

Society of American Law Teachers SALT

Public Advocacy Center, Room 223

Touro Law Center

225 Eastview Drive, Central Islip NY 11722

631 650 2310

www.saltlaw.org

Co-Presidents

Raquel Aldana

Steven Bender

Past Presidents

Norman Dorsen

Howard Lesnick

David Chambers

George Alexander

Wendy Williams

Rhonda R. Rivera

Emma Coleman Jordan

Charles Lawrence

Howard Glickstein

Sylvia Law

Patricia A. Cain

Jean C. Love

Linda Greene

Phoebe Haddon

Stephanie Wildman

Carol Chomsky

Margaret Montoya

Paula Johnson

Michael Rooke-Ley

José Roberto Juárez, Jr.

Holly Maguigan

Eileen Kaufman

Tayyab Mahmud

Margaret Martin Barry

Deborah Waire Post

March 31, 2010

Chancellor William E. Kirwan

Chancellor

University System of Maryland

3300 Metzert Road

Adelphi, MD 20783

Clifford M. Kendall

Chair, Board of Regents

University System of Maryland

3300 Metzert Road

Adelphi, MD 20783

Dear Chancellor Kirwan and Regent Clifford M. Kendall:

Since 1974, the Society of American Law Teachers (SALT) has been an independent organization of law teachers, deans, law librarians, and legal education professionals working to make the profession more inclusive, to enhance the quality of legal education, and to extend the power of legal representation to underserved individuals and communities. We write to you on behalf of SALT to express SALT's opposition to the Maryland legislature's budget amendment conditioning the release of funds to the Environmental Law Clinic on disclosure of client and other information.

As legal educators charged with responsibility for training those who will enter the legal profession, we strive to meet the goals set out in the American Bar Association standards for approval of law schools. Law schools must ensure that those who graduate "...understand their ethical responsibilities as representatives of clients, officers of the court and public citizens responsible for the quality and availability of justice," and that they "understand the law as a public profession calling for performance of pro bono legal services" (Preamble to the 2009-2010 Standards and Rules of Procedure for Approval of Law Schools).

Clinics in law schools, especially public law schools, serve a singularly important function as law schools strive to meet this obligation to educate future lawyers and prepare them to enter the legal profession. A law student's clinic experience is often the closest thing to an

Board of Governors

Bryan Adamson

Elvia Arriola

Michael Avery

Margaret Martin Barry

Barbara Bernier

Doug Colbert

Andi Curcio

Benjamin Davis

Jane Dolkart

Olympia Duhart

Nancy Ehrenreich

Patricia Falk

Ruben Garcia

Jackie Gardina

Neil Gotanda

Joan Howarth

Peter Joy

Beth Lyon

Karla McKanders

Adele Morrison

Camille Nelson

Angela Onwuauchi-Willig

Hari Osofsky

Ngai Pindell

Deborah Waire Post

Denise Roy

Natsu Taylor Saito

Aviam Soifer

Kellye A. Testy

Equalizer Editor

Raleigh Levine

Treasurer

Patricia A. Cain

CLEA Liaison

Claudia Angelos

Secretary

Robert Lancaster

Executive Director

Hazel Weiser

apprenticeship that law schools can offer their students. Unlike medical students, law students have no institutional structure providing the equivalent of the two year residency offered graduates of medical schools. What we can and do offer are courses where students, supervised by clinical faculty, provide legal representation to clients who would otherwise be unable to assert a claim or defend against an infringement of their rights in a variety of legal contexts. Often it is in a clinic that students have their first and only contact with real clients before their graduation. The clinic is the place where they learn through practical experience the ethical duties of competence, diligence and the obligation to serve people and communities who cannot afford private counsel.

As one of the nation's leaders in clinical education, the University of Maryland School of Law requires every student to complete a clinic experience. Working with clients, students learn the importance of the principle of equal justice under the law. Live client clinics supply the assistance that individuals or groups need to vindicate their rights to legal representation and to their day in court. Students learn about the importance of the rule of law and the judicial process in a civil society, which allow citizens to speak for themselves and others like them whose rights have been infringed by more powerful individuals or institutions. It should not matter whether it is a battered woman seeking an order of protection from her abuser, an indigent defendant in a criminal case, or citizen groups seeking the enforcement of consumer protection or environmental laws. The importance of the ethical principle at the heart of the legal profession, the duty to represent those who otherwise would not have access to justice, is a core value that students are taught in the classroom, but often experience and internalize only in their representation of clients in a clinic.

University of Maryland School of Law is a public institution and the legislature can hold the clinical programs accountable for the money they receive from the state. In this case, however, a particular clinic where students receive course credit has been singled out in a budgetary amendment only after that clinic filed suit on behalf of its clients, the Assateague Coastal Trust and Waterhouse Alliance. The request for documentation of the clinic's court actions over a two year period, including clients represented, sources of funding and non-privileged expenditures on behalf of clients, is not necessary for legislative oversight of the use of funds in the operation of the clinic. This intrusion into the operation of the clinic may impair the representation of clients to the extent that such information is related to legal strategies that may be employed in litigation or in negotiating settlements with defendants, and it interferes with the clinic's ability to fulfill its ethical obligations to its clients.

The professionals to whom the State of Maryland has entrusted the education of future lawyers have designed a curriculum to meet the needs of the legal profession and created clinics to provide students with the experience, skills and values they will need as attorneys. The environmental law clinic at Maryland has made judgments about how best to represent clients who claim that they, as well as the public, have been injured because federal and state laws have been ignored or violated. Deference should be accorded to those professionals unless there is clear evidence of bad faith or misconduct.

SALT supports the clinic, the law school, and the University in their opposition to pending bills that condition funding to the University of Maryland Environmental Law

Clinic on disclosure of information that is not relevant to the issue of fiscal responsibility. SALT believes that this request represents an intrusion into an area of academic discretion that the legislature should respect.

Respectfully,



Raquel Aldana



Steven Bender

Co-Presidents
On behalf of the Society of American Law Teachers

cc: E. Albert Reece, M.D., Ph.D., M.B.A., F.A.C.O.G.
Acting President, University of Maryland Baltimore
Office of the President
220 Arch Street
Saratoga Building
14th Floor
Baltimore, MD 21201

Phoebe A. Haddon
Dean and Professor of Law
University of Maryland School of Law
500 W. Baltimore Street
Baltimore, MD 21201