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Students and Lawyers, Doctrine and Responsibility: A Pedagogical Colloquy*

Over the past few years, legal educators have been involved in a growing debate over the responsibility of law schools to promote social justice within the profession. Some institutions have failed to respond to the debate. Others have responded by strengthening and expanding their clinics, while still others have instituted voluntary or mandatory pro bono programs. The four pieces that follow grow out of efforts which have been under way at the University of Maryland Law School to develop a more systematic and comprehensive curricular offering which focuses on the public responsibilities of lawyers to the poor. Maryland's Legal Theory and Practice (LTP) courses are an ambitious endeavor to provide law students with an integrated learning experience that links legal theory, doctrine, and practice.¹

* As a group whose principal teaching responsibility it has been to develop the Legal Theory and Practice courses, we are thankful for the opportunity to acknowledge our gratitude for the support and encouragement given by so many valued colleagues at the University of Maryland Law School. Chief among these are former Dean Michael J. Kelly, whose steady leadership kept on course this nascent effort to include the poor and unrepresented in the core curriculum; and Associate Dean Alan Hornstein and Professor Michael Millemann, whose commitments to complementary visions of newly vitalized legal education encouraged the faculty to give us rope enough to weave what we would. We have enjoyed the special gift of talented teachers who have collaborated with us in various LTP courses: Taunya Banks, Karen Czapanskiy, Everett Goldberg, Alan Hornstein, Michael Kelly, David Luban, Michael Millemann, Richard North, and Dean Hill Rivkin. We appreciate deeply the warmth and accommodation with which the faculty of the Clinical Law Office have encouraged and assisted the LTP program's development to this point. Finally, we thank Eunice Richardson, Flo Smith, and Linda Whaley for ceaseless assistance to us, to our students, and to clients, in our hectic, albeit rewarding, teaching-practice.

1. For a brief description of the history and institutional context that produced Maryland's LTP program, see Dean Rivkin, *The University of Maryland School of Law: Progressive Ideals In Action*, 1991 SALT EQUALIZER 1. Rivkin explains that the program originated in the energetic efforts of Maryland faculty working in conjunction with the Maryland Legal Services Corporation (MLSC), a state-chartered funding source for legal services for the poor. In the course of a major study on the legal needs of the state's poor, conducted by a blue ribbon commission (chaired by now member of Congress, Benjamin Cardin) under the auspices of the MLSC, Maryland faculty saw an opportunity to develop an innovative pedagogical and public service program, combining the best of the school's extensive clinical program and drawing on the resources of a faculty and administration with strong interests in *explicating* and realizing the public responsibilities of the legal profession. The final MLSC report recommended, among other initiatives, that the state's two law schools develop pro-

Maryland's LTP courses were born of a concern that the vast majority of the poor lack access to the processes of law and the substance of justice. The courses go beyond merely requiring pro bono work during the law school years and offer, instead, a more intensive and integrated model that seeks to make apparent to students the deep connection between legal rules, lawyers' choices, and the realities of law's impact on the lives of the poor.

LTP courses have been offered for three years. Each course undertakes a critical examination of the law, focusing on the legal system's treatment of the poor, people of color, women and children, and other underrepresented client populations. The courses engage students in actual client representation in the context of traditional core courses such as torts, civil procedure, property, criminal law, constitutional law, and legal profession. Students' legal work has included the representation of tenants challenging dangerous defective conditions in their rented dwellings, victims of lead paint poisoning, battered women accused of homicide, death row inmates, children with disabilities in special education and school discipline cases, and recipients of drug and alcohol treatment services.

All of the full-time day students at the University of Maryland participate in one of these courses in their second or third semester of law school. Five faculty members, joined by other members of the Maryland faculty, have concentrated their energies on developing and teaching these courses. By virtue of its location in the heart of the required curriculum, the involvement of numerous faculty members, and the combination of classroom teaching and field experience, this undertaking represents a significant institutional commitment to educational reform and service on behalf of the poor.

The task of constructing with students an understanding of legal process, inseparably coupled with a conception of responsibility to the poor, is complex and difficult. The range of pedagogical goals extends from the mastery of rule systems, to the development of insights about poverty and the political workings of the law, to the study of systems for the delivery of effective legal services to unrepresented populations.

The pieces that follow provide several accounts of, and perspectives on, this enterprise. They identify a common "core" agenda shared by each of the courses, as well as programmatic variations that express the

grams to ensure that all law students work with poor clients during law school. The united lobbying effort among MLSC, the law schools, and the Bar generated the funding necessary to launch the [LTP] Program.

Id. at 1.

diversity of insight among the participating faculty. In addition, the pieces explore the institutional context that gave rise to, and continues to support, this curricular initiative. The first piece, by Richard Boldt and Marc Feldman, offers an account of a reconceived teaching effort featuring legal doctrine. The use of student lawyering experiences in the development of professional identity is explored in Homer La Rue's piece. The third piece, by Barbara Bezdek, articulates a reconstructed pedagogy of responsibility, one which enables law students to consider their own career-long responsibilities to those disadvantaged in the legal system by their poverty. In the last piece, Theresa Glennon reconceives professional responsibility, incorporating an ethic of care. Taken as a whole, this colloquy forms a conversation that describes and analyzes this much talked-about experiment in legal education.

