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How dozens of Maryland college students won \$1.6M in tuition refunds



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A lawsuit over how in-state tuition is determined at state universities has wrapped up after 13 years of litigation, with dozens of former students winning a combined \$1.6 million in refunds.

The former students — many of them law, medical and dental students — received refunds years ago, but the case was finally closed in Baltimore City Circuit Court last week, according to Anthony Conti, whose Baltimore-based firm Conti Fenn & Lawrence represented the students. Many of the students had graduated by the time they got the money, he said.

The refunds ranged from a low of \$1,212 to a high of \$71,445.

"The result is wonderful when you're sending a \$40,000 or \$50,000 check to a student who graduated five years ago," Conti said.

The case originated in 2002, when a student at what is now the University of Maryland Francis King Carey School of Law challenged the school's decision that she was an out-of-state student and therefore had to pay higher tuition rates.

Karyn Bergmann had lived in Virginia, but argued that she leased a home in Maryland, switched her driver's license and vehicle registration, served jury duty in Maryland and worked summers in the state, according to documents in the case. Bergmann, who was 36 when she applied to the law school in 2000, said she had not been claimed as a dependent on anyone else's tax return for 13 years.

But the university classified Bergmann as an out-of-state student because she did not meet the university's requirement for "financial independence"— she could not prove that she generated income to cover more than half her expenses. Her major expense was her law school tuition.

Bergmann initially filed the lawsuit on her own, but teamed up with Conti's firm, which later took on other students at University System of Maryland institutions with similar cases.

After the Court of Special Appeals struck down financial independence as part of the university system's test for in-state tuition, Conti succeeded in having the case classified as a class-action lawsuit.

Ultimately, 125 students joined the case and their residency status was reviewed anew. About 75 percent were granted refunds for the difference between in-state and out-of-of state tuition and for the additional student loan interest accrued because of the higher tuition, Conti said.

"It worked out well," Conti said. "I just wish it could have been resolved without a decade of litigation."

A spokesman for the University System of Maryland said officials are reviewing the case.

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