

February 21, 2019

Ms. Mimi Laver
ABA Center for Children and Law
Mark Hardin Award
1050 Connecticut Ave., N.W., 4th Floor
Washington, D.C. 20036

Re: Nomination of Bill Grimm for 2019 Mark Hardin Award

Dear Ms. Laver:

We enthusiastically and emphatically endorse the nomination of Bill Grimm for the 2019 Mark Hardin Award. Bill has transformed and redeemed some of the most troubled child welfare systems in the country, starting in Baltimore and continuing in Arkansas, Utah, Washington, Nevada, and California. His record of trailblazing litigation and legislative advocacy is both heroic and remarkable, benefitting many, many thousands of foster children and creating a legacy of precedent and beneficial reform that still stands. But we also know Bill through a different lens, as one of us worked under Bill's direct supervision for three years as a young Legal Aid lawyer and both of us served as colleagues who repeatedly sought and obtained Bill's extraordinary hands-on assistance in our roles as class counsel for Baltimore foster children. We know of no one who has done more to benefit foster children than Bill, and he has always done so with the grace, humility, and wisdom of a gifted and extraordinary leader. He certainly has all of the wonderful traits that Mark Hardin exhibited throughout his career.

Well before the enactment of P.L. 96-272 (AACWA), Bill commenced one of the first efforts to provide due process representation to foster children in CINA (dependency) hearings in juvenile court, starting a demonstration project at the Legal Aid Bureau in Baltimore. Upon implementation of AACWA, this project expanded to full representation of most of Baltimore's 2,000 foster children; Bill supervised an office of approximately 8-10 attorneys plus paralegals and social workers at the same time that he brought the seminal *L.J. v. Massinga* class action seeking enforcement of AACWA provisions protecting foster children against maltreatment and asserting then-novel substantive due process claims against maltreatment. Through Bill's work and skill, many horrific cases of abuse and systemic maltreatment and denial of basic services were meticulously documented and supported by studies. The case was incredibly hard-fought (the federal judge described it as "the most hotly and thoroughly contested litigation" he had seen in his 20-year history as a judge), but, under Bill's stewardship, the plaintiffs prevailed in a lengthy trial and secured a preliminary injunction providing the first substantive protections for foster children, including health care requirements and various safeguards against maltreatment. Bill also secured a default against the State of Maryland for discovery misconduct. The district court issued a landmark ruling—the first-ever ruling that a state's failure to provide safe foster homes and ensure adequate health services to foster children violates substantive due process and one of the first to find a private right of action under AACWA and 42 U.S.C. § 1983. *See L.J. by Darr v. Massinga*, 699 F. Supp. 508, 538-39 (D. Md. 1988) (ruling, *inter alia*, that foster care agencies "have a special relationship" with foster children that created a duty of protection). The State

appealed, and Bill then won a landmark decision in the Fourth Circuit, *L.J. v. Massinga*, 838 F.2d 118 (4th Cir. 1988), which affirmed the preliminary injunction and held that foster children have a private right of action to enforce AACWA under Section 1983. Bill then negotiated the first federal consent decree that provided vital protections on issues such as caseloads, health, education, permanency planning, and other critical areas. *See L.J.*, 699 F. Supp. at 518-27.

After *L.J.*, Bill moved to the National Center for Youth Law in 1988 and, with his colleagues, won similar landmark decisions and consent decrees in Arkansas (overcoming the vehement opposition of then-Gov. Clinton, which was chronicled in a PBS documentary), Utah and Washington, as well as significant wins in Nevada and California. *See Angela R. by Hasselbein v. Clinton*, 999 F.2d 320, 324 (8th Cir. 1993) (affirming federal jurisdiction to enter into Arkansas consent decree but finding enforcement terms too vague); *David C. v. Leavitt*, 900 F. Supp. 1547, 1563 (D. Utah 1995) (finding “excellent level of success” in litigating and negotiating comprehensive consent decree for all Utah foster children); *Braam ex rel. Braam v. State*, 81 P.3d 851, 860 (Wash. 2003) (holding that foster children have substantive due process right to be free from unreasonable risk of harm or danger where care “substantially departs from accepted professional judgment, standards or practice”); *Henry A. v. Willden*, 678 F.3d 991, 1001 (9th Cir. 2012) (reversing district court dismissal of class action and holding that defendants could be liable for enforceable constitutional and AACWA violations). Most recently, he has been at the forefront of efforts to reduce the over-administration of psychotropic drugs to foster children. *See, e.g., M.B. by Eggemeyer v. Corsi*, 327 F.R.D. 271, 282 (W.D. Mo. 2018) (certifying class of Missouri foster children challenging policies allowing over-medication). Based upon this incredible success, it is no exaggeration to say that Bill is one of the premier child welfare litigators nationwide. He is the trailblazer that paved the way for all of us that have followed.

But we zealously endorse Bill for the 2019 Leadership Award from a different perspective: his incredible mentorship and assistance to us (and many others) when we picked up where he left off in Maryland. As head of the Child Advocacy Unit at Legal Aid in Baltimore, Bill mentored a couple dozen young attorneys, some of whom continued in child welfare. We learned from Bill how to be fearless but reasonable and respectful advocates; how to move from individual cases to systemic issues and back again from systemic reforms to individual cases. Above all, we learned how to respect the opinions and views of our young clients, to understand how bureaucracies and even courts overlooked their needs and opinions for the sake of convenience, deference to authority, and mindless cost-saving, and to learn how to litigate *effectively* to become persuasive and successful advocates for kids. To the extent we made a difference, we owe it to Bill’s leadership, inspiration, vision, and thoughtfulness. We were incredibly fortunate to have had him as our mentor, and he set an example of humble strength that we always aspired to emulate.

After Bill left Legal Aid, we continued to have extensive contact, as one of us (Mitch) succeeded him as class counsel in *L.J.*, eventually joined by Rhonda (who knew Bill from her work in another Legal Aid office). Bill readily made himself available for guidance and patient consideration of how to overcome roadblock after roadblock. No issue was too granular or arcane for him to offer his wisdom, patient reassurance and empathetic support. His incredible knowledge of innovative programs around the country was an invaluable resource that we drew upon often. Two related instances especially stand out.

In 2005-06, we had persuaded the defendants to negotiate a new consent decree in *L.J.* Their one condition was that lead counsel (Mitch) could not participate. (Obviously, Mitch had not learned Bill's skill in tactful diplomacy.) Rhonda had just joined the case a year earlier, so we needed help. Bill, being the infinitely helpful and loyal soul that he is, offered to come back to Baltimore and replace Mitch in the negotiations. For nearly six months, he traveled back and forth to Baltimore and engaged in a frustrating and ultimately fruitless set of negotiations (even though, with Bill's guidance, defendants had been on the brink of agreement to comprehensive reforms before they abruptly reneged at the end). Most individuals would have been daunted by this experience, but not Bill. We eventually petitioned for contempt, and again defendants asked us to negotiate a new decree. Bill was available throughout a torturous 10-month negotiation in 2008-09 and provided invaluable guidance and assistance, painstakingly reviewing draft after draft. We secured a fantastic new decree, which bears Bill's invisible signature.

Throughout the time that we have known Bill, he has demonstrated leadership in the truest sense of the word: mentoring, assisting, inspiring, and showing by example while always displaying humility and the pure heart of the Legal Aid lawyer he was and remains. Bill is an unsung national hero in child welfare, and he merits all of the plaudits and praise that we can muster. But, like Mark Hardin and one of your previous award winners, Bob Schwartz, you will never get any sense of his own stature from Bill. All he cares about is the kids and their families.

In sum, we strongly urge you to honor this brilliant, immensely talented, inspirational, and truly transformative leader in child welfare. Thank you for the opportunity for us to share just a little of why we so respect and admire him in every way.

Very truly yours

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