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## A lesson in justice

### Law students help win a case to expand defendants' rights

October 09, 2010 | By Jean Marbella, The Baltimore Sun

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The effort was launched by University of Maryland law professor Doug Colbert, who moved here after 12 years as a Legal Aid lawyer in New York City, where those arrested had lawyers at bail hearings. Studies have shown that you're much more likely to be released on your own recognizance or get a reduced bail if you have an attorney, Colbert said.

Initially, he and his law clinic students went the legislative route, but they met with significant pushback from the bail bond industry. Then, four years ago, the students made a two-hour presentation about the problem to several partners of the Venable law firm and convinced them to help them, pro bono, file suit to get indigent defendants the right to counsel during their initial appearances.

Nance initially ruled against them. They appealed, the appellate court sent the case back to Nance, and he reversed his previous finding. Nothing changes for now because the judge stayed his order to give the state time to decide whether to appeal. Still, Colbert, the Venable lawyers and the current and former students are cheering what they call a potentially huge advance in the rights of criminal defendants.

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"It is such a pleasure to see, when you're a student or a new lawyer, that you can make a difference," Deady said. "It shows me this is what we're supposed to do in this profession."

Several weeks back, for another article, I happened to sit in on some bail review hearings at Central Booking. It was immediately obvious that, lacking much information about the defendants, the safest thing to do was to set a bail high enough to keep them in jail until their cases could be sorted out. Who wants to be the guy who lets out someone who then commits a dangerous crime?

"People who just hear the words 'releasing criminals' or 'releasing the accused,' and they think of someone robbing or raping people," said third-year Maryland law student Portia Wood. "No one is saying a person who is accused of murdering someone, let him out."

Instead, she and her classmates represented people like an Iraq War veteran who remained in jail for 2 1/2 weeks because he couldn't afford a \$1,000 bail on a marijuana-possession case that ultimately was dismissed. Then there was the 63-year-old man who spent nine days in jail on a charge of public urination because he couldn't come up with \$100 bail.

"It's the people with the least voice and the least power in society that are really being affected," Wood said.

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