

JAMES C. MAY

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South Royalton Legal Clinic
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PROFESSIONAL EXPERIENCE

Director, South Royalton Legal Clinic (1987-present)

**Vermont Law School
South Royalton Legal Clinic, South Royalton, Vermont 05068**

Professor 2002 - present

Clinical Professor 1998-2002

Associate Clinical Professor 1992-1998

Staff Attorney 1983-1986

- Responsible for administering, teaching, supervising and lawyering in Vermont Law School's on campus, real client, civil poverty law clinic. Duties include staff and budget development, and grant writing; curriculum development; classroom and clinical teaching; lawyering, and active supervision of full-time clinicians and their cases in state and federal courts and administrative forums. In collaboration with Clinic attorneys, continue to develop the Clinic's Core Program and Special Projects, including Children First! Legal Advocacy Project; Vermont Immigrant Assistance; Domestic Violence project; Legal Assistance to Crime Victims project; Families in Crisis Legal Assistance Project (assistance to prisoners in family law matters); and Prisoner Child Support Project, with related resource development. Also administer Rubin Fellowship program, and serve on regular and special faculty committees.

- As a member of the Vermont/Karelia Rule of Law Project, traveled to Russia on many occasions in connection with U.S. AID-funded "Rule of Law" activities with Russian lawyers and educators. In Petrozavodsk, Karelia, Russia in 1994-96, served as consultant to help design new civil legal clinic at Petrozavodsk State University (PGU), the first such modern-day law school clinic in Russia, and participated in efforts to roll out that concept to other Russian law schools. Helped organize and participated in clinical legal education conferences in Yekaterinburg (Urals State Law Academy), October 1996; Petrozavodsk (PGU), May 1997, and Novgorod (Novgorod State University), May 1999. Deputy Director (1998-2005) of USIA/State Department Newly Independent States College and University Partnership Program (NISCUPP) grant which paired VLS and PGU as sister schools. Assisted in creating demonstration civil legal aid project in Karelia (1999-2001) funded by IREX (SPAN IV grant). Participated in founding meeting of Northwest Russia Law School Clinical Consortium, St. Petersburg, May 2000. In collaboration with Russian colleagues, drafted basic organizational documents and budgets for new Environmental Law Center of Petrozavodsk State University, 2001-02. Travelled to Sortavaala (February 2003) and Belomorsk (February 2004), Karelia, as consultant regarding founding of PSU filial campus legal clinics. Served as in-country director of Fifth Annual VLS/PGU Environmental Summer School, Russia and Finland, Summer 2005. In February 2007, travelled to Petrozavodsk to develop May 2007 seminars on development of legal aid programs; development of juvenile justice initiative; and review of Arbitrazh Court procedures (all under the joint sponsorship of Vermont/Karelia Rule of Law Project and the Union of Jurists of the Republic of Karelia), and to reaffirm ties between Vermont Law School and Petrozavodsk State University Law Faculty. Served as presenter at conference on "Legal Aid in Karelia: Quality Control Measures and Funding," Petrozavodsk, Russia (June 5, 2008)

(American, Finnish, and Russian participants), and organizer, moderator, and presenter at international video conference on “Specific Issues In The Delivery of Civil Legal Assistance” (Washington, D.C.; Petrozavodsk, Russia; Montpelier, Vermont), June 2, 2009.

Staff Attorney (1977-83)

Vermont Legal Aid, Inc., Springfield, Vermont 05156

- Represented low income persons for six years in a Legal Services Corporation-sponsored civil practice in Windsor County for Vermont Legal Aid. Staff attorney position emphasized high volume service work and impact litigation, primarily in public entitlements, housing, employment and family law, with additional significant work in bankruptcy and the rights of the disabled. Gained broad experience in administrative law and civil litigation, with motions, trial and appellate experience in Vermont and in federal court system to U.S. Court of Appeals for the Second Circuit. Regularly represented large groups of clients, some in federal class action context. Supervised paralegals and law clerks, and participated in administrative committee work.

Law Clerk (Summers, 1975 and 1976)

Massachusetts Law Reform Institute, Boston, Massachusetts

- As a student clerk, researched and wrote memoranda on public and private housing issues, with emphasis on federal statutory programs and private remedies. MLRI directly represents large client groups and also provides backup to legal services programs throughout Massachusetts and New England.

Community Organizer (1972-1974)

Lynn, Massachusetts

- Worked on projects as diverse as labor organizing; publishing a community newspaper; food coop operation; and electoral politics.

Medical News Writer (1970-71)

Cincinnati Post and Times-Star

- As medical news writer reported the news and wrote features for large circulation urban daily newspaper. Coverage focused on providers, Board of Health and community health issues. Received community service award for reporting. This position built upon my earlier experience as an intern at the Cincinnati Enquirer, and as editor of my college newspaper.

COMMUNITY SERVICE

- Among other activities, I have served as chairman of the Hartland, Vermont, Board of School Directors; as a member of the Hartland Conservation Commission, and as a board member of the Windsor County Court Diversion Program. Currently serve as a VLS representative to the Vermont Access to Justice Coalition. Served as board member of Legal Services Law Line of Vermont (1996 – 2017) and Vermont/Karelia Rule of Law Project (1994 – 2011), from 2000 - 2011 as a Vermont steering committee member of, first, the Russian American Rule of Law Consortium, and subsequently, the International Rule of Law Consortium.

EDUCATION

Boston University School of Law
J. D. 1977

Thomas More College
B. A., cum laude 1967

University of Virginia
M.A. (U.S. and Latin American History)
1970 (Woodrow Wilson Fellow '67)

MEMBERSHIPS

- Vermont Bar Association
- Windsor County (VT) Bar Association
- American Bar Association
- Association of American Law Schools (AALS) (sections on Clinical Legal Education; Family and Juvenile Law; and Poverty Law)
- Clinical Legal Education Association (CLEA)
- Vermont/Karelia Rule of Law Project (V/K RoLP), Board of Directors
- Russian American Rule of Law Consortium; International Rule of Law Consortium, Vermont Steering Committee

REPRESENTATIVE LITIGATION

Swan v. Stoneman, Civ. No. 79-36 (D. Vt., filed February 2, 1979, dismissed September 12, 1979), rev'd., 635 F.2d 97 (2d Cir. 1980), consent decree filed August 12, 1981, sub nom Swan v. Burchard

- Class action of first impression nationally for declaratory and injunctive relief pursuant to 42 U.S.C. § 1983 alleging that lack of pretermination hearing under state vocational rehabilitation program deprived plaintiffs of rights under Rehabilitation Act of 1973 and Fourteenth Amendment. Secured reversal of dismissal for failure to exhaust administrative remedies. Case settled favorably with agreement by State to implement new regulations affording due process protections.

American Bank and Trust Co. v. Hermann, No. 79-146 (U.S. Bankruptcy Court, D. Vt. 1980)

- Decision by court after trial finding no intentional fraud in use of credit card and holding that intentional fraud, not fraud implied in law, must be shown under section 17(a)(2) of the Bankruptcy Act in order to bar the dischargeability of a debt.

Blake v. O'Rourke, No. 84-208 (D. Vt., filed June 27, 1984)

- Class action challenge to new federal-state regulations dealing with welfare benefits income calculations as violative of Supremacy Clause. Dismissed as moot following passage of new federal legislation.

Kendall v. Brock, 689 F. Supp. 354 (D. Vt. 1988) (successor lead counsel)

- Class action of first impression nationally for declaratory and injunctive relief alleging regulations of defendant United States Secretary of Labor allowing for termination and reduction of certain benefits without prior opportunity to be heard violated Fifth Amendment. Court decisions and voluntary regulations changes by Secretary resulted in new due process protections, applied nationwide. Plaintiffs awarded \$40,000 in attorney's fees under Equal Access to Justice Act.

Flint v. U.S. Dep't. of Agriculture, 39 F. Supp. 2d 418 (D. VT, 1997)

- In this action for declaratory and injunctive relief, plaintiffs' claim for Homestead Protection was ruled as moot following USDA's grant of the requested relief; plaintiffs were denied leaseback/buyback protection.

Widmer v. SSA Secretary, No. 1:02-CV-265 (U.S. Dist. Ct., D. VT 2005).

- In this Social Security disability/Supplemental Security Income (SSI) case, not atypical of a number of other cases in my caseload, the U.S. District Court in 2005 affirmed an Appeals Council reversal of an ALJ decision rendered in 1999. An interim SSI application proved successful after hearing, paving the way for a favorable decision on the client's older case-in-chief. Attorney's fees were awarded under the Equal Access to Justice Act.

Turco v. Department of Employment Security, 141 Vt. 135 (1982)

- Vermont Supreme Court affirmed Board decision finding that claimant had good cause for leaving employment due to harassment by fellow employees for his religious beliefs.

In re M.L.C., No. 84-048 (Vt. Supreme Court, dismissed as moot, 1985)

- Challenge to Vermont emergency involuntary civil commitment statute as unconstitutionally vague. Briefed and argued; dismissed as moot upon appellant's discharge from state hospital.

Skudlarek v. Department of Employment and Training, 160 Vt. 277 (1993)

- In a case of first impression in Vermont, the Supreme Court reversed a Board decision denying benefits to a part-time worker who quit when employer unilaterally increased her hours to full-time.

Elaine Howard, Clara Parker and Carolyn Clark v. Department of Social Welfare, 163 Vt. 109, 655 A.2d 1102 (1994)

- In a win of first impression under ADA, the Vermont Supreme Court held that state welfare agency is required to make "reasonable modifications" in ANFC (AFDC) state eligibility criteria in order to avoid violating the Americans With Disabilities Act. At issue was a state regulation which, exactly tracking federal eligibility criteria, denied ANFC to eighteen-year-old students not expected to graduate by age nineteen, while extending it to students expected to so graduate. Appellants' children all suffered from learning disabilities that caused their retention in school and late graduation.

Civil Legal Aid

- In recent years, my caseload has consisted of a wide array of service case types in the areas of Social Security; family; landlord-tenant; bankruptcy; juvenile; prisoners' rights and others.

PUBLICATIONS

James C. May, Retaining AFDC Support for Nongraduating 18-Year-Old Students with Disabilities, 29 Clearinghouse Rev., May 1995, at 26.

James C. May, The Law and Politics of Paying Teachers Salary Step Increases Upon Expiration of A Collective Bargaining Agreement, 20 Vt. L. Rev. 619, 753 (Spring 1996).

James C. May, Creating Russia's First Law School Legal Clinic, Vt.B.J., Spring 1996, at 43.

James C. May, Hard Cases From Easy Cases Grow: In Defense of the Fact-and Law-Intensive Administrative Law Case, 32 J. Marshall L. Rev. 1, 87 (Fall 1998).

James C. May and Alexander Banks, Lawyering for Children in High-Conflict Cases, Vt. B.J., Winter 2007, at 51, reprinted in 33 Vt. L. Rev. 169 (2008).

James C. May, et al., Vermont Law School, South Royalton Legal Clinic Student Manual (1987-Present eds.).

FILM/VIDEO

- James C. May and Natalia E. May, “Adventures in Legal Clinic Supervision” (1999). This 20-minute film, in Russian language and filmed at Vermont Law School, was prepared for and shown at the conference of Clinical Law Teachers, Novgorod State University, Novgorod, Russia (May 12-14, 1999). Produced and directed by Natalia E. May and James C. May; written and photographed by James C. May.
- James C. May, with William E. Bonn, Lillette M. Granade, and Jesse A. Traugott, “Interview of Maximilian W. Kempner” (2008). This videotape of Mr. Kempner, former Dean of Vermont Law School and member of the Council on Education and Legal Responsibility (CLEPR), was made for inclusion in J. P. Ogilvy, “History of Clinical Legal Education,” a two-DVD set. It was shown in part at the 40th anniversary dinner of CLEPR at the Association of American Law Schools (AALS) annual conference in San Diego, CA, in January 2009.
- James C. May, with Lillette M. Granade, VLS ’10, “The South Royalton Legal Clinic: Its History, Accomplishments and Needs” (2008). This 30 minute Powerpoint production on the South Royalton Legal Clinic was presented to the Vermont Law School Board of Trustees at their Summer 2008 meeting at Top Notch at Stowe, Vermont, as a first step in Vermont Law School’s capital construction campaign for new Clinical office space.