” said Sager in an address he delivered at the Law School last year. “Just as the changing demographics force us to rethink the makeup of the company, they also challenge us to reconsider the makeup of our legal department and the law firms with whom we work. And the changing faces of the bench, the regulatory agencies, and the juries make this an even more compelling business case for us within DuPont legal.”

Priming the Pipeline: Leadership Starts in Law School

In nurturing their students’ talents, some law schools—like their counterparts in practice—are exploring innovative approaches and finding new ways to cultivate great lawyers. But, like law firms, when it comes to deciding which individuals to let in the door, law schools also continue to rely heavily on measures of cognitive ability that don’t necessarily correlate to success as a lawyer.

“Reliance on the LSAT alone, or giving it too much weight in predicting law school success, reflects an unduly narrow emphasis on certain academic skills while undervaluing other important lawyering skills and core values of the profession,” says UMDLaw Dean Phoebe Haddon. “It is in no way an effective measure of what kind of lawyer a student will become.”

Each law school’s annual positioning in the much-debated but keenly observed *U.S. News* law school rankings is significantly influenced by the median LSAT score of its incoming class. As a result,

many law schools strive to increase their minimum LSAT requirements simply to remain competitive and highly ranked.

Dean Haddon is at the forefront of a national effort to find new ways for law schools to better identify applicants with the potential to become outstanding lawyers. Co-author of the 2006 article, “Misuse and Abuse of the LSAT: Making the Case for Alternative Evaluative Efforts and a Redefinition of Merit” in the *St. John’s Law Review*, Dean Haddon serves on the official accrediting body of American law schools and is a member of the National Advisory Board of the Law School Admission Project: Looking Beyond the LSAT. This research project, funded by the Law School Admission Council, has identified 26 “competencies” that effective lawyering demands—among them practical judgment, passion and engagement, legal-research skills, questioning and interviewing skills, negotiation skills, and stress management. Only a few of these are measured by the LSAT, she notes.

“Studies show that success on the LSAT correlates to race and class more strongly than it correlates to success in law school. But the test has in some ways become a gatekeeper to the entire profession,” says Dean Haddon.

She says UMDLaw has done a better job than most of its peer schools in making admissions decisions based on a broader variety of measures than applicants’ LSAT scores. A prominent example is the Leadership Scholars Program, which provides financial support to students with a demonstrated record of accomplishment and leadership in academics, professional work, or community service.

Once students are here, says Dean Haddon, Maryland Law truly sets itself apart in developing in its students the same kinds of skills that firms are increasingly needing in their associates.

“We do a better job than most because of our emphasis on leadership, collaboration and clinical work,” she says. “Our clinics in Mississippi and our international clinics give our students a chance to work outside of Baltimore, and to teach problem-solving as a team effort. Students get firsthand exposure of what it means to be a leader who listens to clients, including clients who may be poor or uneducated.”

The new Leadership, Ethics and Democracy Initiative (LEAD) helps students cultivate leadership skills, while preparing them to uphold their professional responsibility while practicing law ethically and in accordance with their personal values. The Women, Leadership & Equality Program provides students skills to recognize structural barriers, to understand when it is the system and not their efforts or abilities that are in question, and to find practical ways to address those hurdles in their path.

“Maryland has been on the cutting edge of working with students to prepare them for navigating the legal profession,” says Professor Jana Singer. “We have made a real attempt to bring in to the curriculum learning and training to be better equipped to make the transition to practice.”

As Bellan looks back on the path that took him from night school at Maryland to Arent Fox, he credits the Law School’s commitment to preparing students for the challenges they face. And he is optimistic that the legal profession’s willingness to redefine talent will mean more opportunities for young lawyers with a wider variety of skills.

“Employers need to look more closely at diamonds in the rough,” he says. “And I contend that a lot of Maryland Law graduates aren’t rough at all. They’re truly diamonds, a lot more polished than candidates coming out of other schools.”



THE SEARCH FOR SATISFACTION

Report from the UMDLaw Alumni Career Path Survey

By Teresa LaMaster

In 2007, UMDLaw began exploring the decisions graduates make in shaping their careers and their satisfaction with the results of those decisions. Now, armed with empirical evidence, the Law School reports on recommendations for legal employers—recommendations aimed at increasing employee retention and enhancing career satisfaction within the profession.

In 2006, the legal blogosphere was rife with stories about lawyer dissatisfaction. Douglas Litowitz's book, *The Destruction of Young Lawyers*, had just been published, prompting a raft of Internet posts dissecting why lawyers in law firms were so unhappy. Others made sport of why the happiness—or unhappiness—of any 26-year-old with a six-figure salary should demand attention in the first place.

Fast forward to 2010, and the employment picture has changed dramatically. With 15,000 legal jobs lost since 2008, most young lawyers are happy to have any steady law-related paycheck. Doubled-down on debt, happiness for them is a roof over their head and making ends meet.

Though the economic collapse of 2008 may have caused questions of lawyer career satisfaction to retreat from the foreground, these questions remain a key part of the decision-making process, both for law graduates and their employers. Given the high cost of legal education, graduates need to be more intentional about building careers that will make them happy. Given sharpened competition for business, firms need to control costs by structuring the workplace to support peak performance, limit turnover, and build employee loyalty. But rather than rely on the anecdotes of Litowitz and the blogosphere, some hard data about the factors contributing to—and standing in the way of—career satisfaction is in order.

In 2007, Professors Jana Singer, an expert in family law, and Paula Monopoli, head of the Law School's Women, Leadership & Equality Program, embarked on a research project in collaboration with Teresa LaMaster, Dean of Alumni Relations, and Dana Morris, Dean of Career Development. They were looking for some hard

facts on career satisfaction among UMDLaw graduates. Through online surveys, focus groups, and work sessions, the Law School studied graduates' career paths to examine the challenges to, and best practices for, career satisfaction. The results contain some surprises.

The Findings

Conducted in collaboration with the Project for Attorney Retention at the Center for Worklife Law at University of California Hastings College of Law, the study analyzed survey responses of 530 alumni who graduated in 1978 or later. The sample included 285 women (54 percent) and 245 men (46 percent) and had a 32 percent response rate.

Opt-Out Myth Debunked

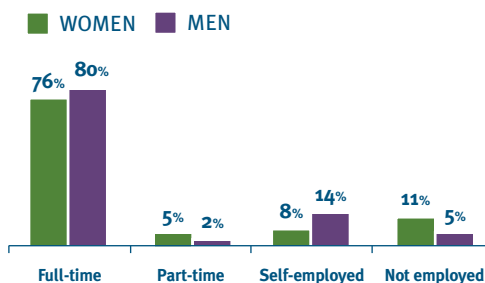
Throughout in this decade, one oft-claimed consequence of lawyer dissatisfaction (and a ready explanation for the dearth of women in top positions at private law firms) is the decision by women to “opt out” of law practice—usually to care for children and family. But data from the UMDLaw study contradict this popular media story. The study found no evidence that female graduates of the Law School are leaving the profession or the workforce to any significant degree more than men. Some 76 percent of women and 80 percent of men were employed full time.

In fact, in many respects the early career paths of male and female graduates look quite similar. Nearly half of both women and men started their careers in private law firms. The majority of both men and women who left their first firm jobs did so within the first three years of employment to join other law firms. Among respondents currently at law firms, comparable percentages of men and women are engaged in most practice areas, with nearly half of both men and women practicing litigation.

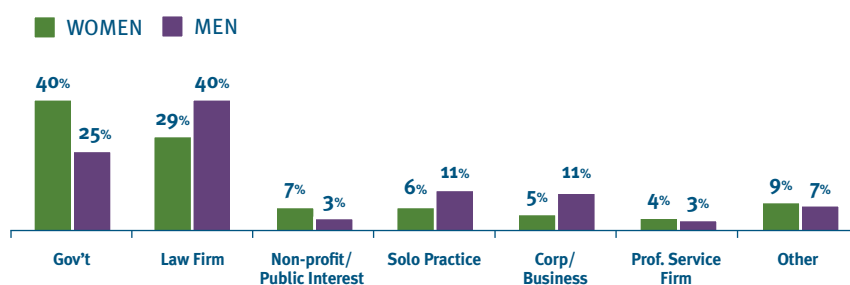
But a striking difference emerges as men and women move further through their careers. Women and men tend to end up in different sectors of the legal profession. Despite starting their careers at law firms in comparable numbers, men were more likely to remain employed in private law firms, while women were more likely to be employed in government.

Why this difference? If UMDLaw grads are not opting out of law practice altogether, why the marked gender difference in choice of practice setting? Further analysis of the data suggests some possible answers.

EMPLOYMENT STATUS



CURRENT EMPLOYER TYPE



Satisfaction High

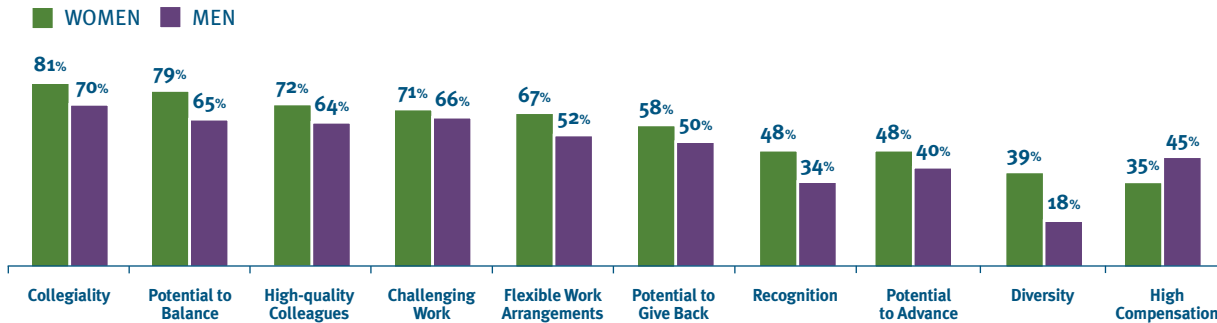
Even before the economic downturn, UMDLaw grads were remarkably satisfied with their work. Close to 90 percent of both women and men who answered the survey were satisfied with their decisions to become lawyers and with their current employers—with no statistical difference between women's and men's responses. The findings also suggest that the things that make women and men happiest in their careers are similar, particularly among law firm respondents. For most, satisfaction is derived from three principal factors: the people; the work; and the potential to balance their work and personal lives. Notably, challenging work was a driving force in career satisfaction for both women and men.

Despite the pronounced similarity in the factors important to career satisfaction, women and men have different perspectives on what policies and practices would increase their satisfaction with their current positions. Significantly higher percentages of women than men want greater flexibility.

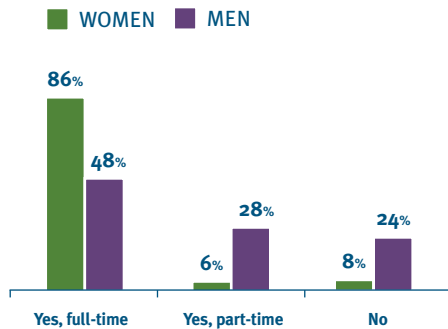
For men, greater professional development opportunities were most important. Greater transparency in the compensation system and in the promotion process ranked highly for both groups. Interestingly, nearly two-thirds of men said that the potential to balance was important to their career satisfaction, but less than one-quarter said that greater flexibility would increase their satisfaction with their current positions. An even lower percentage of men identified “a viable part-time program” as important to them. An analysis of lawyers' home lives provides insight into why flexibility might matter so much more to women.

CLOSE TO 90 PERCENT of both women and men were satisfied with their decisions to become lawyers—and with their current employers.

FACTORS IMPORTANT TO CAREER SATISFACTION



SPOUSE/PARTNER EMPLOYED OUTSIDE THE HOME



MORE THAN HALF of women reported having primary responsibility for the household chores, as compared to just 4 percent of men. Moreover, more than one-third of women had primary responsibility for the child care as compared to just 2 percent of men.

Different Family Structures

Men and women in the UMDLaw study had very different roles and family structures from one another. The majority of respondents to the survey had children (62 percent of women; 69 percent of men) and partners (72 percent of women; 83 percent of men). But, women were almost twice as likely as men to have a spouse or partner who worked full time. Eighty-six percent of partnered women had a spouse or partner who was employed full time; less than half of men did.

This family work-structure gap was even more pronounced among law firm attorneys. Only 11 percent of women in law firms had a spouse or partner who worked less than full time, while nearly 60 percent of the men did. No woman working at a law firm reported having a spouse who worked part time; if their partners worked less than full time, they were out of the labor force entirely.

Female lawyers are more likely to have greater responsibility for housework and family care than male lawyers as well. Respondents were asked whether they or their partner had primary responsibility, or whether responsibility was equally shared, for household chores and childcare. More than half of women reported having primary responsibility for the household chores, as compared to just 4 percent of men. Moreover, more than one-third of women had primary responsibility for the child care as compared to just 2 percent of men.

Yet a significant percentage of both male and female respondents report sharing household and child care responsibilities equally. While the study did not control for class year, other studies document an increasing percentage of younger men are playing a greater role in these responsibilities.

The Compensation Gap

It may be that this lack of flexibility, coupled with the sharply different family structures and roles of men and women, is taking its toll on the ability of women to advance in private law firms. Sharply lower proportions of women than men are reaching the highest levels in law firms and when they do, our data suggest they are compensated at levels lower than men. While women and men employed in law firms were in similar-sized firms and similar practice areas, they held very different positions within law firms. Currently, half of the men employed in law firms were equity partners, as compared to less than a quarter of women. Conversely,

more than half of women were associates, as compared to less than 40 percent of men. Yet even when the study controlled for graduation year, women in law firms were less likely than men to have reached equity partner status.

Moreover, even after controlling further for equity partner status, gender and earnings were closely connected. For example, while equity partner status was associated with an increase in earnings of over \$100,000, being a woman was associated with decreasing this amount by about one-third (controlling for graduation year, current employment in a law firm, and current employment as equity partner). Women who had become equity partners earned roughly \$31,000 less than men. This finding has subsequently been bolstered by a study conducted by Professor Marina Angel at Temple University Beasley School of Law, which found that women partners at *American Lawyer* Top 200 firms are compensated on average less than men, regardless of whether they are equity or non-equity partners.

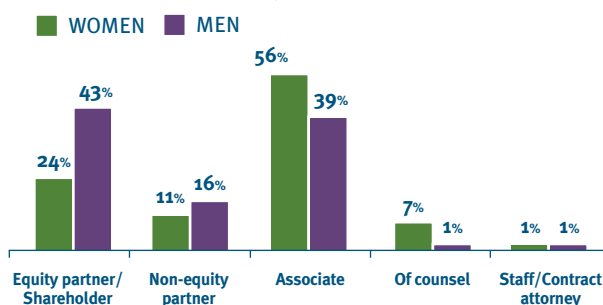
The Implications

The demographics of law firm leadership was not a major concern when most of the talent pool and leadership in the client base consisted of men married to homemakers. But this is not the situation today. Clients are becoming increasingly vocal that law firms need to better reflect both the talent pool of lawyers, and the diversity of clients. At a presentation during one of this research project's focus group sessions, Thomas Sager, Senior Vice President and General Counsel, DuPont, put it this way:

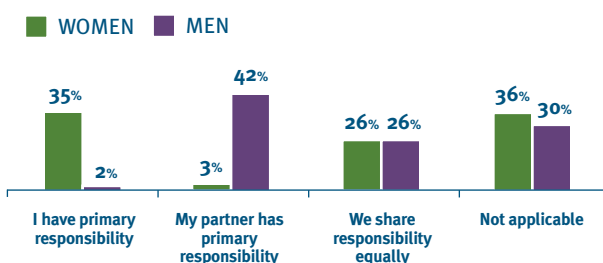
To be globally competitive, you must have employees that reflect the diverse base of your customers, your shareholders, your suppliers, and of course the communities in which you work. Just as the changing demographics force us to rethink the make-up of the company, they also challenge us to reconsider the make-up of our legal department and the law firms with whom we work. And the changing faces of the bench, the regulatory agencies, and the juries, make this an even more compelling business case for us within DuPont legal. . . . [We] believe that it makes a world of difference for our lawyers both within and outside [DuPont] to mirror the population at large.

Diversifying the ranks of law firm lawyers is a key to increasing a firm's ability to attract and keep clients. Finding ways to retain

PRIVATE LAW FIRM, CURRENT POSITION



CHILD CARE

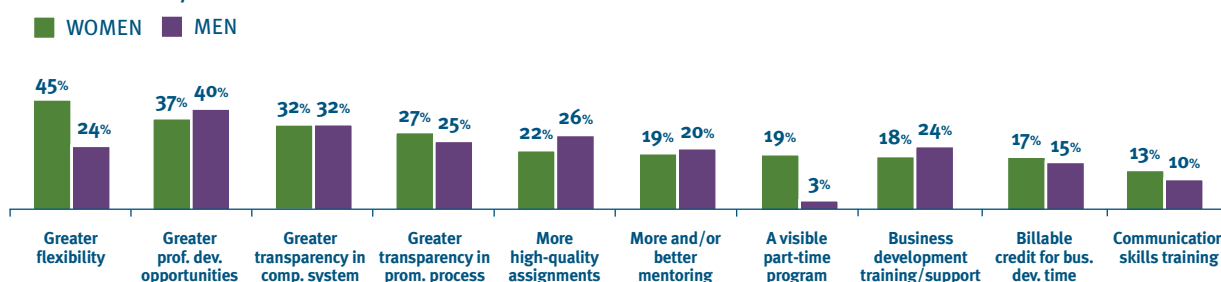


talent of all types increases a firm's return on its investment, increases client satisfaction, and often results in more effective systems and programs firm-wide. When lawyers leave law firms they take with them the time and money that their firms—and their clients—have invested in them. Thus, retaining and advancing talent—especially women—is a strategic business imperative for law firms.

Areas of Emphasis

Following completion of the survey, the School of Law has brought together practitioners, judges, and academics in working groups and for conferences to develop ideas for law firms and other legal employers to retain lawyers and enhance their career satisfaction. The results from the survey have clearly identified several key areas closely linked with satisfaction: more workplace flexibility; greater transparency with respect to compensation; and making work meaningful.

PROGRAMS/POLICIES TO INCREASE SATISFACTION WITH POSITION



Work Schedule Flexibility

Flexibility, time with family, and the potential to balance work and family all played a role in the career satisfaction of a substantial number of both men and women. In fact, women rated it as the most important policy and practice change that could improve their job satisfaction. Yet part-time work, often considered a hallmark of flexibility, is rarely used by either men or women.

True flexible work programs, unlike traditional part-time programs, allow lawyers individually-tailored, reduced, or flexible schedules that meet the firm's business needs while maintaining the lawyer's ability to work and to develop professionally. Elements of such programs include the following: written policies that provide for proportional pay, bonuses, and benefits; a promotion track that is at least proportional; a proven track-record of promoting flexible schedule attorneys; a detailed and widely distributed business case to document that flexible work programs helps retain talent; a mechanism to ensure that lawyers with flexible schedules have a proportional share of the challenging work; and a coordinator to coach lawyers using flexible schedules and resolves issues of schedule creep.

The reason women need flexibility is no mystery: Women were dramatically more likely than men to have spouses who work full time, and dramatically more likely to have primary responsibility for household chores and child care. Men also were dramatically more likely to be breadwinners whose spouses worked, at most, part time; male lawyers also were much more likely to earn most or all the family income. In short, the inflexible schedules favor breadwinner-homemaker families. As a result, women used more strategies to balance work and family. And—perhaps a harbinger of the decline of the traditional breadwinner-homemaker family structure—significant numbers of men also used a variety of strategies.

Transparency in Compensation

In matters of compensation, lawyers in the survey were less dissatisfied with their gross compensation than they were with how that compensation was negotiated. Three-quarters of all respondents felt they were compensated appropriately, although considerably fewer women than men believed this to be true (70 percent of women; 80 percent of men). More importantly, less than half of women—about 42 percent—and only half of male respondents felt they could negotiate effectively for appropriate compensation.

The Minority Corporate Counsel Association, the Project for Attorney Retention, and the ABA Commission on Women in the Profession currently are undertaking a major study on how law firm compensation systems negatively affect women. The study, when complete, will identify best practices for minimizing the negative impact of hidden bias on women partners' compensation. In the meantime, firms can refine the compensation system to include the following:

- Transparent compensation criteria;
- A diverse compensation committee that mirrors the diversity of the attorneys at the firm;

- An individual responsible for reviewing all compensation decisions, including bonuses, to determine whether women are disproportionately represented at the bottom compensation levels; and
- An opportunity for attorneys to report clients or matters that they brought into the firm for which they are not formally listed as the originating attorney.

Making Work Meaningful

Factors that make work meaningful—including working with-high quality colleagues, undertaking challenging assignments, and having the potential to advance—were among the most important to both men and women, outranking such individually-focused measures of success as recognition and, for women, high compensation. However, it seems that more women than men find meaningful work elusive, particularly in private practice.

Much of the overt bias commonly associated with women in the workplace—refusals to hire women as lawyers, relegating women to clerical tasks, terminating women when they become pregnant—has faded. But hidden bias can remain, perhaps explaining the disparity in women's and men's experiences identified in this survey. Comprehensive systems for ensuring bias-free performance evaluations and systems for allocating work are key to ensuring that both men and women have opportunities to find the workplace supportive and engaging. The American Bar Association Commission on Women in the Profession's second edition of *Fair Measure: Toward Effective Attorney Evaluations* is an important resource.

Conclusion

This report offers much good news. University of Maryland School of Law graduates—both women and men—are satisfied with their careers and their employers. Most are employed full time and engaged in the practice of law.

Even at a time when lawyers' career satisfaction is not of paramount importance to legal employers since there are numerous unemployed lawyers waiting to take the place of every disgruntled worker, it is heartening to learn how many UMDLaw graduates remain satisfied in their lives and careers. But when the economy inevitably begins to change for the better, legal employers must be prepared to implement measures that will enhance their employees' satisfaction—or lose some of their top talent to those who will.

THREE-QUARTERS of all respondents felt they were compensated appropriately, although considerably fewer women than men believed this to be true (70 percent of women; 80 percent of men).

“What Do You Crave?”

Developing Young Lawyers’ Ability to Know Themselves

By Professor Paula A. Monopoli

OVER THE PAST 10 YEARS, the legal profession has been very concerned about the retention of young lawyers—especially with women and minorities. Large firms have spent hundreds of thousands of dollars on consultants to find out how to better bind young lawyers to them, after having invested hundreds of thousands of dollars in recruiting and training those lawyers. Those efforts focus on what the firm can do to better fit the lawyer—flexible schedules, better professional development opportunities, and leadership opportunities are a few of the policies that firms have implemented to alter their structures in order to enhance retention.

However, there has been less focus in the profession on what lawyers themselves can do to enhance their desire to stay with a particular firm. In conjunction with the Fetzer Institute, UMDLaw has been working on this question. Over the past two years, the Law School has brought together practitioners, judges, and academics as a working group to focus on what those who have long since graduated from law school say they wish they had been taught in law school in this regard. A central theme of those discussions has been that these legal professionals all wish they had been given better skills to help them figure out what it is they are passionate about.

Teaching students how to make decisions based on their interests and passions has been a recurring refrain when these lawyers, judges, and academics have come together to help the Law School integrate a new approach into the curriculum. The overarching goal is to introduce leadership into the curriculum. The working group has concluded that in order to effectively lead others, one must first know oneself. For students to better know themselves, they must develop the necessary skills—self-reflection, strategic career planning, finding mentors, networking with practicing lawyers, engaging in clinical and experiential learning while in law school—to discover what it is they love to do.

The Alumni Career Path survey shows that many lawyers were happiest when they worked for an organization that had a mission. This was echoed in the working group meetings. Everyone needs to make a living, but that alone is not sufficient to keep lawyers interested and engaged in their careers. Finding out what you’re passionate about is central to finding the kind of legal employment at which you will want to stay. Do you love to counsel clients, love to appear in court, enjoy the puzzle of putting together a business transaction or estate plan? How much does money matter to you? How about spending time with friends or engaging in recreational activities? Where does the balance come in your life? Do you love working in

teams, or do you not play well with others?

Figuring out how to help students develop these skills is a challenge. As law professors, we know how to teach Torts and Contracts. But we know little about how to teach the skills necessary for our students to divine what their strengths and weaknesses are and how to build a reflective practice that they can use the rest of their lives. So we have to be willing to borrow this knowledge from other disciplines. We have reached out to colleagues in other parts of the academy—social psychologists, political science and leadership scholars, business school professors, lawyers engaged in training through non-profit organizations—to think in innovative ways how to expand the law school curriculum to “build a better lawyer.” UMDLaw has introduced several new courses that build on these multi-disciplinary approaches to teaching students how to make sound decisions about their own abilities and interests. The ultimate goal is to help them make better decisions about the career path that best fits their strengths and passions.

Perhaps law firms concerned about retention should consider spending some of their retention budgets on collaborating with law schools. They could help us explore how students can make better decisions up-front in terms of where they want to work and what the best fit is for them. Law firms would do well to encourage law students to ask themselves, “What do I crave?” and to help us help them develop the skills to answer that question. That would go a long way toward resolving their retention issues and improving the legal profession as a whole.

Paula Monopoli is Professor of Law and Marbury Research Professor at the University of Maryland School of Law. She is a graduate of Yale College and the University of Virginia School of Law, and she is an elected member of the American Law Institute. Her most recent article, “Marriage, Property and [In]Equality,” was published in the Yale Law Journal Online.



Paula Monopoli, Professor of Law and Marbury Research Professor



SQUEEZE PLAY

By Jamie Smith

AS THEY GO TO BAT

for their underserved clients, legal clinics must balance responsibilities for educating students and upholding the public trust.

As the 2010 session of the State of Maryland's General Assembly neared its conclusion, faculty and students at the University of Maryland School of Law knew the work of its Environmental Law Clinic had raised the ire of several powerful state legislators. But nobody at the Law School realized just how much.

On March 23, amid Senate debate over the State of Maryland's Fiscal Year 2011 budget, an amendment was introduced that would have withheld \$750,000 in university funding until all 22 of the Law School's clinics submitted a report "listing and describing each legal case in the past five years in which they participated in a court action, including the client represented, complete delin- eation of the expenditures for each case, and the source of funds for each expenditure."

Senator Brian Frosh, who had worked closely with the Environmental Clinic during his eight years as Chair of the State Senate's environment subcommittee, rose to challenge the amendment's sponsor, Senator Lowell Stoltzfus. "What's this about?" Frosh asked.

Nominally, it was about a suit the Clinic had filed earlier in the month on behalf of an environmental group against poultry giant Perdue and a chicken farmer who supplies the company, contending that the defendants are illegally discharging pollution into rivers feeding the Chesapeake Bay. But to the Law School it was about issues that went much further: the rule of law and academic freedom chief among them.

"Lawyers must be able to fulfill their professional responsibility to provide effective representation, to protect client confidentiality, and to resist pressures that compromise their judgment and integrity," said Dean Phoebe Haddon. "To safeguard these vital principles, as well as academic freedom, it was crucial for us to speak out."

With the support of the American Bar Association, every national legal education association, more than 500 individual faculty members and deans from law schools around the country, and hundreds of letters, phone calls, and emails from UMDLaw alumni and students, the Law School ultimately persuaded legislators to drop the proposed budget amendment in favor of a report on public information about Environmental Law Clinic cases over the last two years, without any money being at stake. While a significant victory for the Law School, the episode highlighted the increasing scrutiny clinics at public law schools nationwide face as they balance their obligations to students and clients with the tremendous responsibility to act justly and responsibility when they use state funds to pursue legal action against private citizens and businesses.

"When there aren't enough public interest lawyers for certain underrepresented clients and interests, how do you allocate the limited resources of our legal clinic?" asks Professor Richard Boldt. "That's fundamentally the political issue. Farmers on the Eastern Shore would say: 'We're also underrepresented. Why represent the environmental group and not us?'"

Running into Opposition

The number of legal clinics nationwide continues to surge, as law schools seek to provide students real-life lawyering experiences that will provide a bridge between their classroom studies and the practical skills they will utilize as practicing attorneys. According to the Association of American Law Schools, there are now more than 1,200 clinical law faculty at almost 150 law schools across the country.



"Because legal clinics represent people or groups that can't otherwise afford lawyers, by definition this work often puts us in opposition to those who can, like government or powerful interests. As clinics take on controversial cases, more and more are running into opposition from industry groups and lawmakers," says Professor Michael Pinard, co-Director of UMDLaw's nationally ranked Clinical Law Program. "The debate over our Environmental Clinic is the latest concerning law school clinics' use of state funds and student attorneys to pursue cases that result in litigation."

Pinard says pressure stemming from such conflicts is forcing some less well-established clinical programs to rethink the way they operate. According to a forthcoming



WE ARE A PUBLIC INSTITUTION and must be accountable. But we also have a responsibility to provide our clients the best representation possible, and to offer our students the best educational experiences we can.” —Dean Phoebe Haddon

survey of clinical law faculty conducted by University of Michigan law professor Bridget McCormack, 36 percent reported concerns about reactions to their casework, and 15 percent said those types of concerns had affected their choices of cases. In the past year alone, numerous clinics across the country have encountered legal and political opposition. Within the past year alone, clinical law programs in Louisiana, Michigan, and New Jersey faced legal or legislative challenges.

In January, two months before the UMDLaw Environmental Clinic’s poultry farm lawsuit was filed, the Maryland State Builders Association sent a letter to the university system’s chancellor criticizing the use of public money to push the “narrow agendas of private special interest groups.” Sen. Stoltzfus agreed. In introducing his budget amendment, the Senator said that Maryland lawmakers would not send taxpayer money straight to environmental advocacy groups such as Assateague Coastkeeper and the Waterkeeper Alliance. So why, he asked, should they fund clinics that do their legwork?

While not accepting that characterization of the Clinical Law Program’s work, Boldt acknowledges the tremendous responsibility to act justly and in the public interest clinics take on when they accept state funds to pursue legal action that affects private entities.

“We’re making intentional choices about how to best balance the need to serve our community while providing sound educational experiences,” he says, pointing to the example of Professor Ellen Weber in establishing the Drug Policy and Public Health Strategies Clinic.

In the summer prior to initiating her clinic, Weber spent countless hours meeting with stakeholders, treatment providers, people in recovery, neighborhood associations, public health workers, and local and state elected officials. She asked them all about their most pressing issues and sought recommendations on actions the clinic could achieve, given its resources. Based on those answers, she then formulated a plan for the clinic that would allow it to best serve the public while providing a meaningful experience for the student lawyers working with her.

“All our clinical faculty take their responsibility seriously and undertake a range of activities to formulate practices

that balance the competing interests of clients, students, and the public. We are careful and thoughtful and continually rethink the choices we are making,” Boldt says. “It’s a process that never ends.”

Debate in Annapolis

On March 1, the Environmental Clinic had filed a Clean Water Act citizen lawsuit on behalf of its client, the Assateague Coastal Trust, alleging that runoff from the farm where Alan and Kristin Hudson raise chickens for Perdue was fouling the Pocomoke River. Three weeks later, Sen. Stoltzfus introduced his legislation, saying he was acting to protect not only a vital industry, but also a small business that could not afford to defend itself in litigation brought by the publicly supported School of Law.

“I don’t think that having an interest in clean air, clean water, safe neighborhoods, a healthy and productive Chesapeake Bay, is a special interest, or somehow at odds with the interest of the state,” Barrett replied, arguing that the Clinic was acting in the government’s interest. “We’re not doing anything other than trying to make sure that the laws that Congress and our state legislature passed are actually implemented.”

Critics saw the legislation as little more than an attempt by elected officials to look out for the private interests of powerful constituents. In comments to the *Washington Post*, Senator Frosh likened the amendment to the threat, “If you guys are getting involved in issues that we don’t like or you’re bothering people that we do like, we want you to shut up.”

Frosh and a number of his colleagues rallied to the Law School’s defense. Sen. Lisa Gladden, a public defender and 1991 UMDLaw graduate, spoke movingly about how her clinical experience as a student had shaped her career and changed the course of her life. Other lawmakers pointed to the Clinical Law Program’s national reputation for excellence, and the 110,000 hours of free legal services it provides each year to needy Maryland citizens. Ultimately, these supporters engineered passage of compromise language that reduced the scope of the reporting requirement, but still withheld \$250,000 in conditional funding.

Meanwhile, two other amendments, withholding up to \$750,000 and requiring UMDLaw to report on all clinics,

were pending in the House. Convening an ad hoc group of faculty and administrators, Dean Haddon swung into action. Her seemingly impossible goal: to convince the General Assembly to drop all budget amendments that tied funding to reports on the Clinic.

“This law school is a public trust. We have always responded to requests for information from the General Assembly when asked, and always will. But we are careful in case those requests broach confidentiality or other professional responsibility-related issues,” says Dean Haddon. “Clinical faculty must have the freedom to choose the cases their students will work on without fear of reprisal. Lawyers, including clinical faculty and student-attorneys, have ethical obligations to provide effective representation and to protect the confidentiality of their clients, obligations that could be difficult or impossible to carry out in the face of legislative action.”

An Outpouring of Support

Support for the Law School—and by extension, clinical legal education—was swift and widespread.

UMDLaw alumni published letters to the editors in local papers and organized efforts to contact legislators. Following a teach-in, current students drafted opinion pieces and hand-delivered letters—bearing hundreds of signatures—to every member of the General Assembly.

The issue drew national attention within the legal community. The American Bar Association’s president issued a statement arguing against interference with clinical legal education. More than 500 law faculty and deans signed a letter in support. The *Washington Post* and *The New York Times* not only wrote news stories about the issue, but also editorialized in support of the Clinic.

Numerous legislators were at first surprised, then overwhelmed, and finally swayed by the outcry of opposition. A week after the Senate acted, the House voted to strike its budget amendments regarding the Clinic. Ultimately, a conference committee charged with resolving the differing versions of the bill agreed to a “budget narrative” that still requires UMDLaw to report on Environmental Clinic cases over the last two years that have resulted in court action but does not attach any funds to the requirements.

“As educators, we recognized what a wonderful opportunity this was to educate both sides about what was at stake. Ultimately we achieved that goal,” said Dean Haddon. “We understand that we are a public institution and must be accountable to the lawmakers and the taxpayers for the work we do. But we also have a responsibility to provide our clients the best representation possible, and to offer our students the best educational experiences we can.”



A Teachable Moment

As the General Assembly debated, the Clinic organized a teach-in to educate students about the issues of professional responsibility that were at stake, and to ensure they had the most accurate and up-to-date information.

Professor Doug Colbert provided a national and historic survey of attacks on clinical law programs. Professor Brenda Bratton Blom updated students on the latest developments and the Law School’s intended response. Feeling it inappropriate to suggest student action, the faculty left the room.

In two hours, the Student Bar Association had drafted a letter to the General Assembly, scheduled staffing for a table where students could sign on, and gathered almost 200 signatures. Later that week, when student leaders hand delivered copies of the letter to every state lawmaker, more than 350 students had signed.

“This has been a stark lesson for students,” said Blom. “Democracy is robust but fragile. And access to justice for people who don’t normally have it can be very threatening to those who do. That’s why it’s so important for us to guarantee.”

—Jamie Smith

Faculty Books & Publications

For a more complete listing of recent faculty scholarship, including casebooks and links to articles and monographs, visit www.law.umaryland.edu/scholarship.

Reforming the United Nations

WITHIN THE LAST DECADE, the events of 9/11 and the 2003 invasion of Iraq have led to the formation of competing visions of world order, argues Professor **Peter Danchin**. He is co-editor of *United Nations Reform and the New Collective Security* (Cambridge University Press, 2010) with Horst Fischer.

They report that one view embraces the traditional ideal of multilateral cooperation and collective security. According to the other view, the world's undisputed military and economic superpower (the United States) projects an imperial political morality based on a good/evil dichotomy; this pigeonholes

the world as a "Great Power" safeguarding a civilized core of democratic nations against a periphery of rogue states and non-state outlaws. These opposing ideals, Danchin contends, have resulted in the need for reform within the UN.

The book taps the multidisciplinary collaboration of 18 distinguished authors from Europe and the U.S. Each chapter unveils the responsibilities, commitments, strategies, and institutions necessary for collective security to function both in practice and as a normative ideal in international law and in relations between state and non-state actors.

Looking in the Right Places to Curb Public Health Hazards

Donald Gifford's new book *Suing the Tobacco and Lead Pigment Industries: Government Litigation as Public Health Prescription* (University of Michigan Press, 2010) calls attention to the government's expectation of the court system when states and municipalities file lawsuits against product manufacturers in an attempt to solve public health problems caused by products such as cigarettes and lead paint.

Gifford proposes that governments address public health matters directly through legislation and regulation rather than through the courts. Citing numerous cases that take the form of *parens patriae* litigation, Gifford argues that for decades, litigation has been driven by mass plaintiffs' attorneys who often profit up to thousands of dollars per hour when state governments prevail. Perhaps even more troubling, according to Gifford, *parens patriae* cases distort the constitutional allocation of powers by allowing state attorneys general to pursue solutions in court—even though state constitutions allocate such powers to legislatures.

Breaking New Ground in the Legal Landscape

Professor **MAX STEARNS** has published *Public Choice Concepts and Applications in Law* (West Publishing, 2010), the first known book of its kind that applies tools from interest group theory, social choice theory, elementary game theory, and price theory to a broad range of topics within public and private law and to various lawmaking institutions.

Co-authored with Todd J. Zywicki, the book includes a complete set of thoroughly written materials suitable for students, professors, and practitioners of such fields as economics, political science, and business who are interested in gaining a deeper appreciation for political dynamics affecting the formation of law and public policy. Colleagues who have used the book in their teaching praise it as a "masterful survey of the public choice literature that is relevant to the study of legal institutions." Adds Saul Levmore of the University of Chicago, "There is nothing like it." The book, he says, allows "the reader to think about courts, legislatures, voters, and agencies in ways unimagined by anyone unfamiliar with the basic tools of public choice."



Exploring Increased Regulatory Failure

Reasonable people disagree about the reach of the federal government, but there is near-universal consensus that it should protect us from such dangers as bacteria-infested food, harmful drugs, toxic pollution, crumbling bridges, and unsafe toys. And yet, the agencies that shoulder these responsibilities are in shambles; if they continue to decline, lives will be lost and natural resources will be squandered. In their book, *The People's Agents and the Battle to*

Protect the American Public (University of Chicago Press) Professor **Rena Steinzor** and co-author Sidney Shaprio look at the tangled web of problems that have led to this dire state of affairs.

It turns out that the agencies are not primarily to blame and that regulatory failure actually stems from a host of overlooked causes. Steinzor discovers that unrelenting funding cuts, a breakdown of the legislative process, an increase in the

number of political appointees, a concurrent loss of experienced personnel, and political attacks on the bureaucracy all have contributed to the broken system. But while the news is troubling, the authors also propose a host of reforms, including a new model for measuring the success of the agencies and a revitalization of the civil service.

A Year of Honors for the School of Law



LAW SCHOOL ASSOCIATE PROFESSOR JANE BARRETT, Director of the Environmental Law Clinic, was presented

with the 2010 Clinical Legal Education Association (CLEA) Outstanding Clinical Teachers Award. The CLEA Award for Outstanding Advocacy is presented to individuals who demonstrate: commitment to the field of clinical legal education; advancement of the field including work within organizations that affect the contours of legal education, writing and speaking about the field, or by serving as a spokesperson for the field in the litigative, legislative, administrative, and other arenas; and for fostering a spirit of community. Under Barrett's leadership, the purview of the Environmental Law Clinic's extensive docket has included large and complex cases with a wide array of clients—all aimed at improving the environment in our state, region, and nation as well as the system of law and policy that protects it, while providing experiential learning to future environmental lawyers. A 1976 graduate of the University of Maryland School of Law, Barrett has served as the Director of the Environmental Law Clinic since 2007.

PROFESSOR BRENDA BRATTON BLOM,

Co-Director of the Clinical Law Program, received the 2010 Faculty Award for Public Service from the University System of Maryland (USM) Board of Regents. The Regents' Award is the highest honor presented to faculty members who have achieved excellence in one of five areas: teaching; scholarship, research or creative activities; public service; mentoring; and collaboration. Blom is cited as "a tireless advocate for justice for the state's most vulnerable citizens." Under her leadership, nearly 50 regional and national partner organizations have come together to develop strategies that utilize effective alternatives to the traditional criminal justice system to help curtail crime and improve quality of life. Blom has led the Clinical Law Program at the School of Law since 2003 and currently teaches the Community Justice Clinic and a Professional Responsibility Class in addition to supervising Clinic II students engaged in community justice work.



OSCAR GRAY, JACOB A FRANCE PROFESSOR EMERITUS OF TORTS, was recognized for his outstanding lifetime contributions to Torts with the 2009 William Lloyd Prosser Award from the American Association of Law Schools (AALS) Torts and Compensation Systems Section. The Prosser Award is the highest honor that the AALS presents to Torts law professors for outstanding contributions to scholarship, teaching, and service in torts and compensation systems. Gray, who joined the University of Maryland School of Law faculty in 1971, was praised by the award selection committee for meeting its high standards as "a master of tort law." Gray is recognized nationally for his work as editor of the definitive, six-volume tort treatise, *Harper, James and Gray on the Law of Torts*. The fifth edition of his torts casebook, *Cases and Materials on the Law of Torts*, which he is co-authoring with Don Gifford, the Edward M. Robertson Research Professor, is forthcoming.



ASSOCIATE DEAN JOSÉ BAHAMONDE-GONZÁLEZ

was selected to receive the National Association for Law Placement, Inc. (NALP) 2010 Award of Distinction for Leadership in Diversity, the highest honor presented by the NALP to individuals, organizations, and programs that represent best practices in eight individual categories. Recognized for his abiding commitment to advancing the diversity pipeline into law school and the legal profession, he has been widely involved with LatinoJustice PRLDEF pipeline programming for more than 15 years. He has held numerous leadership positions within NALP, including Vice President, and has served as Director and Chair of the NALP Leadership/Membership Diversity Task Force since 1992. He is also an active member of



the Association of American Law Schools Student Services Section and Section on Legal Education and Admissions to the Bar, as well as the National Association for College and University Business Officers. Since joining the School of Law in 1997 he has served as the faculty adviser of the Law School's Latino/a Law Students Association.

Promotions

The rise of outstanding scholars at the School of Law further strengthens programs and enhances the school's outstanding academic reputation.



RENÉE HUTCHINS was promoted to Associate Professor and tenured. She brings more than a decade of experience in legal practice to the classroom, including serving as federal prosecutor with the Tax Division of the United States Department of Justice; Special Assistant U.S. Attorney in the District of Columbia; and as a criminal

defense attorney with the Southern Center for Human Rights in Atlanta and for the Office of the Appellate Defender in New York City. Her research and writing seeks to provide analysis and thoughtful commentary on questions with practical relevance to the field of criminal procedure, and her expertise in this area has been quoted widely in national and regional media including *The New York Times*, *Associated Press*, *TIME* magazine, and *The Baltimore Sun*.

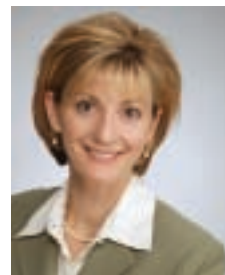
Promoted to Professor and tenured, **ROBERT RHEE** was also named Co-Director of the Business Law Program. His deep knowledge in the areas of public and private M&A assignments, private equity funding, debt and equity issuances, and scholarly pursuits—including risk-focused economic analyses of legal and social problems in the context of torts, insurance, corporations, bargaining, and procedure—are widely published and frequently cited. His articles have also been cited by the U.S. President's Working Group on Financial Markets (a joint report of Treasury, Federal Reserve, SEC and CFTC); RAND Corporation; American Law Institute's Restatement (Third) of Torts; several law school casebooks; and in appellate judicial opinions.



MICHAEL PINARD was appointed as Co-Director of the Clinical Law Program. He teaches Criminal Procedure and Legal Profession at the Law School as well as the Reentry of Ex-Offender Clinic, which he co-founded with Professor Sherrilyn Ifill. Pinard's scholarship and research interests focus on the criminal process, criminal

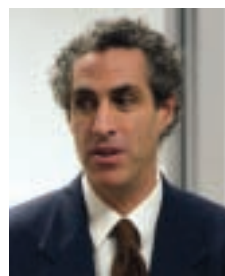
defense lawyering, and issues related to the interconnections between the reentry of individuals with criminal records and the collateral consequences of criminal convictions. He has been widely published in the nation's leading law journals, is co-editor-in-chief of the *Clinical Law Review*, serves on the ABA's Clinical Skills Committee, and is a former president of the Clinical Legal Education Association.

SHRUTI RANA was promoted to Associate Professor. In the Spring 2010 semester, she helped launch and co-teach the Law School's International and Comparative Law Clinic, which included serving as the co-supervisor of the Clinic's China project that analyzed the developing legal framework in China for microcredit lending to Chinese rural citizens. Her research focuses on the intersection of administrative law and immigration policy; international and comparative commercial law; business and technology; and international women's rights issues.



Associate Professor of Law **MICHELLE HARNER** has been named Co-Director of the Business Law Program. Professor Harner is widely published and lectures frequently on various topics involving financially distressed entities and related legal issues. Before joining the UMDLaw faculty in 2009, Harner was in private practice in the business restructuring, insolvency, bankruptcy and related transactional fields, most recently as a partner at the Chicago office of the international law firm Jones Day.

Associate Professor of Law **PETER DANCHIN** was named Director of the International Law Program. Before joining the faculty at UMDLaw, he was lecturer and director of the human rights program at Columbia University's School of International and Public Affairs. He has served as a foreign law clerk to Chief Justice Arthur Chaskalson of the Constitutional Court of South Africa, and worked as a foreign associate at the New York law firm of Skadden, Arps, Slate, Meagher and Flom. His areas of interest are international law, human rights law, and comparative constitutionalism.



MARK GRABER was appointed Associate Dean for Research and Faculty Development. He is recognized as one of the leading scholars in the country on constitutional law and politics. He is the author of scores of articles, and his most recent book is *Dred Scott and the Problem of Constitutional Evil*. He has held a faculty position in the Department of Government and Politics at the University of Maryland, College Park since 1993 and has taught at UMDLaw since 2002.

Publications, Presentations, and Honors

The School of Law's faculty has a well-deserved reputation for producing outstanding legal scholarship, as evidenced by the rich array of books, articles, working papers, and conference presentations they complete each year. The entries on the following pages represent only a sampling of the diverse scholarly activities of our academic community. For a more complete listing and actual links to articles, visit www.law.umaryland.edu/scholarship.

Taunya Lovell Banks published the articles "Outsider Citizens: Film Narratives about the Internment of Japanese Americans," 42 *Suffolk University Law Journal* 169 (2009) and "A Few Random Thoughts about Socio-Economic 'Rights' in the United States in Light of the 2008 Financial Meltdown," 24 *Maryland Journal of International Law* 169 (2009), and contributed the book chapter "Judging the Judges - Daytime Television's Integrated Reality Court Bench," in *LAWYERS IN YOUR LIVING ROOM: LAW ON TELEVISION* (Michael Asimow, editor) (ABA Press 2009).

Barbara Bezdek published the article "The Alinsky Prescription: Law Alongside Organizing," 42 *John Marshall Law Review* 101 (2009); contributed the book chapter "Putting Community Equity in Community Development: Resident Equity Participation in Urban Redevelopment" in *AFFORDABLE HOUSING AND PUBLIC-PRIVATE PARTNERSHIPS* (Ed. Robin Paul Malloy & Nestor Davidson) (Ashgate Publishing Ltd., 2009); and presented "Recovering Communities: From Baltimore to Biloxi" and "Clients Counseling Their Lawyers for [a] Change" at the Law & Society Association Annual Meeting, Denver (May, 2009).

Brenda Bratton Blom moderated the panel "What Does the Future Hold for Problem Solving Courts?" at the *Journal of Race, Religion, Gender and Class* Symposium, University of Maryland School of Law, Baltimore (Nov. 6, 2009).

David Bogen published the article "Rebuilding the Slaughter-House: The Cases' Support for Civil Rights," 42 *Akron Law Review* 1129 (2009).

Richard Boldt published the article "Introduction: Obstacles to the Development and Use of Pharmacotherapies for Addiction," 13 *Journal of Health Care Law and Policy* 1 (2010), and will publish the articles "Confidentiality of Alcohol and Other Drug Abuse Treatment Information for Emergency Department and Trauma Center Patients," 20 *Health Matrix: Journal of Law-Medicine* (forthcoming 2010), and "The 'Tomahawk' and the 'Healing Balm': Drug Treatment Courts in Theory and Practice," 9 *University of Maryland Law Journal of Race, Religion, Gender & Class* (forthcoming 2010).

Maxwell Chibundu published "International Human Rights and the International Law Project: The Revolving Door of Academic Discourse and Practitioner Politics," in 24 *Maryland Journal of International Law* 309 (2009).

Danielle Citron published the articles "Cyber Civil Rights: Looking Forward," 87 *Denver University Law Review Online* 1 (2010), and "Law's Expressive Value in Combating Cyber Gender Harassment," 108 *Michigan Law Review* 373 (2009), and presented "Government Speech and Social Media" at the Government Speech Conference, University of Colorado School of Law-Denver University School of Law, Boulder (Jan. 20, 2010).

Douglas Colbert published the Op-Ed "Loss for Poor Defendants, Maryland's Public Defender Forced Out" in *The Baltimore Sun* (August 26, 2009); and presented "Framing Problems and Finding Solutions—A Look at the Effects of the Recession on Social Welfare" at American



TAUNYA LOVELL BANKS

University Washington College of Law, Washington (Jan. 28, 2010).

Robert Condlin published the article "Legal Bargaining Theory's New 'Prospecting' Agenda: It May Be Social Science, But Is It News?" in 10 *Pepperdine Dispute Resolution Law Journal* (forthcoming 2010).

Karen Czapanskiy published the article "Chalimony: Seeking Equity Between Parents of Children with Disabilities and Chronic Illnesses" in 34 *New York University Review of Law and Social Change* 253 (2010).

Kathleen Dachille presented "Flavored Tobacco Products: Legislative Activity and Options and Fire-Safe Cigarettes: How This Legislation Swept the Country Like Wildfire" at the National Conference on Tobacco or Health, Phoenix, Ariz. (June 10, 2009).

Peter Danchin edited the book *UNITED NATIONS REFORM AND THE NEW COLLECTIVE SECURITY* (with Horst Fischer)

(Cambridge University Press, 2010); contributed the book chapter “Whose Public? Which Law? Mapping the Internal/External Distinction in International Law,” in *SANCTIONS, ACCOUNTABILITY AND GOVERNANCE IN A GLOBALISED WORLD* (Kim Rubenstein and Jeremy Farrall editors) (Cambridge University Press, 2009); and presented “Defaming Muhammad: Dignity, Harm and Incitement to Religious Hatred,” at the Duke Forum for Law and Social Change, annual symposium on The New Face of Discrimination: Muslim in America, Duke Law School, Durham, N.C. (Feb. 5, 2010).

Abraham Dash served as a panelist for “Supreme Court Preview” at the University of Maryland School of Law, Baltimore (Oct. 12, 2009).

Martha Ertman published the article “Book Review, For Both Love and Money, The Far Reach Viviana Zelizer’s, *THE PURCHASE OF INTIMACY*,” *Journal of Law & Social Inquiry* 1017 (2009), contributed the chapter “The Upside of Baby Markets” in *Baby Markets* (Michelle Goodwin ed.) (2010), and served as a panelist for “Mindful Deregulation,” sponsored by the Socioeconomics Section on Beyond

Mindless Deregulation, AALS Annual Meeting, New Orleans (Jan. 7, 2010).

Donald Gifford published the books *SUING THE TOBACCO AND LEAD PIGMENT INDUSTRIES: GOVERNMENT LITIGATION AS PUBLIC HEALTH PRESCRIPTION* (University of Michigan, 2010), *CASES AND MATERIALS ON THE LAW OF TORTS*, SHULMAN, JAMES, GRAY & GIFFORD (with Oscar Gray) (5th ed., Foundation Press 2010), and presented “Climate Change: The New Mass Tort for the 21st Century?” at the U.S. Chamber of Commerce Institute for Legal Reform, 10th Annual Legal Reform Summit (with two others), Washington (Oct. 28, 2009).

Daniel Goldberg presented “Important Tax Issues in Choice of Business Entity” at the 6th Business Law Institute, sponsored by the Maryland State Bar Association, Linthicum (April 27, 2010).

Mark Graber published the articles “Foreword: Our Paradoxical Religion Clauses,” *69 Maryland Law Review* 8 (2009) and “James Buchanan as Savior? Judicial Power, Political Fragmentation, and the Failed 1831 Repeal of Section 25,” *88 Oregon Law Review* 95 (2009).

David Gray published the article “Constitutional Faith and Dynamic Stability: Thoughts on Religion, Constitutions, and Transitions To Democracy,” *69 Maryland Law Review* 26 (2009), and will publish the article “A No-Excuse Approach to Transitional Justice: Reparations as Tools of Extraordinary Justice,” *87 Washington University Law Review* (forthcoming 2010).

Oscar S. Gray published a revised Volume 6 and SUPPLEMENT 2009 No. 2 TO VOLS. 1-5 of *HARPER, JAMES AND GRAY ON TORTS* (2006-2009) (with Fowler, V. Harper, Fleming, James, Jr.) (2009) and published *CASES AND MATERIALS ON THE LAW OF TORTS*, SHULMAN, JAMES, GRAY & GIFFORD (with Donald Gifford) (5th ed., Foundation Press 2010).

Michael Greenberger contributed the chapters “Out of the Black Hole: Regulatory Reform of the Over-the-Counter Derivatives Market,” in *MAKE MARKETS BE MARKETS* 99

(Roosevelt Institute, 2010), and “State and Federal Emergency Powers,” in *HOMELAND SECURITY: LEGAL AND POLICY ISSUES* 21 (with Arianne Spaccarelli) (Joe D. Whitley & Lynne K. Zusman, editors) (2009), and published “The Relationship of Unregulated Excessive Speculation to Oil Market Price Volatility” in *Report of the Expert Group as Convened by the 2008 Ad-Hoc Energy Ministers Meetings Held in Jeddah and London 124* (International Energy Forum, Jan. 16, 2010).

Phoebe Haddon presented “Thinking About Issues Facing Legal Educators in 2010” at the Duquesne University School of Law Faculty Luncheon Presentation, Duquesne University School of Law, Pittsburgh, PA (April 19, 2010), and “A Public Calling: Lessons from the Lives of Judges of Color in Pennsylvania” at the Clifford Scott Green Lecture, Temple University School of Law, Philadelphia (April 12, 2010). She served on the ABA Council of Legal Education and Admissions to the Bar’s Special Committee on the *U.S. News & World Report* Rankings.

Susan Hankin published the article “Making Decisions About Our Animals’ Health Care: Does It Matter Whether We Are Owners or Guardians?,” *2 Stanford Journal of Animal Law & Policy* 1 (2009), and will publish “Statutory Interpretation in the Age of Grammatical Permissiveness: An Object Lesson for Teaching Why Grammar Matters,” *18 Perspectives: Teaching Legal Research and Writing* (forthcoming 2010).

Michelle Harner published the article “Corporate Control and the Need for Meaningful Board Accountability,” *94 Minnesota Law Review* 541 (2010); presented “Risk Management, Corporate Insolvency and the Economic Crisis” at the Seton Hall University School of Law Symposium: Securities Regulation and the Global Economic Crisis: What Does the Future Hold?, Newark, N.J. (Oct. 30, 2009); and served as a guest lecturer for “Activist Distressed Debtholders: The New Barbarians at the Gate?,” at the Business Decision Making Seminar, Boston College School of Law (Nov. 11, 2009).

DONALD GIFFORD



Deborah Hellman published the articles “Prosecuting Doctors for Trusting Patients,” 16 *George Mason Law Review* 701 (2009) and “Willfully Blind for Good Reason,” 3 *Criminal Law and Philosophy* 301 (2009), and presented “Intentions and Wrongful Discrimination” at the Mellon Research Seminar, Rice University, Houston (Feb. 26, 2010).

Leslie Meltzer Henry published the article “Deciphering Dignity” in the *American Journal of Bioethics*. She presented “Spheres of Dignity: Conceptions and Functions in American Constitutional Law” at the Case Western University School of Law, Cleveland, Ohio (April 15, 2010) and “The Ethics and Regulation of Human Stem Cell Research” at the Maryland Stem Cell Research Fund Greater Baltimore Committee, Baltimore (September 15, 2009).

Diane Hoffmann published the articles “Physicians Who Break the Law” 53 *St. Louis University Law Journal* 1049 (2009), “Teaching Health Law—A Health Law Practice Workshop: Bridging Externship Placements and the Classroom,” 37 *Journal of Law, Medicine & Ethics* 513 (2009), and “Medical Marijuana and the Law” 362 *New England Journal of Medicine* 1453 (2010) (with Ellen Weber). She also presented “The Disparity Toward Women in Pain” at the Second Annual Women in Pain Conference: Gender Matters—Building Bridges to Optimum Health, Los Angeles (Sept. 18, 2009).

Sherrilyn Ifill was in residence at Washington College as the Frederick Douglass Visiting Fellow at the C.V. Starr Venter for the Study of the American Experience. She delivered the lecture “Wise Latinas, Black Raconteurs, and White Umpires: Conceptions of Race and Judging in Supreme Court Confirmation Hearings, 1955-2009” (March 18, 2010).

Susan Leviton co-authored “Students Schooling Students: Gaining Professional Benefits While Helping Urban High School Students Achieve Success,” 38 *Journal of Law and Education* 359 (2009), and “Preventing Schools from Becoming the Pipeline to

Prison,” 42 *Maryland Bar Journal* 43 (May/June 2009).

Paula Monopoli published the articles “Marriage, Property and [In]Equality,” 119 *Yale Law Journal Online* 61 (2009) and “Why So Slow: A Comparative View of Women’s Political Leadership,” 24 *Maryland Journal of International Law* 857 (2009), and presented “Lessons from Ledbetter: Pay Equity in Academia” at the Women and Law Conference, Center for Social Justice, Santa Clara University School of Law Santa Clara, Calif. (April 16, 2010) and “Gender in Academia,” at Women in Medical Science, University of Maryland School of Medicine, Baltimore (Sept. 30, 2009).

Robert Percival published the books ENVIRONMENTAL REGULATION: LAW, SCIENCE & POLICY (with Schroeder, Miller & Leape) (6th ed., Aspen Publishing, 2009) and Environmental Law: Statutory and Case Supplement with Internet Guide 2009-2010 (with Schroeder) (Aspen Publishing, 2009), and the articles “The Globalization of Environmental Law,” 26 *Pace Environmental Law Review* 451 (2009), and “The Emergence of Global Environmental Law,” 36 *Ecology Law Quarterly* 101 (with Tseming Yang) (2009). He also presented “How Safe Is ‘Safe’? The Emerging Global Law of Environmental Health Protection” at the World Health Organization, Geneva, Switzerland (Feb. 15, 2010).

Michael Pinard published “Collateral Consequences of Criminal Convictions: Confronting Issues of Race and Dignity,” 85 *New York University Law Review* 457 (2010). He moderated “Juvenile Justice: A Plurality of Perspectives on Persistent Problems,” at the Southeastern Association of Law Schools 62nd Annual Meeting, Palm Beach, Fla. (August 6, 2009).

Garrett Power published the article “Regulatory Takings: A Chronicle of the Construction Concept,” 23 *Brigham Young University Journal of Public Law* 221 (2009); contributed the sections “Philip Perlman” in YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW (Roger K. Newman ed., 2009), and “Regulatory Takings” in ENCYCLOPEDIA OF THE SUPREME COURT OF



ROBERT PERCIVAL

THE UNITED STATES (David S. Tanenhouse ed., 2008), and presented “Three Baltimore Plaintiffs” at the Baltimore Historical Society’s Lecture Series, Village Learning Place, Baltimore (Feb. 18, 2010).

Peter Quint published the articles “The Universal Declaration and South African Constitutional Law: A Response to Justice Arthur Chaskalson,” 24 *Maryland Journal of International Law* 40 (2009), and “60 Years of the Basic Law and its Interpretation: An American Perspective,” 57 *Jahrbuch des oeffentlichen Rechts der Gegenwart* 1 (2009); and presented the colloquium “The Constitutional Law of Abortion in the United States, Germany and France,” at Institut d’Études Avancées de Nantes (Institute for Advanced Study Nantes (France) (June 11, 2009).

Shruti Rana published the article “‘Streamlining’ the Rule of Law: How the Department of Justice is Undermining Judicial Review of Agency Action,” in *University of Illinois Law Review* 829 (2009).

Bill Reynolds published the article “Electronic Contracting Cases 2008-2009,” 65 *The Business Lawyer* 317 (2009) (with Juliet Moringiello).

Robert Rhee published the articles “The Decline of Investment Banking:

Preliminary Thoughts on the Evolution of the Industry 1996-2008,” 5 *Journal of Business & Technology Law* 75 (2010)
 “Toward Procedural Optionality: Private Ordering of Public Adjudication,” 84 *New York University Law Review* 514 (2009), and
 “The Madoff Scandal, Market Regulatory Failure, and the Business Education of Lawyers,” 35 *Journal of Corporation Law* 363 (2009); and presented “A Production Theory of Pure Economic Loss” at the Conference on Law & Society, Denver (May 31, 2009).

Karen Rothenberg presented “Eugenics, Genetics and Gender: The Play’s The Thing,” at the Narrative Genetics (ISERP) and Center for Law and Culture, Columbia Law School, New York (April 19, 2010),
 “The Ethical, Legal and Social Implications of Prenatal Genetic Testing on Women: What Has Changed and What Has Stayed the Same in the Last Twenty Years?” at the Greenwall Foundation Fellow Seminar, Georgetown University, Washington (March 29, 2010), and “Pros and Cons of the Current Health Reform by Congress” at the Faculty Lunch Colloquium, University of Hawaii, William S. Richardson School of Law, Honolulu (Nov. 3, 2009).

RENA STEINZOR



Jana Singer presented “A Cautious Feminist Defense of Marriage” at the Southeastern Law School Association 2009 Annual Conference, Palm Beach, Fla. (Aug. 7, 2009); and moderated “The Child’s Voice in the Process: Which Way is Forward?” at the Association of Family and Conciliation Courts 49th Annual Conference, New Orleans (May 29, 2009).

Maxwell Stearns published the book *PUBLIC CHOICE CONCEPTS AND APPLICATIONS IN LAW* (with Todd J. Zywicki) (West 2009), and contributed the book chapter “An Introduction to Social Choice,” in *RESEARCH HANDBOOK ON PUBLIC CHOICE AND PUBLIC LAW* (Daniel A. Farber and Anne Joseph O’Connor, editors) (Elgar Publishing, 2010).

Rena Steinzor published *THE PEOPLE’S AGENTS AND THE BATTLE TO PROTECT THE AMERICAN PUBLIC: SPECIAL INTERESTS AND THREATS TO HEALTH, SAFETY, AND THE ENVIRONMENT* (with Sidney Shapiro) (University of Chicago Press, 2010), and served as a panelist for “In Search of Impartial Science,” “An Agenda for the New EPA” at the ELI Presentation, Environmental Law Institute, Washington (Oct. 6, 2009), and “Obama’s Regulatory Agenda: A One-Year Retrospective,” Penn Program on Regulation, University of Pennsylvania Law School, Philadelphia (Jan. 26, 2010).

Lawrence Sung published the articles “In the Wake of Reinvigorated U.S. Supreme Court Activity in Patent Appeals,” 4 *Journal of Business & Technology Law* 97 (2009), and “The New Private Ordering of Intellectual Property,” 4 *Journal of Business & Technology Law* 1 (2009), and presented “Training for New Lawyers,” at the American Intellectual Property Law Association Practical Patent Prosecution Biotechnology Claim Drafting session, Alexandria, Va. (Aug. 26, 2009); and “U.S. Intellectual Property Overview” at the University of Maryland Institute for Global Chinese Affairs, College Park (Aug. 24, 2009).

David Super published the articles “From the Greenhouse to the Poorhouse: Carbon Emissions Regulation and the Rules

of Legislative Joinder,” 158 *University of Pennsylvania Law Review* 1093 (2010), and “Laboratories of Destitution: Democratic Experimentation and the Failure of Antipoverty Law,” 157 *University of Pennsylvania Law Review* 541 (2009).

Michael Van Alstine published the article “The Universal Declaration and Developments in the Enforcement of International Human Rights in Domestic Law,” 24 *Maryland Journal of International Law* 63 (2009), and contributed the chapter “The Role of Domestic Courts in Treaty Enforcement: Summary and Conclusions,” in *THE ROLE OF DOMESTIC COURTS IN TREATY ENFORCEMENT: A COMPARATIVE STUDY* (D. Sloss, ed., Cambridge University Press, 2009).

Katherine Vaughns published the article “Book Review: Fresh Perspectives on the ‘War on Terror’ (Miriam Gani & Penelope Mathew eds., 2008),” 19 *Law & Politics Book Review* 21 (2009).

Ellen Weber published the articles “Medical Marijuana and the Law” 362 *New England Journal of Medicine* 1453 (2010) (with Diane Hoffmann) and “Failure of Physicians to Prescribe Pharmacotherapies for Addiction: Regulatory Restrictions and Physician Resistance,” 13 *Journal of Health Care Law & Policy* 101 (2010)

Deborah Weimer presented “Advocacy and Policy Change” at the Interdisciplinary Collaborative Education Conference: Partnerships Between Law Schools and Health Professions, Georgia State University Law School, Atlanta (Sept. 24-25, 2009).

Marley Weiss published the article “Human Rights and the Global Economy: The Centrality of Economic and Social Rights,” 1 *Maryland Journal of International Law* 257 (2009), and presented “Trade and Labor Implications of Recent Developments Under European Union Law” at the Annual Meeting of the Society for the Advancement of Socio-Economics, Paris, (July 18, 2009).

IN THE CLASSROOM: BIOETHICS SEMINAR

The Morality of Law and Medicine

ON A SUNNY SPRING DAY, 13 students at the School of Law begin a two-hour discussion of one of the most difficult questions in bioethics: Under what circumstances can U.S. researchers ethically conduct clinical trials on human subjects?

Assistant Professor **Leslie Meltzer Henry** kicks off the seminar with zest: How many students, she asks, have been subjects in a scientific study? Nearly all the students raise their hands. Somewhat sheepishly, they describe participation in studies as undergrads, mostly to earn a few bucks.

But the students knew what they were signing up for. What about instances where subjects aren't aware of their participation in a study? The Bioethics Seminar, taught by Henry, who is also an associate faculty member at the Johns Hopkins Berman Institute of Bioethics, is geared toward critical and philosophically grounded discussion of some of the most controversial topics at the intersection of law and medicine: physician-assisted suicide, abortion, assisted reproduction, allocation of scarce health care resources, gifting and selling body parts, termination of life-sustaining treatment.

Offered through UMDLaw's nationally recognized Law & Health Care Program, the course draws upon guest instructors from the medical and nursing schools on UMB's campus. The interdisciplinary nature of the course is reflected in the backgrounds of its students, many of whom have come to law school after pursuing medical careers.

"Students come in with very different experiences," Henry says. "We have doctors, nurses, and students with advanced degrees in public health and public policy. The goal is to provide them with the intellectual tools they need to analyze the challenging ethical issues they will confront in the health care arena."

On this day, with the issue of human research subjects at the fore, Henry takes students on a tour of what she calls "a parade of horrors," three notorious scandals in U.S. clinical research history: The Tuskegee Syphilis Study, The Willowbrook Hepatitis Studies, and The Jewish Chronic Disease Hospital Case.

Everyone in the class agrees that Tuskegee violates today's standards for informed consent. For 40 years, the U.S. Public Health Service tracked 399 poor African-American sharecroppers in Alabama with syphilis, withholding treatment, to watch the natural progression of the disease.

The outrage over Tuskegee and other questionable uses of human subjects in experimental research led to the Belmont Report in 1978, which set forth principles for ethically conducting research. Henry asks students to apply the Belmont framework to the Willowbrook case, in which researchers at a state-run school in



Leslie Meltzer Henry

Staten Island intentionally infected mentally disabled children, age 3 to 11, with the hepatitis virus in an attempt to study it and create a vaccine against it.

Her question: "Did the study have a favorable risk/benefit ratio for the population?" One student raises concerns: "It's a lot to put [vulnerable] children through to find out information that could have been found elsewhere." Another disagrees: Nearly all children who resided at Willowbrook were infected with hepatitis A within six months anyway, due to unsanitary living conditions. "There's an argument to be made that people already were suffering." Another student agrees, and points out that the children intentionally infected with hepatitis might "see the doctor more frequently, get better medical care."

The dialogue allows students to explore the moral underpinnings of health law and policy in a way that best simulates what happens in the real world, students say. The format is important for interdisciplinary subjects such as bioethics, where ethical issues at the intersection of medicine, biology, law, public health, and public policy arise.

Third-year student **Keith Shebairo**, a physician by training, says the classroom dialogue simulates what happens in a real hospital, where he has served on an ethics panel. On such panels, doctors, nurses, social workers, hospice staff, lawyers, and others wrestle with gut-wrenching decisions. "They must discuss things openly and ultimately make a decision." The key, he says, is to respect and value different points of views. And that's what happens in Henry's class.

"Just because I have a medical background doesn't make my opinion any more valuable," says Shebairo. "We have to be open to hearing each other and respecting each other's perspectives. That's how we arrive at good decisions."

—Mary Beth Regan



Dominique Markland '10 (left) and Sarah Weese '10

Looking at the System from the Inside Out

GROWING UP IN CULTURALLY RICH NEW YORK CITY, Domonique Markland '10 initially thought about a career in entertainment law. That was before she and classmate Sarah Weese '10 began work at the Baltimore City Detention Center through the Community Justice Clinic.

Since 2008, the two have mentored juvenile boys, ages 14 to 17, who are awaiting trial on adult charges at the Baltimore City Juvenile Justice Center, an isolated unit within the detention center. The women's twice-weekly after-school program is aimed at equipping the teens with critical life skills such as self-advocacy, self-respect, and basic legal rights. In all, Markland and Weese spent as many as 700 hours with the young men.

In February their work earned them one of the School of Law's highest honors: The Martin Luther King Jr. Student

Award. The 2010 MLK student award, given this year at the Feb. 3 Commemoration of King's birthday, annually is bestowed upon students whose work embodies King's ideals of equality, justice, and opportunity for all people. But the pair gently deflects attention.

"Really, this is the work we all should be doing," says Markland, who studied economics as an undergraduate at Spelman College in Atlanta.

Coordinated through the non-profit Community Law In Action (CLIA) Youth Justice Initiatives, the mentoring program was credited with reducing violent incidents from 300 to 100 incidents a year. "We started working, and we just never stopped," Weese says. The program will carry on with new law students next year.

"We were seeing the kids more than their families [were]," adds Weese, who holds a MSED degree. "You get attached to them." Many of the young men are held on charges such as drug possession, armed robbery, or worse. If convicted, most of the teens will end up serving sentences in adult prisons.

For Markland, the work hit a nerve, and prompted a change in her career path. "For the first time, I was able to see the system from the inside ... and everyone looked like me," she says. "In turn, I could be a role model. The age difference wasn't that great. We liked the same music. These kids could have been my little brother."

One case, in particular, underscored the importance of their work. At the start of their rotation, they met a shy, respectful 15-year-old detainee who peppered them with questions about legal processes and his rights. "He knew the system wasn't working for him," Weese says. "He was very bright, a cool kid. But over time, you could just see him fading."

Like others, this teen was presented with a deal: The prosecutor offered him 10 to 15 years behind bars in exchange for an admission of his guilt. But also like others, this young man insisted he was innocent. "That's one of the toughest decisions our boys must make," Weese says, "whether or not to take the deal."

This teen opted for a jury trial. He was acquitted of all charges.

"So he went home," Weese says. "But he had been [detained] for 24 months. He came in at 15, he went home at 17. You can't give him those two years back—that's when he should have been going to high school, learning to drive a car, asking a girl out.

"That's what really gets to you."

Both Markland and Weese plan legal careers that will advance their work. Coincidentally, both plan to move to Atlanta. Weese wants to pursue a career in child advocacy. Markland hopes to combine her loves—music, performing arts, and child advocacy—by one day launching a non-profit performing arts center to provide opportunity and legal counsel for disadvantaged youth.

—Mary Beth Regan

Environmental Moot Court Team Is World's Best

A TEAM FROM UMDLaw established itself as the best in the world by topping 75 teams from five continents to win the 2010 International Environmental Moot Court Competition. After teams advanced from qualifying rounds at six locations around the globe, the Maryland team of Molly Knoll, April Morton, and William Tilburg proved victorious during the championship round at Stetson University in Florida in March.

In addition to winning the championship, Knoll was named best oralist of the final round and the team took home the award for Second Place Memorial.

"It is incredibly rewarding to have the opportunity to instruct students, assist them in developing their advocacy skills, and to watch them achieve success and win their competition," says David Mandell, who coaches the team with fellow 2007 graduate Karla Schaffer.

Maryland defeated six teams during the preliminary rounds before advancing as one of the top eight teams in the Quarterfinal Round.

The School of Law team then defeated the University of California Hastings College of Law and proceeded to win a semifinal rematch against China University of Political Science and Law.

The Chinese team, composed of students who were taught by Maryland Environmental Law Program Director Robert Percival when he was a J. William Fulbright Distinguished Lecturer in China during the Spring 2008 semester, was the only team to defeat Maryland in the preliminary rounds. Maryland then won the final round against the Law Society of Ireland, Cork.

In 2011, 20 teams from all over the world will travel to the School of Law, which will host the International Finals for the first time in the Law School's history.

—Carrie Oleynik



(from left) Coach Dave Mandell '07, team members April Morton 2L, Molly Knoll 2L, William Tilburg 2L, and Coach Karla Schaffer '07



ON FEB. 5-6, UMDLaw hosted a preliminary round of the International Environmental Moot Court Competition, despite the largest snowfall in Baltimore history. While most of the city shut down, the competition went on with alumni volunteering as judges and staying in nearby hotels. Professors Robert Percival and Shruti Rana flank the winning team from the University of Pennsylvania.

Students Devise A Winning Strategy

UMDLaw STUDENTS Dave Pantzer and Jake Lilien defeated 100 teams from 54 law schools across the nation to place first in the 2010 American Bar Association (ABA) Section of Dispute Resolution Representation in Mediation Competition. The championship round of the competition was held April 7-8 in San Francisco.

"The support that the School of Law provides creates the environment for students to participate in these competitions," says Clinical Law Instructor Toby Treem Guerin '02, Deputy Director of the Law School's Center for Dispute Resolution, who coaches the team with Nick Scull '10. "The judges said that the Maryland team had the foundation they needed to be flexible and effective at analyzing their strategy."

Pantzer and Lilien, members of the Class of 2011, are both Leadership Scholars. Pantzer is treasurer of the Maryland Public Interest Law Project. Lilien serves as program chair of the American Constitution Society.



Students Make Winning Arguments

ALL EYES AT THE LAW SCHOOL were on the Ceremonial Courtroom on March 10, as Rachel Simmons edged Carrie Scruhari to earn the nod for best oral argument in the final round of the 40th annual Morris Brown Myerowitz Moot Court Competition. Handing down the decision from the bench was the champion of the 1977 Myerowitz Competition, The Hon. Andre Davis '78 of the U.S. Court of Appeals for the Fourth Circuit. He was joined by fellow judges Joseph F. Murphy, Jr. '69 of the Maryland Court of Appeals, and Faith Hochberg, U.S. District Court for the District of New Jersey. Daniel Kobrin and Clara Shaw were the other oral finalists. Alex McGee won the award for Best Brief.



(clockwise) Moot Court Team members Carrie Scruhari 2L and Clara Shaw 2L react to comments from the judges; Moot Competition winner Rachel Simmons 2L with Moot Court Board President Dana Backlund '10; Judge Davis gives the competitors feedback.

Strengthening Relationships at the State House

ON JAN. 27, two weeks into the 2010 session of the Maryland General Assembly, UMDLaw Dean Phoebe Haddon and 32 Maryland Law students, alumni, faculty and staff spent a day building relationships with legislators in Annapolis. Students met with more than 50 delegates to discuss the School of Law's capacity to serve the public, its role in stimulating economic growth and job development in Maryland, and the importance of loan assistance repayment programs for law students.

"We highly value the vital leadership that our representatives provide the State of Maryland and the relationship that we share with the General Assembly," said Dean Haddon. "It is a great privilege for the School of Law to be able to visit with the legislature in Annapolis."

Throughout the day, students personally thanked legislators for their support of higher education before sharing stories about how experiential opportunities at the Law School, including clinical work and participation in student organizations, have readied them to enter the legal profession.



Maryland Law students Leila Ashkeboussi '11 (left) and Chelsea Treadwell '13 share their educational and professional experiences with Delegate Samuel I. Rosenberg after thanking him for the General Assembly's continued support of higher education.



2010 Commencement

THE SCHOOL OF LAW'S May 21 Hooding Ceremony was enough to stop traffic—literally. The faculty and 280 members of the Class of 2010 (including UMDLaw's first LLM student) gathered in Westminster Hall before the ceremony, then processed down a closed Fayette Street to the Hippodrome Theatre, where an overflow crowd of family and friends awaited.

Judge Andre Davis '78 of the United States Court of Appeals for the Fourth Circuit (bottom right) delivered the keynote address, and Class of 2010 President Rama Taib announced that a record 108 graduates had contributed to the Class Gift. Later, graduates attended UMB's Commencement Ceremony, where the speaker was U.S. Congressman Elijah Cummings '76.



Dear Fellow Graduates and Friends,

As President of the University of Maryland School of Law Alumni Board, I can assure you that there's been no better time than now to become involved with our Law School. The School's leadership is taking advantage of new technology to reach out to us in unprecedented ways, and seeking our participation and counsel more than ever before.

Under the dynamic leadership of former President **Debbie Potter '90**, the Board significantly improved its operating policies and procedures, providing a sustainable structure that will last for many years to come. One such improvement was opening Board applications to all alumni, and at the same time enhancing the Board's nominations process for selecting new members. Debbie also worked with **Justin Browne '08** to create a Recent Graduate Pilot Committee that will strengthen ties among UMDLaw's newest alumni.

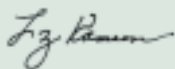
My goal as President is for our Board members and other graduates to connect with the most recent members of our community: current students. Their feelings about our Law School as alumni start from the moment they arrive at UMDLaw. To ensure those feelings are good, I hope graduates will engage with students in as many ways as possible: participating in the mentoring and "Lunch with a Lawyer" programs; speaking at conferences and less formal student organization gatherings; attending meet-ups and other networking opportunities; and responding positively when the Law School or Alumni Board calls upon you to help.

I also encourage you to take advantage of UMDLaw's use of social media, making it easier than ever to share information with friends and stay up to date on the latest Maryland Law news (see next page). I find the monthly email summary of news and events particularly convenient and recommend you subscribe, if you haven't already. I assure you that the School is very judicious about not filling up your inbox with unwanted messages.

Finally, please consider making a gift to the Law School this year. Especially if you haven't given in the past, I hope you will consider making a donation, either in recognition of what UMDLaw did to prepare you for professional and personal success, or what it continues to do in educating the next generation of leaders in law and society.

These are exciting times at Maryland Law. Don't be left out!

Sincerely,



Liz Kameen '83

Alumni Board President, Member, Maryland Law School Club

Alumni Board Welcomes New Members

IN ADDITION to naming **Elizabeth Kameen '83**, Principal Counsel to the Maryland State Board of Education and the Maryland State Department of Education, as President of UMDLaw's Alumni Board, the group welcomed 11 new members:

- **Steven V. Adler '07**
*Administrative Commissioner,
District Court of Maryland*
- **Richard Bloch '71**
Partner, Shilling, Bloch and Hirsch, P.A.
- **James "Trey" R. Hart III '09**
Associate, Kirkland & Ellis LLP
- **Kathryn "Kate" Christensen Mills '02**
*Deputy Director, U.S. Department of
Homeland Security, U.S. Immigration
and Customs Enforcement, Office of
Congressional Relations*
- **Brett D. Rogers '02**
Brown Advisory
- **David A. Roth '85**
*Partner, Grenbaum Rowe Smith
& Davis LLP*
- **Bryan K. Saxton '09**
Associate, Tydings & Rosenberg LLP
- **Reena K. Shah '07**
*Staff Attorney, Maryland Legal
Aid Bureau, Inc.*
- **Indira K. Sharma '06**
Associate, Saul Ewing LLP
- **Cori M. Shepherd '08**
Associate, McGuire Woods LLP
- **C. Diane Wallace Booker '96**
*Executive Director, U.S. Dream
Academy, Inc.*

The 2009-2010 Alumni Board with Dean Phoebe Haddon (center, seated). See Page 72 for a full listing of members.



Joel D. Fedder '58 Joins Board of Visitors

JOEL D. FEDDER '58 has been invited by the Board of Visitors to join its ranks for the 2010-11 academic year. Mr. Fedder is Of Counsel at Fedder and Garten, where his extensive knowledge of real estate development, taxes, and estate and business planning has benefited clients for decades. Fedder's staunch commitment to environmental issues led him to establish the Fedder Environmental Fund at the School of Law in 2007, which has made it possible for top international and national public interest lawyers to visit the Law School to give public annual lectures that address emerging issues in environmental law. The Fund will make it possible for the UMDLaw to host the 2012 Colloquium of the IUCN Academy of Environmental Law, a worldwide network of university-based environmental law centers and faculties, working together to promote the development of environmental law.



New Alumni Website Provides Enhanced Features

WONDER WHAT'S GOING on with a law school study partner? Trying to find a fellow alumnus with a specific legal expertise? Looking for a job lead in a certain practice area or geographic location?

Among the features of UMDLaw's new alumni site, **www.UMDLaw.net**, is a new online alumni directory offering expanded search functions. Graduates can search for friends using criteria like student activities, academic programs, practice area, and maiden name.

"We're really happy about this feature of the alumni website," said Erik Fulwider, Director of Alumni Relations and Annual Giving. "The number one thing alumni tell me they want is a searchable directory with contact info."

To access the directory, alumni will need their UMDLaw.net ID. Your UMDLaw.net ID is a 10-digit number that appears on printed materials you receive, including this magazine, as well as emails from the Law School. Look for "UMDLaw.net ID" to find your number, or email alumni@law.umaryland.edu, or call 410-706-2070.

The new site will also enable you to post your own class notes and search for updates about other alumni. Other website features include:

- **Facebook Connect** enabling creation of a single login for Facebook and the alumni website. See an event posted on Facebook, and register without having to log in again.
- **New event registration** displaying a list of attendees and allow alumni to automatically update their Facebook status as attending.
- **Blog feeds** in "Blog" section letting visitors see postings from alumni, faculty, students and legal professionals.
- **Event and other photos** posted by the Law School and individual alumni.
- **Listing** of alumni in public office and serving on the bench.

"Our goal is to continually gather feedback and improve our website into what alumni want," said Fulwider.



Board of Visitors Helps Shape UMDLaw's Future

PUBLICLY ADVOCATING for UMDLaw and offering private counsel during controversy over the Environmental Clinic. Envisioning the Law School of the future and shaping the strategic direction needed to achieve it. Gathering with friends and fellow graduates for events on campus and at Caves Valley. It's been a year of hard work and great fun for members of the School of Law's Board of Visitors.

"The guidance of the Board of Visitors was invaluable during my first year at the Law School," says Dean Phoebe Haddon. "Every time I called upon the Visitors, they were unfailingly generous in providing their time, insight and support. And they played a vital role in connecting me with our community."

The Board of Visitors is comprised of distinguished alumni and friends who advise the Dean on topics ranging from proposals for new academic programs to the hiring of senior administrators to political issues affecting the Law School. In addition to individual meetings with UMDLaw leaders throughout the year, the full Board met twice.

In fall, Pauline Schneider, a member of the UMB Foundation and a partner and head of the Public Finance Group in the Washington office of Orrick, gave a presentation on the implications of changes in law practice. Schneider serves with Dean Haddon on the Council of the ABA's section on Legal Education and Admission to the Bar, the official accrediting body of law schools. The Visitors also participated in an interactive session on strategic planning, discussing where they saw UMDLaw in five years, and outlining the steps it would take to achieve those goals.

The spring meeting began with a dinner hosted by Board Chairman Paul Bekman '71 at Caves Valley, with professors Peter Danchin and Don Gifford discussing their new books. The following day Donna Wiley of fundraising consultant GG+A spoke about her work to help UMDLaw increase private support.

More information about the Board of Visitors is available at www.umdlaw.net/boards.



(above) Members of the Class of 1960

Celebrating Golden Graduates

ON APRIL 13, the Law School welcomed more than a dozen members of the Class of 1960 to a luncheon celebrating the golden anniversary of their graduation. Judge Thomas I. McKnew, Jr. '60 of the Los Angeles County Superior Court addressed his classmates as well as 36 members of classes who had already celebrated their 50th graduation anniversary, including Marvin Mandel '42, Constance Putzel '45, The Honorable Elsbeth Bothe '52, and Mary Katherine Scheeler '53. Keith A. Shebairo '10 also extended greetings on behalf of the Law School student body.



(above) Keith A. Shebairo '10

(right) Dean Phoebe Haddon with Ed Feingold '58





(top) U.S. Senator Ben Cardin '67, with students Jason Brooke '10 and Caroline Farrell '10, received the Program's Lifetime Achievement Award; (above, from left) Program Director Diane Hoffmann, FDA Principal Deputy Director Joshua Sharfstein, and Board of Visitors member Joanne Pollak '76

Law & Health Program Celebrates Silver Anniversary

FROM THE DEBATE OVER HEALTH CARE REFORM to H1N1 to the war on drugs, to embryonic stem cell research and beyond, health law issues are at the center of our nation's political, social, and economic life. Health law has become one of the legal profession's most vital areas, and its importance will only increase in the years to come.

But that was hardly apparent 25 years ago, when visionary UMDLaw educators Karen Rothenberg and Diane Hoffmann helped established and nurtured the groundbreaking Law & Health Care Program (L&HCP). In the late 1980s, a vision for the Program's future was articulated in *JD* magazine, including the vital need for "a stronger health law collection in the library, more health-related student placements, continuing education programs, assistance to the state legislature, and perhaps even a master's program or specialty track in health care law at the Law School."

All of those dreams have been realized. U.S. Senator Benjamin Cardin '67, who spoke about health care reform efforts and the Program's leading role at the national level, was presented with the L&HCP's first Lifetime Achievement Award. Dr. Joshua Sharfstein, FDA Principal Deputy Commissioner, offered opening remarks.

Barbara Fuller '96, Ellen Callegary '78, Joanne Hawana '07, Erin Hopwood '99, David Meyerson '06, Lisa Ohrin '94, and Delora Sanchez '06 helped the Law School plan the celebration. Photos of the celebration and a historical timeline created by L&HCP Director Diane Hoffmann are available at <http://www.law.umaryland.edu/25thanniversary>.

BLSA Observes Responsibility to Underserved Communities

SEVERAL HUNDRED STUDENTS, ALUMNI AND FACULTY gathered Feb. 19 for the annual Black Law Students Association Banquet, dedicated this year to the theme "Young, Gifted and Black: Honoring our Responsibility to Underserved Communities."

"In the 35-year history of this gathering, it is my great honor to be the first Dean of this law school who was also once a student member of BLSA," said Dean Phoebe Haddon. "I know firsthand how much BLSA adds to student life at every law school where it exists. But Maryland's chapter has had a particularly powerful impact, extending from its founding until today."

John Oliver, publisher and CEO of the *Afro-American* newspapers, delivered the keynote address. Judge Andre Davis '78 was named Alumnus of the Year, and Franklin Lee '80 of Tydings & Rosenberg was named Practitioner of the Year. The Impact Award, given to members of the Law School community who have contributed a significant amount of time and assistance to help in the furtherance of BLSA's programming and overall goals, was presented to Clinical Law Program Managing Director A.J. Bellido de Luna '04 and Director of Student Recruiting Michele Hayes.

A Celebration of Leadership

MORE THAN 150 ALUMNI AND FRIENDS gathered at the School of Law on April 8 for “A Celebration of Leadership,” the Alumni Association’s 19th annual Honors Banquet. This year’s Distinguished Graduate Award was presented to Paul Bekman, Esq. ’71, who is one of the most respected trial attorneys in Maryland and Chair of the Law School’s Board of Visitors. Maryland Court of Appeals Judge Joseph F. Murphy, Jr. ’69, who has served on the state trial bench for 25 years, received the Benjamin L. Cardin Public Service Award. Mary Katherine Scheeler ’53, a member of the Law School’s Board of Visitors, received the Star Award in recognition for her lifetime of contributions to the Law School and the greater community.



(above, from left) Nancy Oyedele '10, James Benjamin '01, and Reena K. Shah '07

(top right) Mary Katherine Scheeler '53 and Paul Bekman '71

(bottom right) The law students from Legally Sound performed a capella for the audience.





Dean Phoebe Haddon with Board of Visitors member Stuart Salsbury '71 (center) and Alumni Board member Stanley Rohd '66



(above, from left) Dean Phoebe Haddon, Mary Katherine Scheeler '53 and Alumni Board President Deborah Lynne Potter '90



(above) Alumni Board members (from left) Cori Shepherd '08, Jonathan Kucskar '08 and Heather Doherty Clark '98



(left) Alumni Board members J. Manuel Ocasio '02 and Elizabeth "Liz" Kameen '83

A Bright Light in the Face of Catastrophe

Paul D. Bekman '71 had one vision for his future when he graduated from the University of Maryland School of Law nearly four decades ago.

"I hoped that I could somehow, some way make a difference in people's lives," says Bekman, today a partner with Baltimore's Salsbury, Clements, Bekman, Marder & Adkins.

Mission accomplished. But by no means over.

The winner of the School of Law's 2010 Distinguished Graduate award has long been—and continues to be—involved in some of Maryland's most high profile catastrophic injury cases as an advocate for clients facing life-changing experiences that inflict heavy emotional, physical, and financial damage.

"I can make their lives a little bit easier," Bekman says. "By giving them some security, it can help make their futures a little brighter."

Throughout his career, Bekman has had a hand in nearly every major maritime accident case in Maryland. He helped secure a substantial settlement for relatives of passengers who died in the 2004 Inner Harbor water taxi accident. And he recently filed a \$35 million lawsuit against Baltimore City on behalf of a fire department cadet who died in a flawed training drill three years ago.

It would appear Bekman is more than living up to the expectations of his high school classmates from the New York Military Academy, who voted him "most likely to succeed"—boosting him over charismatic classmate Donald Trump.

Bekman was born in Washington, in 1946, but his father's State Department job took the family to South Korea when he was 12. (Four years of military base life left a lasting impression on his golf game. A soldier on base named Orville Moody taught Bekman to play. Moody would go on to win the U.S. Open in 1969.)

Bekman—five-time club champion at Chestnut Ridge Country Club—attended the U.S. Air Force Academy for three years, where a law course spurred his career ambition. He finished his senior year at the University of Maryland and went straight to law school.

Two of his proudest professional accomplishments since then include a U.S. Supreme Court victory and admittance to a distinguished organization for top lawyers.

The Supreme Court case in 1985 centered on an age discrimination lawsuit that he filed for Baltimore firefighters forced to retire at 55. An appeals court had reversed his trial court victory, but the nation's highest court sided with a 39-year-old Bekman—unanimously.



Eight years later, Bekman was admitted to the American College of Trial Lawyers, an exclusive invitation-only group that counts only 1 percent of the nation's lawyers as members. Since 2006 he has served as one of the group's 15 regents, overseeing the selection process for lawyers in Maryland and Washington. He was also named to the Best Lawyers In America list for more than 20 years in five categories: personal injury litigation; medical malpractice; products liability; maritime law; and alternative dispute resolution.

The former president of the Maryland State Bar Association (1997), the Bar Association of Baltimore City (1993), and the Maryland Trial Lawyers Association (1986) has been married for 41 years to his wife Arlene, an elementary school vice principal. He has two daughters, who are both attorneys married to lawyers.

"They're not only great lawyers, they're great people," said Bekman, 64. "I'm very proud."

Since 1983, members of the state bar association repeatedly elected Bekman to serve on the committee for nominating judges. After the job changed to an appointed position, Gov. Martin O'Malley tapped Bekman.

Bekman has also been a leader in his service to UMDLaw, serving for the last eight years as chairman of the Board of Visitors. In addition, he was chair of the School's \$20 million new building campaign and has established the Paul D. Bekman Leadership in Law Scholarship, which provides tuition support for an outstanding member of each incoming class.

"Paul Bekman epitomizes what lawyers should do: serve their profession, their clients, and their community," says Thomas D. Murphy '73, president-elect of the Maryland State Bar Association. "He does all those things."

—Doug Donovan

"I CAN MAKE [clients'] lives a little bit easier. By giving them some security, it can help make their futures a little brighter."



Service at the Pinnacle

Judge Joseph F. Murphy Jr.
“absolutely loves the law,”
and is “always available”
for public service.

After 40 years of excelling at every level of Maryland’s legal profession, Judge Joseph F. Murphy Jr. ’69 has been named the 2010 recipient of the School of Law’s Benjamin L. Cardin Public Service Award.

Murphy, who is one of seven judges on Maryland’s Court of Appeals, the state’s highest court, finds it particularly gratifying that an award named for a Cardin is honoring a career started by a Cardin. The U.S. Senator’s brother, Howard, hired Murphy to his first job as a prosecutor. “There is no way in the world that I’d be here today if that had not happened,” says Murphy.

Murphy was raised by his bookkeeper mother, in Fitchburg, Mass., after his father died when he was a baby. He went on to earn an economics degree from Boston College and moved to Baltimore to work as an insurance adjuster. He then enrolled at the University of Maryland School of Law’s night school program.

“I really didn’t have a plan,” he recalls.

After graduating and passing the bar in 1969, he got his first taste of public service as a Legal Aid lawyer. The job involved criminal trial work that caught the attention of rival prosecutors. Howard Cardin hired Murphy in 1970 to join the Baltimore state’s attorney’s office. By 1975 Murphy rose to become deputy state’s attorney. A year later he entered private practice.

At White & Murphy, his cases often gained local headlines. But Murphy was thrown into the national spotlight in 1979, when he represented a nurse charged with murder for disconnecting the respirator of a critically ill patient. His legal strategy focused on proving that the patient was not “alive” and therefore could not have been murdered. The question hung the jury, and prosecutors eventually dropped the charges.

In 1984, Murphy was appointed to the Baltimore County Circuit Court bench, where he presided over trials for nine years. He was appointed to the Court of Special Appeals in 1993 and became its chief three years later. Then, in 2007, Gov. Martin O’Malley ’88 appointed Murphy to the Court of Appeals.

Created in 1776, the court decides the most important and controversial questions facing the state—including issues such as free speech, gay marriage, the death penalty, legislative redistricting, and the behavior of other judges.

Murphy—married for 44 years to a retired school teacher—has another outlet for public service: teaching. For nearly three decades the former president of the Maryland Criminal Defense Attorneys Association has taught trial practice at the University of Maryland School of Law.

The author of the *Maryland Evidence Handbook*, Judge Murphy also teaches evidence at the University of Baltimore Law School.

“The best thing about my dad is that he absolutely loves the law,” says his daughter Erin Murphy Ehman, an attorney with Silverman, Thompson, Slutkin & White, who has co-taught the evidence course with Judge Murphy for the past nine years. When it comes to public service, she adds, “he is always available. He never says no.”

—Doug Donovan

MAKING AN IMPACT

Welcome to *Making an Impact*, a section of the Law School's alumni magazine with news about the progress of Maryland Law's \$50 million capital campaign. Each issue will spotlight key individuals and important accomplishments supporting the campaign's goals, along with opportunities for your participation in this historic initiative.



UMDLaw. WHAT A LAW SCHOOL SHOULD BE.

UMDLaw is recognized nationwide as a leader and innovator in legal education.

We set the standard for graduating students ready to make a difference. Our commitment to advancing justice extends around the world. Our faculty is comprised of influential thinkers, whose scholarship is helping improve law while bringing cutting-edge legal issues into our classrooms.

None of this could have been achieved without the financial support of our graduates and friends. On the pages that follow, it is our privilege to recognize those generous supporters and share just a few examples of the breakthrough achievements their gifts make possible.

THANK YOU.

From the Classroom to the Courtroom

Michele Bradley, Class of 2010

In the first case she ever argued, Michele Bradley '10 convinced Maryland's interim appellate court to reverse her client's conviction on charges of attempted robbery and assault. Not bad for a second-year law student.

As a student attorney in the Appellate and Post-Conviction Advocacy Clinic, Bradley represented a client in a direct appeal before the Maryland Court of Special Appeals. After interviewing clients, reading trial transcripts (and other parts of the criminal case record), and conducting legal research, she argued her client's conviction should be reversed on three claims. The Court of Special Appeals ruled in her favor on the first two and reserved judgment on the third.

"Michelle drafted two well-written appellate briefs, and presented one of the best appellate arguments I have seen a student present in my years of teaching," said Professor Renee Hutchins.

Bradley attended UMDLaw as the inaugural recipient of the William H. and Madeline W. Murphy Scholarship, which was



Michele Bradley '10

created by William H. Murphy, Jr. '69, and his son William "Hassan" Murphy, a member of the Law School's Board of Visitors, to provide scholarships for students who exhibit academic excellence and leadership.

Bradley, who also was a member of UMDLaw's nationally ranked Trial Team, which relies upon alumni gifts to fund its participation in competitions, recently began her career as an associate in the New York office of Jones Day.

"I definitely plan to put my Law School experience to work as a litigator," she says.

Advancing Justice Around the World

The International Law Clinic

It had never occurred to Michelle Salomon '11 that when she washed her hands, she used more water than some families have access to in a day. She hadn't imagined a world in which legal counsel consisted of one volunteer lecturing under a shade tree to inform hundreds of people about their constitutional rights.

Salomon had long wanted to advocate for human rights. But until she spent last semester participating in UMDLaw's new International Clinic in Namibia, she didn't know how desperate and uplifting that struggle could be.

"It transformed my life," she says.

The Clinic, made possible only through funds provided through the Law School's partnership with the Fetzer Institute, is one of the first in the country that enables students to work around the world within other countries' legal systems. Salomon was one of 13 students who spent the spring working with four law professors in one of three countries.



International Law Clinic students in Namibia

In Mexico, they counseled migrant workers, who were afraid to complain about crippling fees charged by job headhunters or U.S. employers who paid below minimum wage and housed them in squalid conditions.

In China, they helped rural entrepreneurs explore their borrowing rights in a society evolving so rapidly from communism to the free market that no one knows all the rules.

In Namibia, six students took on a variety of projects, supporting claims for access to

drinking water, and working to enhance the legal infrastructure of a country with fewer than 500 lawyers for a population of more than 2 million.

"You could have the most progressive constitution in the world, and Namibia has one of them, but when you go into the countryside people don't know their rights," says Emily Siedell '11.

Envisioning JDs as CEOs

Professors Michelle Harner and Robert Rhee

Professors Michelle Harner and Robert Rhee are out to prove that, in the business world, possessing a JD degree doesn't limit graduates to doing just legal work. In fact, the problem-solving skills that students hone in law school make them good candidates for a variety of executive jobs, including those at the highest levels of business.

Harner and Rhee are the new co-directors of UMDLaw's Business Law Program. They have set out to fortify the Law School's business law curriculum and build the program's strengths in areas including transactions, regulation, and intellectual property. But they also want to expand the hands-on experiences available to business law students, making better use of UMDLaw graduates to help with the students' professional development. Support from sources like the Miles & Stockbridge Fund for Excellence in Business Law and the Norman P. Ramsey Business Law Fund enable the Program to host annual conferences that bring top executives and counsel from Fortune 500 companies to share their insights on the latest developments in business.

Professors Robert Rhee and Michelle Harner

"Lawyers are trained to do things that help businesses," says Harner. "Identify problems and opportunities, know what rules and tools they can utilize, and come up with creative solutions."

Rhee, a former investment banker with a Wharton MBA in addition to a JD, has taught at the School since 2007. Harner, who in private practice specialized in business bankruptcy and related transactional fields, joined the faculty in 2009.

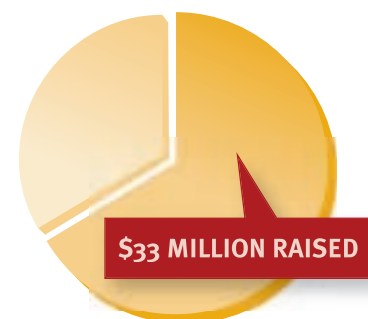


\$50 Million Goal

Support for Faculty and Programs
\$20 million

Support for Students and Scholarships
\$20 million

Dean's Discretionary Fund
\$10 million



Campaign support as of Aug. 1, 2010

Philanthropy Spotlight:

Five Questions for Jim Archibald '75

Jim Archibald '75 has demonstrated leadership in support of UMDLaw in a variety of ways. A Fellow in the American College of Trial Lawyers and a member of the American Law Institute who is Of Counsel in the Washington and Baltimore offices of Venable LLP, Archibald is a longtime member of the Alumni Board. His offer to match each gift made to the Class of 2010 Gift Fund helped inspire a record 108 members of the class to contribute.

Q. HOW DO YOU DEFINE PHILANTHROPY AND WHY IS IT IMPORTANT TO YOU?

A. The 18th-century Irish statesman and orator Edmund Burke said, “Nobody made a greater mistake than he who did nothing because he could only do a little.” That spoke to why I wanted to get involved with the Class Gift. The bulk of people who gave couldn’t give a lot—they’re facing student loan debt and just getting started in their careers—but they wanted to do all they could. It was important to me to support them.

Q. WHY IS IT IMPORTANT TO YOU TO GIVE TO MARYLAND LAW?

A. As a practicing lawyer, I think a very strong UMDLaw School can have a significant positive impact on the state. The more talented people that can be attracted to or retained in Maryland, the stronger leadership that can be created by the School, the better place our state will be. But it’s also important to me for personal reasons. As a graduate, I’m proud of all our School has accomplished. And as the father of a 2010 graduate—my son, John—I have seen firsthand what an outstanding education Maryland Law continues to provide.



Q. WHAT WOULD YOU LIKE THE IMPACT OF YOUR GIFT TO BE?

A. I had two specific goals in supporting the Class Gift. One was to help engender a culture of giving in our newest alumni right from the beginning of their careers. If they continue to support the School of Law as they achieve professional success, helping establish a philanthropic mindset will have a considerable impact over time. My other goal was to provide some significant, concrete support for an area of specific need with the Law School. So I was delighted to see the students selected computer and technology resources for the Clinical Law Program to be the recipient of their gift.

Q. WHAT WOULD YOU TELL SOMEONE ELSE THAT MIGHT INSPIRE THEM TO SUPPORT MARYLAND LAW?

A. That’s a difficult question, as choosing where to direct your philanthropy is a personal decision. But I found the words of eBay’s first President—Jeff Skoll, who has since established a charitable foundation—captured my feelings well. He said, “Philanthropy is all about making a positive difference in the world by devoting your resources and your time to causes you believe in. In my case, I like to support causes where ‘a lot of good comes from a little bit of good,’ or, in other words, where the positive social returns vastly exceed the amount of time and money invested.” I feel that my support of UMDLaw achieves that goal.

Q. WHAT ARE OTHER MEANINGFUL WAYS, OTHER THAN MONETARILY, THAT YOU HAVE SUPPORTED MARYLAND LAW?

A. Going on the students’ Spring Break trip two years ago to assist victims of Hurricane Katrina on the Gulf Coast has been one of the highlights of my interaction with the Law School. When you spend 10 or 11 days traveling and working with a group of people, you really get to know them and become friends. And I’ve maintained those friendships as we’ve continued to work on the 12 cases we brought back from the trip to see through. Many students helped me on various cases, and one of the last ones just concluded a couple of weeks ago. Joey Chen had gone down to the Gulf Coast as a 1L and has now graduated; he worked with me on that from beginning to end, and it was very rewarding.

G I F T S



MAJOR GIFTS TO THE MAKING AN IMPACT CAMPAIGN

From students providing vital legal services to Baltimore citizens, to faculty shaping state and federal legislation and providing scholarly expertise to governments around the globe, the School of Law is improving law and society through teaching, scholarship, and public service. To expand these efforts, the law school has embarked upon the ambitious \$50 million **Making An Impact** campaign. The School of Law extends its deepest appreciation to the generous supporters whose major gifts led the Campaign past \$33 million this year.

(Deceased*)

\$5 million or more

Hamish & Christine Osborne

\$1,000,000 - \$4,999,999

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MAKING AN IMPACT

THE UNIVERSITY OF MARYLAND SCHOOL OF LAW ANNUAL REPORT OF GIVING



MARYLAND LAW SCHOOL CLUB

Members of the Maryland Law School Club are philanthropic leaders committed to sustaining the Law School's prestige and influence locally, regionally, nationally and internationally. Every member contributes annual gifts totaling \$1,000 or more, and we are proud to include almost 200 graduates and friends as members in the club. The School of Law thanks each of those donors not only for their loyalty and generosity, but also for the role they play in helping the law school to educate future leaders and increase access to justice.

In addition to making annual gifts at the Maryland Law School Club level between July 1, 2009 and June 30, 2010, donors listed in **bold** also have made a major gift to the **Making an Impact** campaign as of June 30, 2010.

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*Erik Fulwider | Director for Alumni Relations and Annual Giving
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CHAIR

PAUL BEKMAN, ESQ. ('71)
Salsbury Clements Bekman Marder & Adkins, LLC
300 West Pratt Street, Suite 450
Baltimore, MD 21201

MEMBERS

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Gordon, Feinblatt, Rothman,
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THE HON. LYNNE A. BATTAGLIA ('74)
Court of Appeals of Maryland
361 Rowe Boulevard, Third Floor
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Court of Appeals of Maryland
111 North Calvert Street, Room 634
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THE HON. RICHARD D. BENNETT ('73)
U.S. District Court of Maryland
101 West Lombard Street
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LAURA BLACK ('88)
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DONNA R. BLAUSTEIN ('71)
Law Office of Donna R. Blaustein
One Aventura Executive Center
20900 NE 30th Avenue
Suite 403
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HARRIET E. COOPERMAN ('78)
Saul, Ewing LLP
100 South Charles Street
Baltimore, MD 21201

THE HON. ANDRE M. DAVIS ('78)
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101 West Lombard Street, Room 520
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CHRISTINE A. EDWARDS ('83)
Winston & Strawn
35 West Wacker Drive
Chicago, IL 60601

JOEL D. FEDDER ('58)
Fedder and Garten
36 South Charles Street
Baltimore, MD 21201-3177

JOSEPH G. FINNERTY III ('87)
DLA Piper
1251 Avenue of the Americas
New York, NY 10020

MIRIAM L. FISHER ('85)
Morgan Lewis & Bockius, LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004

JAMES J. HANKS, JR. ('67)
Venable, LLP
Two Hopkins Plaza, Suite 1800
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Baltimore, MD

THE HON. MARCELLA A. HOLLAND ('83)
Baltimore City Circuit Court
111 N. Calvert Street, Room 412
Baltimore, MD 21202

HENRY H. HOPKINS ('68)
Baltimore, MD 21202

ALAN D. HORNSTEIN
Professor Emeritus
University of Maryland School of Law
500 W. Baltimore Street
Baltimore, MD 21201

THE HON. BARBARA KERR HOWE ('69)
Baltimore, MD

JOHN B. ISBISTER ('77)
Tydings & Rosenberg, LLP
100 East Pratt Street, 26th Floor
Baltimore, MD 21202

ROBERT J. KIM ('83)
McNamee, Hosea, Jernigan, Kim,
Greenan & Walker, PA
6411 Ivy Lane, Suite 200
Greenbelt, MD 20770

RAYMOND G. LAPLACA ('83)
Knight, Manzi, Nussbaum & LaPlaca, PA
14440 Old Mill Road
Upper Marlboro, MD 20772

LEWIS LEIBOWITZ ('75)
Hogan & Hartson
555 13th Street, NW
Washington, DC 20004

THOMAS B. LEWIS ('76)
Gallagher, Evelius & Jones
218 North Charles Street, Suite 400
Baltimore, MD 21201

AVA E. LIAS-BOOKER ('86)
McGuire Woods
7 Saint Paul Street, Suite 1000
Baltimore, MD 21202

BRUCE S. MENDELSON ('77)
Akin Gump Strauss Hauer & Feld LLP
590 Madison Avenue
New York, NY 10022

WILLIAM MURPHY, III
Murphy PA
One South Street, 23rd Floor
Baltimore, MD 21202

HAMISH S. OSBORNE ('86)
Vero Beach, FL

GEORGE F. PAPPAS ('75)
Covington & Burling
1201 Pennsylvania Avenue, NW
Washington, DC 20004

JOANNE E. POLLAK ('76)
Johns Hopkins Health System Corporation
600 North Wolfe Street
Administration 414
Baltimore, MD 21287

PHILLIP A. PROGER ('73)
Jones Day
51 Louisiana Avenue, NW
Washington, DC 20001

STUART M. SALSBUARY ('71)
Salsbury Clements Bekman
Marder & Adkins, LLC
300 West Pratt Street, Suite 450
Baltimore, MD 21201

MARY KATHERINE SCHEELER ('53)
Scheeler & Scheeler
714 East Seminary Avenue
Towson, MD 21286

EDWARD MANNO SHUMSKY ('73)
Partner and CAO
Rabin | Alexander, LLC
4000 Ponce de Leon Blvd., Suite 470
Coral Gables, FL 33146

HANAN Y. SIBEL ('58)
Lutherville, MD

ARNOLD M. WEINER, ESQ. ('57)
Law Offices of Arnold M. Weiner
2002 Clipper Park Road
Unit #108
Baltimore, MD 21211

EX-OFFICIO MEMBERS

JOSEPH R. HARDIMAN ('62)
(Chair Emeritus)
Baltimore, MD

FRANCIS B. BURCH, JR. ('74)
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DLA Piper Rudnick Gray Cary
6225 Smith Avenue
Baltimore, MD 21209

PRESIDENT**ELIZABETH "LIZ" M. KAMEEN ('83)**

Office of the Attorney General
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21201

MEMBERS**STEVEN V. ADLER ('07)**

District Court of Maryland
3451 Courthouse Drive
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KENNETH S. ANECKSTEIN ('96)

Partner, DLA Piper
6225 Smith Avenue
Baltimore, MD 21209

RAYMOND C. BALDWIN ('96)

Seyfarth Shaw, LLP
975 F Street, N.W.
Washington, DC 20004

JAMES R. BENJAMIN, JR. ('01)

Hodes, Pessin & Katz, PA
901 Dulaney Valley Road
Suite 400
Towson, MD 21204

RICHARD BLOCH ('72)

Shiling, Bloch and Hirsch, PA
600 Baltimore Avenue
Towson, MD 21204

JUSTIN A. BROWNE ('08)

Janet, Jenner & Suggs, LLC
Woodholme Center
1829 Reisterstown Road, Suite 320
Baltimore, MD 21208

ELLEN A. CALLEGARY ('78)

Callegary & Steedman, PA
201 N. Charles Street
Suite 1402
Baltimore, MD 21201

HEATHER DOHERTY CLARK ('98)

Crofton, MD

DAN FRIEDMAN ('94)

Office of the Attorney General
200 St. Paul Place
Baltimore, MD 21202

THE HON. KAREN C. FRIEDMAN ('97)

Baltimore City Orphans' Court
Courthouse East, Room 311
111 North Calvert St.
Baltimore, MD 21202

ARIELLE A. HARRY-BESS ('04)

Monumental Life Insurance Company
2 East Chase Street
Baltimore, MD 21202

JAMES "TREY" R. HART III ('09)

Kirkland & Ellis LLP
300 North LaSalle
Chicago, IL 60654

MATTHEW G. HJORTSBERG ('96)

Bowie & Jensen, LLC
29 Susquehanna Avenue
Suite 600
Baltimore, MD 21204

GREGORY G. HOPPER ('99)

Salsbury Clements Bekman Marder
& Adkins LLC
300 West Pratt Street
Suite 450
Baltimore, MD 21201

VERONICA R. JENNINGS ('06)

Schertler & Onorato, LLP
601 Pennsylvania Avenue NW
North Building - 9th Floor
Washington, DC 20004

N. GORDON KNOX ('98)

Miles & Stockbridge, P.C.
10 Light Street
Baltimore, MD 21202

JONATHAN M. KUCSKAR ('08)

U.S. Government Accountability Office
441 G St., NW
Washington, DC 20548

KATHRYN "KATE" CHRISTENSEN MILLS ('02)

U.S. Immigration and Customs Enforcement,
Office of Congressional Relations
U.S. Department of Homeland Security
Washington, DC 20528

DENIS C. MITCHELL ('00)

Stein, Mitchell & Muse LLP
100 Connecticut Avenue, NW
Washington, DC 20036

J. MANUEL "MANNY" OCASIO ('02)

Holy Cross Hospital
1500 Forest Glen Road
Silver Spring, MD 20910

BRETT D. ROGERS ('02)

Brown Advisory
901 South Bond Street
Suite 400
Baltimore, MD 21231

STANLEY "STAN" ROHD ('66)

Lutherville, MD

DAVID A. ROTH ('85)

Grenbaum Rowe Smith & Davis LLP
Metro Corporate Campus One
P.O. Box 5600
Woodbridge, NJ 07095

BRYAN K. SAXTON ('09)

Tydings & Rosenberg LLP
100 East Pratt Street, 26th Floor
Baltimore, MD 21202

MARTIN "MARTY" H. SCHREIBER, II '92

Law Offices of Martin H. Schreiber, II LLC
3600 Clipper Mill Road
Suite 201
Baltimore, MD 21211

REENA K. SHAH ('07)

Maryland Legal Aid Bureau, Inc.
500 East Lexington Street
Baltimore, MD 21202

INDIRA K. SHARMA ('06)

Saul Ewing LLP
500 East Pratt Street
Suite 900
Baltimore, MD 21202

CORI M. SHEPHERD ('08)

McGuireWoods LLP
7 Saint Paul Street
Suite 1000
Baltimore, MD 21202

CHRISTOPHER M. STEER '01

PA & Associates, Inc.
9515 Deereco Road, Suite 301
Timonium, MD 21093

WILLIAM C. STIFLER, III ('67)

Baltimore City Law Department
100 N. Holliday Street
Suite 101
Baltimore, MD 21201

C. DIANE WALLACE BOOKER ('96)

U.S. Dream Academy, Inc.
10400 Little Patuxent Parkway
Suite 300
Columbia, MD 21044

EX-OFFICIO MEMBERS**TERESA K. LAMASTER ('95)**

University of Maryland School of Law
500 West Baltimore Street
Baltimore, MD 21201

DEBORAH LYNNE POTTER ('90)

The Jaklitsch Law Group
14350 Old Marlboro Pike
Upper Marlboro, MD 20772

No Ordinary J.D.

Excerpts from the Hooding Ceremony remarks of Rama Taib, President of the Law School's Class of 2010

FOR THE LAST THREE YEARS, I've struggled with this one agonizing question: "So Rama, how's law school going?" I never knew how to answer.

Do I tell them that it's going well?
*No—I'm studying or working around the clock, my entire livelihood is in a laptop right now, and in my free time, I have to figure out how to pronounce words like *res judicata* and *modus operandi*. It's awful!*

Do I tell them that it's bad?
Well, no—the people are great, I'm learning a lot, I get to have real live clients, and there is always free food somewhere in the law school. It's great!

Do you see the problem here? And after three years, I still can't find the words that accurately describe law school, much less what it means to graduate.

I guess the obvious answer is that graduation opens doors. But for us, it's not so simple.

Because behind door #1 is The Bar Exam. Behind door #2 is Finding a Job. And don't even think about opening door #3 because that's where your loans are hiding.

And that's one thing law students know all too well: If it's not one thing, it's another.

So today, let's just keep those doors closed. For once, let's focus on just one thing. Let's try to put everything else on hold today because today, my fellow graduates, we receive our Juris Doctor.

Juris Doctor. Let it sink in. Really think about what it means to have a J.D. (other than the fact that those two letters are going to look real nice after your name).

And no, it's not just a ticket to the bar exam. What we are receiving today is no ordinary J.D.

It is a J.D. from Maryland Law—one of the highest degrees attainable in this country from one of the finest institutions. It comes with a particular sense of pride and accomplishment.

We committed three, for some four, years of our lives to the study of law—practically eating, drinking, and breathing the law—and we survived to tell the tale.

We were broken down, picked apart, and transformed into attorneys.

We have forever changed how we write, how we work, even how we think, and to the great dismay of our family and friends, how we argue.



The change started off harmlessly. Making really bad jokes like: "That pothole is a tort waiting to happen!" or "Hmmm, what would the reasonable man do?"

But then things started getting out of control. Like developing an obsession with the Supreme Court Justices or watching an arrest take place and wondering, "What was the probable cause there? Was that guy read his rights?"

It's a little sickening but true.

This transformation is common to the law school experience, but again, I'm telling you, our degree is no ordinary J.D. A J.D. from Maryland Law is different.

And the difference is simple: People are nice here. Our professors and administrators really do care, and the students are always looking out for each other—sharing notes if you need them, bailing each other out when you get called on in class, and making sure you're not walking home alone after a late night in the library. There is a deep sense of community here.

And our class, especially, is very close. Don't believe me? Ask our now married classmates Jung and Allison Lee, or Chris and Elizabeth Webster.

We came in as complete strangers to one another but now, we're like family—one big, stressed-out, drama-filled family. And like all other families, we have many, many memories together

Class of 2010. We might be going in different directions but all of these memories and what we've experienced at Maryland Law—that is the common root that we will always share.

Class of 2010. Today, we commit to uphold the ideals of our profession for the rest of our lives. Our profession is a noble one, and it is a privilege to become a part of it. I urge you to never, ever take that for granted.

Class of 2010. It is an honor to have been your colleague for three years. We finally made it. We made it together. Congratulations everyone.



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Fall-Winter 2010-2011 Campus Happenings

October 12

"Health Care Reform and the Constitution" speaker series, featuring Joy Pritts, Chief Privacy Officer in the Office of the National Coordinator for Health Information Technology, on privacy issues under health care reform

October 26

National Pro Bono Celebration and Alumni-Student Mentor Reception

November 4

"Health Care Reform and the Constitution" speaker series, featuring Columbia Law School professor Gillian Metzger and Ilya Shapiro, Senior Fellow in Constitutional Studies at the Cato Institute, on current federal court cases challenging the federal health insurance mandate

November 8-12

UMB Founders Week, featuring the Nov. 9 inauguration of President Jay Perman

November 12

Environmental Law Wine Tasting

November 15-19

International Law Week

November 17-18

Annual International and Comparative Law Symposium, "Re-imagining International Clinical Law"

February 25

Black Law Student Association Annual Banquet

March 17-20

International Environmental Moot Court Competition

March 31

Thurgood Marshall Lecture, sponsored by the Student Bar Association