

DEIRDRE M. SMITH

EMPLOYMENT

UNIVERSITY OF MAINE SCHOOL OF LAW – Portland, Maine
Associate Dean for Experiential Education, 2020-present
Professor of Law, 2010-present
Managing Director of the Cumberland Legal Aid Clinic, 2020-present
Director of the Cumberland Legal Aid Clinic, 2004-2020
Glassman Research Scholar, 2010-2012
Associate Professor of Law, 2004-2010

Courses taught include Evidence, Lawyering Skills for Clinical Practice, General Practice Clinic, Changing Laws, Disability Law Seminar (Law and Mental Illness), and Trial Practice. Supervise student attorneys appearing in family, criminal, juvenile, administrative, protection from abuse, and other legal matters before state, county, and federal trial and appeals courts and agencies. Advisor on student independent writing projects and law review comments and notes.

Research interests include minor guardianship, adoption, child protection, family law, legal history, kinship care, court history and structure, psychiatric evidence, law and psychiatry, mental illness, and expert testimony.

Oversee all aspects of Law School's clinical education program including supervision of clinical faculty and staff, program and curriculum development, enrollment and supervision of student attorneys, budget development and implementation, office administration, expanding and managing external funding, and coordination with the bench, bar, and other legal aid providers.

Current member of Faculty Personnel Committee (Chair), Faculty Governance and Personnel Policies Committee (Co-Chair), Dean's Advisory Committee, Dean's Cabinet, Building Design Team, DEI Task Force Recruitment & Retention Subcommittee.

DRUMMOND WOODSUM & MACMAHON – Portland, Maine
Trial Services Group; *Shareholder* 2002-2004; *Associate* 1995-2001

Diverse civil litigation practice in federal and state courts. Represented educational institutions, businesses, municipalities, and individuals in jury and bench trials, arbitrations, and mediations. Presented oral arguments in appeals before Maine Supreme Judicial Court and Court of Appeals for the First Circuit.

UNITED STATES DISTRICT COURT – DISTRICT OF MAINE
Law Clerk, Chief Judge Gene Carter, 1994-1995

PUBLIC SERVICE AND PROFESSIONAL ACTIVITIES

AMERICAN LAW INSTITUTE
Member, elected in December 2019
Restatement of the Law, Children and the Law, Member Consultative Group

MAINE BOARD OF OVERSEERS OF THE BAR, PROFESSIONAL ETHICS COMMISSION
Chair, January 2020-2021; *Member*, January 2017-2020

MAINE FAMILY LAW ADVISORY COMMISSION

Consultant. Provide ongoing research and consulting work on proposed or potential family law legislation on adoption, child protection, and minor guardianship. Researcher and reporter for comprehensive reviews of the parental rights provisions of Maine Probate Code and private termination of parental rights matters and presented FLAC's recommendations to Legislature..

April 2016-present

MAINE CONGRESSIONAL DELEGATION, ADVISORY COMMITTEE FOR THE NOMINATION OF UNITED STATES ATTORNEY FOR THE DISTRICT OF MAINE

Member, February 2021

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES, COMMITTEE TO ADVISE ON THE FUTURE DIRECTION OF THE LAW SCHOOL

Co-Chair, February - July 2019

OFFICE OF THE ATTORNEY GENERAL, STATE OF MAINE

Consultant/Researcher for review of Maine child protection law and policy regarding kinship and sibling placement requested by Maine Legislature Joint Standing Committee on Judiciary.

2017-2018

UNIFORM LAW COMMISSION, DRAFTING COMMITTEE ON UNIFORM GUARDIANSHIP, CONSERVATORSHIP, AND OTHER PROTECTIVE ARRANGEMENTS ACT

Participant/Observer, Member of Minor Guardianship Subcommittee, 2017-2018

MAINE SUPREME JUDICIAL COURT, ADVISORY COMMITTEE ON RULES OF EVIDENCE

Chair, 2011-2015; *Member*, 2006-2011

JUSTICE ACTION GROUP

Member, Advisory Committee of (Legal Aid) Providers, 2004-present; *Member*, Justice Systems Committee, 2016-17; Access to Justice Symposium Planning Committee, 2010-2016; *Chair*, Access to Justice Symposium Planning Committee, 2008-2009; *Participant/Staff*, Statewide Planning Initiative, Work Group on Sustaining and Promoting Leadership for Justice, 2006-2007

CAMPAIGN FOR JUSTICE

Member, Steering Committee, 2004-2017; Campaign Cabinet, 2016-2017; Personnel Subcommittee, 2004-2008, 2011-2014; Campaign Coordinator Search Committee, 2011-2012; *Chair* for Law School Faculty-Staff campaign, 2015-present.

OFFICES OF SENATOR ANGUS KING, CONGRESSWOMAN CHELLIE PINGREE, AND CONGRESSMAN MICHAEL MICHAUD, SCREENING PANEL FOR SELECTION OF NOMINEE TO U.S. DISTRICT COURT FOR THE DISTRICT OF MAINE

Member, March 2013

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE, DISTRICT COURT CONFERENCE PLANNING COMMITTEE

Member, 2011-2012

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OFFICES OF CONGRESSWOMAN CHELLIE PINGREE AND CONGRESSMAN MICHAEL MICHAUD, SCREENING PANEL FOR SELECTION OF NOMINEE TO U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
Member, May 2011

OFFICE OF GOVERNOR JOHN BALDACCI, SELECT COMMITTEE ON JUDICIAL APPOINTMENTS
Member, 2003-2010

PINE TREE LEGAL ASSISTANCE, KIDS LEGAL PROJECT
Member, Advisory Committee, 2003-2008 (founding member)

AMERICAN BAR ASSOCIATION, COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW
Commissioner, 2001-2004

MAINE BAR FOUNDATION
Board Member 2002-2004; *Treasurer*, 2003-2004; *Vice President*, 2004
Chair of Finance Committee; Member of Executive and Nominating Committees

MAINE CIVIL LIBERTIES UNION
Board Member, 2000-2001

MAINE CENTER ON DEAFNESS
Board Member, 1995-2001

STATE OF MAINE, BUREAU OF REHABILITATION SERVICES, DIV. OF DEAFNESS ADVISORY COUNCIL
Member, 1995-1997

PUBLICATIONS

“Termination of Parental Rights as a Private Remedy: Rationales, Realities, and Alternatives,” 72 *Syracuse L. Rev.* ____ (forthcoming 2022)

[“Justice For All Means Having Access to a Lawyer.”](#) *Bangor Daily News*, April 6, 2021

[“Don’t Let Rural Maine Become a Legal Desert.”](#) *Kennebec Journal*, April 28, 2020

[“Keeping It in the Family: Minor Guardianship as Private Child Protection.”](#) 18 *Conn. Pub. Int. L. Rev.* 269 (2019)

[“Maine Has More Work to Do to Help Families in Crisis.”](#) *Bangor Daily News*, July 30, 2019

[“Bringing Mindfulness Practices to the Law School Clinic.”](#) *Equipoise*, Newsletter of the Association of American Law Schools Section on Balance in Legal Education (Dec. 2018)

[“Why Reforms in Guardianship Laws and Services Can Improve Outcomes for Children and Families in Crisis.”](#) *Scholars Strategy Network Policy Brief* (2018)

[“From Orphans to Families in Crisis: Parental Rights Matters in Maine’s Probate Courts.”](#) 68 *Me. L. Rev.* 45 (2016)

[“Dangerous Diagnoses, Risky Assumptions, and the Failed Experiment of ‘Sexually Violent Predator’ Commitment,”](#) 67 *Oklahoma L. Rev.* 619 (2015)

“The Risks and Benefits of Disclosing Psychotherapy Records to the Legal System: What Psychologists and Patients Need to Know for Informed Consent” with co-author Bruce Borkosky, Ph.D., 42-43 *Int’l J. of L. and Psychiatry* 19 (2015)

[“Children, Families in Crisis Shouldn’t Be Caught Between Courts,”](#) *Bangor Daily News*, April 9, 2015

[“Electronic Evidence and the Right to Confrontation,”](#) (remarks during Federal Rules of Evidence Advisory Committee Symposium “The Challenges of Electronic Evidence”) 83 *Fordham Law Rev.* 1216 (2014)

Psychiatric and Psychological Evidence (3d ed.) (2010-2011 & 2011-2012 Supps.) (text originally written by Prof. Daniel Shuman)

[“Diagnosing Liability: The Legal History of Posttraumatic Stress Disorder,”](#) 84 *Temple L. Rev.* 1 (2011)

[“The Disordered and Discredited Plaintiff: Psychiatric Evidence in Civil Litigation,”](#) 31 *Cardozo L. Rev.* 749 (2010)

[“An Uncertain Privilege: Implied Waiver and the Evisceration of the Psychotherapist-Patient Privilege in the Federal Courts,”](#) 58 *DePaul L. Rev.* 79 (2008)

[“Who Says You’re Disabled? The Role of Medical Evidence in the ADA Definition of Disability,”](#) 82 *Tulane L. Rev.* 1 (2007)

[“The Paradox of Personality: Mental Illness, Employment Discrimination, and the Americans with Disabilities Act,”](#) 17 *Geo. Mason U. Civ. Rts. L.J.* 79 (2006)

Maine School Law, H. Pringle and A. Tchao, eds. (2001) (co-author of Chapter 6: “School Litigation and Liability”)

“Representing Deaf Clients: What Every Lawyer Should Know,” 15 *Me. Bar J.* 128 (2000) (co-authored with Elizabeth Gallie, Esq.)

“Confronting Silence: The Constitution, Deaf Criminal Defendants and the Right to Interpretation During Trial,” 46 *Me. L. Rev.* 87 (1994) (winner of 1994 SCRIBES Award)

PRESENTATIONS

MAINE LEGISLATURE, COMMISSION TO CREATE A PLAN TO INCORPORATE THE PROBATE COURTS INTO THE JUDICIAL BRANCH

Presented research on past efforts to restructure Maine’s Probate Courts and selected probate court models in other states, October 19, 2021

MAINE PROBATE JUDGES’ ASSEMBLY

Presented research on past efforts to restructure Maine’s Probate Courts, October 16, 2021

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ASSOCIATION OF AMERICAN LAW SCHOOLS, SECTION ON CLINICAL LEGAL EDUCATION
Presented work-in-progress “Private Termination of Parental Rights” at the AALS Clinical Law Section Conference, April 30, 2021

MAINE JUDICIAL BRANCH, FAMILY DIVISION
Presented “The Structure of Maine’s Courts: A Roadmap” and “Title 18-C Matters” at core training for Guardians *ad litem* (online webinar). March 29 & 31, 2021

MAINE LEGISLATURE
Presenter at Maine Law’s “Law School for Maine Legislators” (online). January 12, 2021.

MAINE JUDICIAL BRANCH, FAMILY DIVISION
Presented: “Keeping it in the Family: Minor Guardianship as Child Protection” at Annual Child Protection Conference (online webinar). October 29, 2020

MAINE JUDICIAL BRANCH, FAMILY DIVISION
Presented “The Structure of Maine’s Courts: A Roadmap” and “Title 18-C Matters” at core training for Guardians *ad litem* (online webinar). June 15 & 29, 2020

EDWARD THAXTER GIGNOUX INN OF COURT
Participated in online panel, “We’re All in this Together: Professionalism During Covid Times.”
May 12, 2020

MAINE STATE BAR ASSOCIATION
Participated on panel “Counseling the Counselors: Retaining Associates” at MSBA Annual Meeting, Bar Harbor, ME. June 20, 2019

VOLUNTEER LAWYERS PROJECT
Conducted trainings for volunteer attorneys on minor guardianship matters, Portland, ME. May 30 & June 25, 2019

MAINE JUDICIAL BRANCH, COURT ALTERNATIVE DISPUTE RESOLUTION SERVICE
Presented “Mediating Minor Guardianship Matters,” Freeport, ME. May 3, 2019

MAINE ASSOCIATION OF MEDIATORS
Participated on panel “Mediating in Maine Probate Courts,” Portland, ME. May 2, 2019

MAINE STATE BAR ASSOCIATION
Moderated and participated on panel “Minor Guardianship and Adoption Under Maine’s Revised Probate Code: Overview, Implementation, and Practice Tips,” Freeport, ME. April 11, 2019

MAINE JUDICIAL BRANCH, FAMILY DIVISION
Presented “The Structure of Maine’s Courts: A Roadmap” and “Title 18-C Matters” at core training for Guardians *ad litem*, Augusta, ME. March 26 & 27, 2019

VARIOUS
Presented workshop “Introduction to Mindfulness” for several courts and agencies in Maine, January – June, 2019

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IMMIGRANT LEGAL ADVOCACY PROJECT

Presented “Family Law Basics for the Immigration Lawyer,” Portland, ME. December 4, 2019

LAW AND SOCIETY ASSOCIATION

Presented paper, “Keeping it in the Family: Minor Guardianship as Private Child Protection” on panel “Children’s Rights at the Intersection of Public and Private” at Annual Meeting. Toronto, ON. July 9, 2018.

MAINE JUDICIAL BRANCH

Moderated Panel Discussion “New Developments in Child Protection,” at Child Protection Training, Lewiston, ME. May 2, 2018.

YORK COUNTY BAR ASSOCIATION

Presented “Parents & Non-Parents: Rights of Custody & Contact,” as part of Family Law Continuing Legal Education Program, Saco, ME. April 17, 2018.

MAINE COMMUNITY LAW CENTER

Presented “Lunch & Learn” on recent changes to Jurisdiction and Venue in Adoptions and Minor Guardianships, Portland, ME. November 10, 2017.

MAINE JUDICIAL BRANCH

Presented “The Structure of Maine’s Courts: A Roadmap” at core training for Guardians ad litem, Augusta, ME. October 24, 2017.

MAINE STATE BAR ASSOCIATION

Presented “Jurisdiction and Venue in Adoptions and Minor Guardianships: Home Court and Beyond, at “Important Developments in Maine Family Law: A View from the Bench and the Bar,” Augusta, ME. September 7, 2017.

MAINE BOARD OF OVERSEERS OF THE BAR

Participated on panel “The Interplay Between District and Probate Courts in Family Law Matters,” Augusta, ME. December 7, 2016.

MAINE JUDICIAL BRANCH

Presented “The Structure of Maine’s Courts: A Roadmap” at core training for Guardians ad litem, Augusta, ME. October 25, 2016.

MAINE JUDICIAL BRANCH/MAINE STATE BAR ASSOCIATION

Panelist for webinar “Home Court Act: Guardianships, Name Changes, and Adoptions in the District Court.” September 30, 2016.

MAINE PROBATE JUDGES ASSEMBLY

Presented “Evidence and Trial Skills” at Fall Meeting, Brunswick, ME. October 23, 2015.

MAINE STATE BAR ASSOCIATION

Co-presented “Parental Rights Matters in Probate and District Courts: Origins, Challenges, & Strategies” at Family Law Institute, Augusta, Maine. September 18, 2015.

INTERNATIONAL ACADEMY OF LAW AND MENTAL HEALTH

Presented paper, "Dangerous Diagnoses, Risky Assumptions, and the Failed Experiment of 'Sexually Violent Predator' Commitment," at International Congress of Law and Mental Health, Vienna, Austria. July 17, 2015.

MAINE STATE BAR ASSOCIATION

Presented "Parental Rights Matters in Maine's Probate Courts: Past, Present, and Future" to Family Law Section (February 26, 2015) and Child Protection and Juvenile Justice Section (April 15, 2015).

INNOVATIONS IN TEACHING AND LEARNING EVIDENCE, WEST PUBLISHING

Presented "Lessons from a Motion in Limine Written Exercise" on panel "Innovative Teaching Techniques," Ohio State University, Columbus OH. November 7, 2014.

MAINE STATE BAR ASSOCIATION

Participant in panel discussion, "Judicial Notice and Other Under-Used Evidentiary Measures" at MSBA Summer Meeting, Rockport, M., June 27, 2014.

ASSOCIATION OF AMERICAN LAW SCHOOLS

Presented "Dangerous Diagnoses, Risky Assumptions, and the Failed Experiment of 'Sexually Violent Predator' Commitment," at Annual Conference on Clinical Legal Education, Works in Progress Session, Chicago, Illinois. April 29, 2014.

ADVISORY COMMITTEE ON FEDERAL RULES OF EVIDENCE

Presented "Electronic Evidence and the Right to Confrontation," at Symposium "The Challenges of Electronic Evidence," Portland, ME. April 4, 2014 (remarks published in *Fordham Law Review*).

MAINE STATE BAR ASSOCIATION/ JUSTICE ACTION GROUP

Moderated panel discussion, "Parental Rights Disputes in Probate Court: Questions, Conflicts, and Strategies" at Biennial Access to Justice Symposium, S. Portland, ME. January 31, 2014.

EDWARD THAXTER GIGNOUX INN OF COURT

Gave presentation on the "Changing Legal Academy and Maine Law" at monthly meeting, Portland, ME. November 14, 2013.

MAINE STATE BAR ASSOCIATION

Moderated panel discussion, "The Hearsay Rule in Civil Trials: History, Practice & Now Abolition?" at MSBA Summer Meeting, Bar Harbor, ME. June 23, 2012.

JUSTICE ACTION GROUP

Gave presentation, "Recent Trends in Legal Aid Funding, Staffing, and Legal Needs" at JAG Board Meeting, Portland, ME. February 9, 2012.

LAW AND SOCIETY ASSOCIATION

Presented paper, "Posttraumatic Stress Disorder: The Legal History of a Psychiatric Diagnosis," on panel "Motive and Meaning: Legal Understandings and Line Drawing" at Annual Northeast Conference, Amherst, MA. October 2, 2010.

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MAINE STATE BAR ASSOCIATION

Participant on panel discussion, "Impact of Domestic Abuse on Parental Rights and Responsibilities," MSBA Annual Meeting, South Portland, ME. January 21, 2010.

MUSKIE SCHOOL OF PUBLIC SERVICE

Participant in teleconference panel discussion, "Using Allocated Parental Rights and Responsibilities to Focus on Safety for Victims of Domestic Violence and Their Children" for Maine Guardians ad Litem, Portland, ME. April 27, 2010.

LAW AND SOCIETY ASSOCIATION

Presented paper, "The Disordered and Discredited Plaintiff: Psychiatric Evidence in Civil Litigation," on panel "Cutting Edge Scholarship on Lawyers and Litigation" at Annual Meeting, Denver, CO. May 30, 2009.

LAW AND SOCIETY ASSOCIATION

Presented paper, "An Uncertain Privilege: Implied Waiver and the Evisceration of the Psychotherapist-Patient Privilege in the Federal Courts," on panel "Overseeing the Overseers: From Grand Juries to Appellate Courts" at Annual Meeting, Montreal, QC. May 29, 2008.

SOCIETY FOR DISABILITY STUDIES

Presented paper, "Who Says You're Disabled? The Role of Medical Evidence in the ADA Definition of Disability," at Annual Conference, Seattle, WA. June 1, 2007.

NORTHEASTERN UNIVERSITY SCHOOL OF LAW

Presented paper, "Who Says You're Disabled: The Role of Medical Evidence in the ADA Definition of Disability," at Faculty Colloquium. Boston, MA. March 8, 2007.

LAW AND SOCIETY ASSOCIATION

Presented paper, "The Paradox of Personality: Mental Illness, Employment Discrimination, and the Americans with Disabilities Act," on panel "Rights, Identity Construction, and Disabilities" at Annual Meeting. Baltimore, MD. July 6, 2006.

JUVENILE DEFENDER TRAINING

Moderated panel, "Ethics/A View from the Bench." Portland, ME. April 26, 2006.

FEDERAL BUREAU OF INVESTIGATION ACADEMY, Computer Forensic Training

Presented on topic of presenting in-court testimony for expert witnesses in federal prosecutions. Portland, ME. August 8, 2005.

DISTRICT OF MAINE JUDICIAL CONFERENCE

Participated in panel discussion examining the decreasing number of jury trials in federal courts. Portland, M., October 22, 2004.

UNIVERSITY OF SOUTHERN MAINE, SCHOOL OF EDUCATION

Regular lecturer for school litigation and liability portion of graduate-level Education Law class, Portland, ME. 2000-2004.

MAINE HUMAN RIGHTS COMMISSION

Presented on topic of Reasonable Accommodation of Disabled Employees at “Employment Practices and Issues” seminar, Augusta, ME. May 15, 2002.

MAINE CIVIL LIBERTIES UNION

Presented on topic of Public Accommodations at “Seminar on the Legal Rights of Persons with Disabilities,” Portland, ME. March 26, 1999.

Miscellaneous other client-based and external seminars and workshops, 1996–2004; Lectured and prepared materials on varied issues including mental health, disability rights, education law, mold litigation, employment discrimination, and sexual harassment.

EDUCATION

UNIVERSITY OF MAINE SCHOOL OF LAW, Portland, Maine

J.D. 1994, *summa cum laude*

- Faculty Significant Achievement Award
- *Maine Law Review*, articles editor (1993-94); staff member (1992-93)

UNIVERSITY OF PENNSYLVANIA, Philadelphia, PA

B.A. 1988, American History, *magna cum laude*

ENGAGED MINDFULNESS INSTITUTE, Deerfield, MA

Certified Mindfulness Teacher- Professional Level (CMT-P), 2019

AWARDS

STATE OF MAINE JUDICIAL BRANCH

Volunteer of the Year, 2020

UNIVERSITY OF SOUTHERN MAINE

President’s Award for Community Engagement, 2017

AMERICAN CIVIL LIBERTIES UNION OF MAINE

Justice Louis Skolnik Award, 2016

UNIVERSITY OF MAINE SCHOOL OF LAW ALUMNI ASSOCIATION

Distinguished Service Award, 2016

UNIVERSITY OF MAINE SCHOOL OF LAW, WOMEN’S LAW ASSOCIATION

Outstanding Alumna Award, 2013

UNIVERSITY OF SOUTHERN MAINE

Faculty Senate Award for Teaching (Law School), 2012

STATE OF MAINE JUDICIAL BRANCH

Advocate for Justice Award, 2011

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DISABILITY RIGHTS CENTER OF MAINE, 2001
“In Recognition of Her Outstanding Commitment to Improving the Lives of Maine Citizens with Disabilities”

DIVISION OF DEAFNESS ADVISORY COUNCIL, 1998
Clifton F. Rodgers Award for Outstanding Service to the Deaf Community

SCRIBES (AMERICAN SOCIETY OF WRITERS ON LEGAL SUBJECTS), 1994
Law Review Writing Award

BAR ADMISSIONS

Maine Supreme Judicial Court, 1994
United States District Court, District of Maine, 1994
United States Court of Appeals for the First Circuit., 1999

MEMBERSHIP

American Association of Law Schools
American Bar Association
American Law Institute
Association for Contemplative Mind in Higher Education
Clinical Legal Education Association
Edward Thaxter Gignoux Inn of Court
International Mindfulness Teachers Association
Maine Association of Criminal Defense Lawyers
Maine State Bar Association
Mindfulness in Law Society
Scholars Strategy Network
Society of American Law Teachers