



Maine Law’s Pandemic Pivot

By Patty McCarthy

Keeping Maine Law successfully – and safely – running through the twists and turns of COVID-19 has taken an enormous amount of cooperation, training, work, creativity, and, perhaps most of all, patience.

These components were sorely needed in the pandemic’s early days as academic leaders tried to gauge the best courses of action for their schools, says Vice Dean Dmitry Bam, who was interim dean at the time.

A decision on whether to transition from in-person education to entirely online learning had to be made fast. Bam and other University of Maine System leaders met in Orono on March 11th, a week before spring break to review the multitude of considerations.

“There were so many questions,” says Bam. “Would going online be an overreaction? Would it be safe to stay open? At that point, we didn’t really understand the threat.”

Law schools faced a complicating restriction: the American Bar Association (ABA) prohibited online learning, mostly because of the nature of how law students are educated, Bam explains. “So much of what we do is practical. We’re trying to get students to think on their feet, to react to each other. We’ve come to see this year that this can all happen really well online,



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but at the time we just didn’t know.” (The ABA later loosened its rules in light of COVID-19.)

With information about the pandemic’s scope starting to flood news channels and many schools around the country closing their buildings, the question shifted from “should we” to “how.” A decision was made to prepare for online classes when the students returned from spring break on March 23rd.

“Spring break was historically a week to relax a bit and catch up on scholarship and committee work, but that’s when the faculty and staff hunkered down to figure out how to handle all this,” says Bam.

A critical jump start

Fortuitously, Director of Technology Michelene Decrow and Technology Coordinator Kerry Wyler had been preparing for weeks for what felt to them like an inevitability.

“I was looking at the tools the faculty would need to teach remotely and how we’d get everyone trained,” Decrow says. The school already had an enterprise license for Zoom, but no one regularly used the tool. So Decrow and Wyler got to work, giving themselves a two-week crash course in Zoom.

Zoom meeting links were set up for every course, about 40,



Maine Law students on the Law School lawn during Orientation.

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– Professor Deirdre Smith '94

and then came the heavy lifting – training all full-time and adjunct faculty members. Decrow and Bam heap praise on Wyler, who rose to the occasion “phenomenally,” working long hours seven days a week for many weeks to ensure that everyone felt Zoom-proficient.

Next was getting the school’s 250 students up and running. “We did a lot of surveys to see what students needed,” Bam says. “Did they have hotspots? Computers? Cell phones? Printers? – and we provided support to students who needed it. And then training.”

Bam – and new Dean Leigh Saufley who came aboard in April 2020 – had countless other questions to field. Realizing, as Bam puts it, that “a lack of personal contact is a huge loss,” they encouraged use of the University of Southern Maine’s mental health services and offered Law on the Lawn and other masked and socially distanced outdoor events, as well as fun activities like online Trivia Nights.

“We just made it work with a lot of great teamwork,” says Bam, adding that he appreciates the community of law school deans around the country who shared concerns and ideas.

Prepping for a hybrid fall

Summer 2020 was spent planning for a fall hybrid opening. Staff and faculty stayed in regular communication with students via email and the school’s internal portal to make sure they had what was needed to start the new academic year.

“Even going into the summer, there was some hope that things would go back to normal,” says Nicole Vinal, assistant dean for finance and administration. “But we had a ways to go. We put together a Fall Planning Task Force to plan Orientation and talk about best practices for teaching remotely. We also switched Learning Management Systems, so we brought in a designer to help faculty set up their courses in this new system.”

Technology upgrades were needed for faculty to be able to teach the approximately 20 percent of students who opted to be in the physical classrooms at the Law School while also having their classes broadcast live via Zoom for all others. The UMaine System happened to have done some necessary prep work pre-COVID-19 and funded purchases and implementation of computers, microphones, webcams, and other technology, with help from federal emergency dollars.

Vinal says figuring out how to safely have people in the building meant partnering with the University of Southern Maine, which owns and maintains the building, to work out cleaning and other schedules. Maine Law worked with the UMaine System and other campuses to develop its own COVID-19 testing plan, and to procure its own supply of face masks, gloves, and hand sanitizer.

Arrangements ranged from adding stickers and signs around the building to indicate where chairs and people belong to meet safe distancing protocols, to upgrad-

ing HVAC filtering systems and moving excess furniture to the basement.

After hundreds of hours of preparation, Maine Law was ready for students to return (in small, socially-distanced groups) this past fall. Faculty, staff, and students who are on campus follow an asymptomatic COVID-19 testing protocol in which a random group is tested weekly. There is an “Amplified” testing protocol for anyone with higher risk of contracting COVID-19 – including Clinic students working in the community and courts.

The Clinic’s unique pandemic challenges

Kelsey Lee, a 3L student attorney in Maine Law’s Refugee and Human Rights Clinic, says it’s been hard dealing with isolation and not being able to just tap a colleague on the shoulder to instantly get feedback. But she says it’s really difficult seeing the effects on vulnerable clients of COVID-19-imposed limits like court closings and jails cutting off visitation.

Still, there are also critical lessons to take away from 2020, too, Lee says. “I’ve learned that if there is something preventing you from doing the work you intend to do, there’s a way around it. There’s often little excuse in saying you can’t. You can figure it out.”

Meeting a client weekly in a Portland park during warmer months, masked and at a distance, had unexpected benefits, Lee says, including reinforcing her belief

that client-lawyer relationships should be free of power dynamics sometimes present when meeting in a law office.

Lee says she has felt “incredible support” from professors during the pandemic. And that feeling is mutual, says Professor Deirdre Smith, associate dean for experiential education and managing director of the Cumberland Legal Aid Clinic. She calls her Clinic students “downright heroic” for how they have adapted under duress.

“The Clinic could not simply pivot 100 percent to being fully remote because of the nature of the work we do,” Smith says, noting that lawyers, including student attorneys, were considered essential workers through even the strictest lockdowns last spring. With “no playbook or clear paths to solutions,” students figured out how to excel at remotely representing clients for contested evidentiary hearings, mediations, negotiations, judicial conferences, and more, and still handled in-person protection from abuse and juvenile detention cases.

“Some of the Clinic’s top-priority cases are also the judicial branch’s top-priority cases, so that’s meant our students are going into courthouses a lot more than other attorneys are,” Smith explains. When COVID-19 restrictions eased as the Clinic’s Summer Intern Program started, Clinic student attorneys eagerly welcomed the chance to do more in-person representation. In court, earbuds and

cell phones (courts have made exceptions to allow phones) have taken the place of a professor sitting alongside a student and whispering guidance in their ear or passing a note.

Smith says students have learned new ways of using their brains and preparing to be great lawyers. “They’re getting a crash course in creative problem solving. And that’s what lawyers do when they are at their best. I’ve been incredibly impressed with how they’ve managed and navigated even mundane things like getting a client’s signature or working with an interpreter when everyone’s remote.”

Forging ahead ... and counting positives

Everything will seem so easy when COVID-19 is a memory, Smith says, but she’s not alone in asserting that some skills and efficiencies that Maine Law students and faculty – and the greater community – have come to appreciate shouldn’t go away.

“Do we really need to have everyone drive down to the courthouse for a 15-minute check-in conference? There may be recognition that we could get through a docket very efficiently if we do some of these remotely. Mediations can work ideally via Zoom, particularly if there’s a very difficult dynamic with a history of domestic violence. Being able to use technology for marking up documents, for electronic signatures, for transmitting documents saves time and paper. I hope those things will continue.”

Being better prepared is another good takeaway, adds Vinal. “We have meetings every single day about COVID-19 and planning for any scenario, so now we have a bunch of contingency plans for when and if *anything* happens.”

Smith says she has deeply appreciated, through all the stress, that she works in a place full of good, resilient, and determined people.

“What I’m taking away is that the things that are strong about Maine Law – the commitment of the entire faculty to teaching, the commitment of the students to learning and public service – which is what brought most of them to law school in the first place – can happen independent of us all being in the same room together. That’s really what’s held us together since March.”



Maine Law students on a pre-Orientation kayak trip to Fort Gorges.