**Joe Surkiewicz: UB Family Law Clinic looks at the big picture**

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By Joe Surkiewicz
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At the University of Baltimore’s Family Law Clinic, student attorneys do more than help low-income clients seeking child custody, support, divorce, adoption, and civil remedies for domestic violence.

They also look at the big picture.

And they get results: Clinic student were successful earlier this spring in getting the Baltimore City Council to declare that freedom from domestic violence is a fundamental human right.

“By emphasizing that domestic violence violates the human rights of those who experience it, our resolution points out that our current legal system sometimes struggles to protect people from abuse,” explained Sarah Witri, a 2012 UB Law grad who worked on the resolution with fellow clinic students Sean Gahagan and Sierra Mitchell.

The resolution, sponsored by City Councilman Robert Curran, was adopted unanimously in March.

“We wanted the Baltimore City Council to acknowledge that numerous legal institutions throughout the world recognize domestic violence as a fundamental abuse of human rights,” Witri continued. “But we also hoped to raise awareness in our community about the magnitude of domestic violence in Baltimore by using a human rights framework to demonstrate that people who seek to end violence in their lives often face tremendous barriers in accessing relief.”

One tragic example that motivated the students’ work on the resolution involved Jessica Lenahan and her daughters in Colorado. Lenahan had already obtained a restraining order against her estranged husband when she called the police to report that he had kidnapped her three daughters.

Over the next 10 hours, Lenahan called the police seven times and drove to the police station to make an incident report. She was told to wait and see if the children were returned.

In the early morning hours, the estranged husband drove to the police station and opened fire. He was killed by the police in a gun battle. The three girls were found dead in his truck, killed earlier by the husband. The killings were never investigated by the police.

After being denied relief by courts in the U.S., Lenahan took her case to the Inter-American Commission on Human Rights. On August 17, 2011, the IACHR found that the U.S. had failed in its duty to protect Lenahan and her children from domestic violence.

The IACHR also held that the United States’ failure to protect women from gender-based violence constitutes discrimination and denies women their right to equality.

“The Lenahan decision teaches us that domestic violence is more than just a private matter or a family concern,” Witri said. “Although this City Council resolution is an expression of legislative intent and makes no changes to current law, it effectuates our intent to spur dialogue throughout our community. We also hope to inspire other U.S. cities to join the growing chorus of voices around the world condemning domestic violence as a human rights violation by adopting similar resolutions.”

Passing City Council resolutions isn’t the only way clinic students approach systemic problems.

“Sometimes clients have to leave work and show up for hearings — domestic violence proceedings, for example — week after week because it’s often really hard to get service of process from law enforcement,” Witri said. “So the clinic’s legislative team is drafting legislation to permit private process service. That way the client can have the option to hire someone to serve.”

It’s another example of how student attorneys research and find solutions to problems.

“We find out how the law can be changed,” Witri said. “The team drafted a letter to the state legislature and has gotten great feedback. We hope that the General Assembly will pass legislation allowing private service of process next year.”

In addition to systemic advocacy work, student attorneys also engage in direct representation. “It’s challenging for clients to afford attorneys,” Witri said. “There are so many unrepresented people. We often represent the working poor.”

About 12 students, selected by lottery, enroll in the clinic each semester. The students attend a three-hour weekly seminar that covers topics such as interviewing, counseling, negotiating, case planning and trial advocacy.

Under the supervision of clinical faculty, students are trained to use a client-centered counseling model that focuses on discovering the goals and meeting the needs of each individual client.

“Learning to focus on the unique goals and needs of each client has made me a better attorney,” Witri said. “But client-centered counseling also enables us to observe any difficulties our clients might face when they seek the court’s assistance in meeting those needs.”

Leigh Goodmark, the director of clinical education at UB Law, said the students have done “an amazing job,” both with the City Council resolution and efforts to allow private process service.

“We want students to understand that the practice of law is more than individual representation,” Goodmark said. “Everything they do is important for clients — not just individual representation. They understand it’s all of a piece. They really get it and love it.”

Further, the human rights work is in step with Maryland’s largest provider of free civil legal help to the poor.

“It ties in with Maryland Legal Aid’s human rights framework,” Goodmark said. “We thought it would give Legal Aid lawyers a tool for its mission. We’ve always thought, in closing arguments in protective order cases, you can make the point that freedom from domestic violence is a fundamental human right.”

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