

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

House Bill 559  
Appropriations

(Delegate Buckel, *et al.*)

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University System of Maryland - Law School Clinics - Prohibited Activities

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This bill prohibits a law clinic affiliated with a law school at a constituent institution of the University System of Maryland (USM) from initiating or participating in litigation opposing, contesting, or seeking judicial review of an act, a decision, or a determination of a State agency, department, or board.

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Fiscal Summary

**State Effect:** Higher education expenditures may increase minimally to restructure affected law clinics at the Francis King Carey School of Law at the University of Maryland, Baltimore (UMB) or the University of Baltimore (UB) School of Law. Tuition revenues may decline slightly in future years if students choose not to attend UMB or UB due to the limits placed on the law clinics; however, any decrease is impossible to quantify. Due to the limits placed on the law clinics, the number of public information requests filed by law students and the number of actions taken against a State agency, department, or board may decrease; however, it is assumed that those State resources are redirected to other State projects and are impossible to quantify.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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Analysis

**Current Law/Background:** The Francis King Carey School of Law at UMB and the UB School of Law operate several law clinics. The law clinics allow students to work alongside faculty members on real-life cases and gain practical experience in the legal

profession. Law clinics are required by the American Bar Association for law school accreditation.

### *UMB Law Clinics*

The clinical law program at UMB has been ranked among the nation's top 10 by *U.S. News & World Report*, and it was the first law school program in the country to receive the John Minor Wisdom Award, the American Bar Association's leading public service honor. Each year, 25 faculty lead 250 students in providing 110,000 hours of free legal services to the community.

USM reports that more than half the clinics at UMB will need to be restructured due to the bill, which may impact the quality of the student's clinical experience. Currently, clinic students participate in many activities including criminal appeals, child in need of assistance cases, challenges to the Medicaid program, bail proceedings, challenges to the conditions of confinement, and enforcement of environmental laws.

The Environmental Law Clinic at UMB, established in 1987, is part of the school's nationally acclaimed Environmental Law Program and an important part of the nationally ranked clinical law program. The Environmental Law Clinic is the largest public interest environmental law firm in the State of Maryland devoted to providing free legal services to support environmental litigation and legal reform that protects the Chesapeake Bay Watershed. The goal of the clinic is to train future environmental lawyers by working to improve and enforce environmental laws and regulations at the State, regional, and national levels. UMB reports that the Environmental Law Clinic is funded by tuition and fees (32%), State appropriations (8%), and private funds (60%).

The proposed fiscal 2016 State budget for UMB includes \$217.0 million in State general funds and \$9.8 million in funds from the Higher Education Investment Fund, a total of \$226.8 million. The total current unrestricted appropriation (which primarily includes State funds and tuition and fees) is \$604.0 million for fiscal 2016.

### *UB Law Clinics*

The UB School of Law currently operates 10 law clinics. Approximately 120 students participate in the clinical program each year. Students in the UB clinics participate in many activities including representing against State agencies such as representing a nurse legally entitled for unemployment benefits, representing an individual with disabilities wrongly removed from a State-run housing and services program, and representing a student denied special education services.

The proposed fiscal 2016 State budget for UB (total budget) includes \$35.2 million in State general funds and \$1.6 million in funds from the Higher Education Investment Fund, a total of \$36.8 million. The total current unrestricted appropriation (which primarily includes State funds and tuition and fees) is \$116.8 million for fiscal 2016.

**State Fiscal Effect:** UMB and UB law school expenditures may increase minimally to restructure affected law clinics. According to USM, under a literal reading of the bill, the clinics at the law school will be prevented from helping a client appeal the denial of a suppression motion in a criminal case because that appeal would challenge the acts of a “state actor” under the Fourth and Fourteenth Amendments. Similarly, the clinics would be barred from representing battered women in child protective services cases, from working with low-income clients to contest issues of State tax liability in the Maryland Tax Court, and from helping ex-offenders challenge the denial of an employment license based on a past criminal record.

Tuition revenues may decline slightly in future years if students choose not to attend UMB due to the limits placed on the law clinics; however, any decrease is impossible to quantify.

Due to the limits placed on the law clinics, the number of public information requests filed by law students and the number of actions taken against a State agency, department, or board may decrease; however, it is assumed that those State resources are redirected to other State projects and are impossible to quantify.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Agriculture, Maryland Department of the Environment, University System of Maryland, Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2015  
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