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THE ATTACK ON THE UNIVERSITY OF MARYLAND LAW SCHOOL CLINICS

As the nation's largest association of law teachers, with over 750 members representing faculty at over 150 law schools in the United States, we are very concerned about attacks on the clinical program at the University of Maryland School of Law by some members of the Maryland General Assembly. These actions demonstrate a failure to understand the professional responsibilities of lawyers and the structure of contemporary legal education. Unfortunately, those attacking the law clinics appear more concerned about protecting favored businesses from compliance with the law than about supporting one of their state's flagship schools.

As with other professions, hands-on work is a necessary part of a solid, responsible legal education. Every law school in America is required to provide its students with real-life practice experiences and the University of Maryland is among the best at doing so. In national rankings by other law professors, the clinical law and environmental law programs at the University of Maryland have consistently been ranked among the top ten in the country. Those programs benefit not just law students but all the citizens of Maryland by training ethical, skilled attorneys and providing countless thousands of hours of free legal assistance to those who otherwise cannot afford attorneys and would go unrepresented.

To effectively teach students and represent clients, these law clinics must be allowed to operate as other law offices, and law school clinics throughout the country, do -- zealously representing their client's interests and following the commitment in the Maryland Rules of Professional Conduct to "ensure access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel." But, some legislators are trying to impose restrictions and burdens unknown to other clinics or law offices, invading the sanctity of the lawyer-client relationship and harming both legal education and legal services for the needy in Maryland.

And even more disturbing is that this is happening at the bidding of wealthy, powerful poultry interests. Those promoting these restrictions seem to think legal disputes should not be settled in court but through intimidation. If the opponents of law clinic cases have violated no laws, then they have nothing to fear from a legal proceeding that will judge those issues. If on the other hand they have failed to comply, then they should not be placed above the law because of their money and influence in the legislature.

Former Supreme Court Justice Potter Stewart once said that it is important to know the “difference between doing that which you have a right to do and that which is right to do.” Whatever right the legislature may have to burden and intimidate the state’s law school clinics and interfere with their normal educational and professional responsibilities, taking those actions clearly is not the right thing to do for Maryland.

Robert R. Kuehn, President
Clinical Legal Education Association

(The Clinical Legal Education Association (CLEA) is the nation’s largest association of law teachers, representing over 750 dues-paying members at over 150 U.S. law schools. CLEA is committed to legal education that trains law students to be competent, ethical practitioners and to promoting access to legal representation. Its membership consists of law professors who teach students in role as lawyers and who devote their energy and attention to identifying, teaching, and assessing proficiency in the skills and values essential to lawyering.)