

MARYLAND ACCESS TO JUSTICE COMMISSION

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23 June 2011

9:30 a.m.

Annapolis, Maryland

SUMMARY OF COMMISSION MEETING

1. Old Business

a. Legislative Update.

1. **HB 523.** House Bill 523 passed, which imposes a \$100 fee on out-of-state lawyers entering their appearance *pro hac vice*. The funds will enhance the existing loan assistance repayment program for public interest lawyers.
2. **SB 457.** Senate Bill 457 will permit non-lawyers to represent tenants and landlords in rent escrow proceedings.
3. **Awards Presentation.** The first annual Access to Justice Awards were presented on May 13 at the Judicial Conference. Commission members who received the recent Access to Justice Awards were acknowledged, including Chief Judge Clyburn, the Public Justice Center, Delegate Dumais, and former member Joan Bellestri.

- b. **Poster Distribution.** Complete sets of the Commission's posters were distributed. Commission members were asked to post and distribute the posters.

COMMISSIONERS & DESIGNEES

RICHARD ABBOTT
JOSÉ FELIPÉ ANDERSON
STEVE ANDERSON
CATHY ASHBY
JOSHUA AUERBACH
HON. MARY ELLEN BARBERA
GRAY BARTON
SANDY S. BREWER
FRANK BROCCOLINA
TRACY BROWN
ROBERT J. BRUCHALSKI
HON. MICHAEL E. BUSCH
CHADFIELD B. CLAPSADDLE
JESSICA CLARK
PHILLIP J. CLOSIUS
MARY JOEL DAVIS
PAUL B. DEWOLFE
HON. KATHLEEN DUMAIS
SUSAN ERLICHMAN
HON. DOUGLAS GANSLER
HERBERT S. GARTEN
HON. LISA GLADDEN
SHARON GOLDSMITH
PHOEBE A. HADDON
HON. JOHN R. HARGROVE, JR.
HON. GLENN HARRELL, JR.
MARIE HENDERSON
HON. MARCELLA HOLLAND
KATHY HOWARD
WILHELM H. JOSEPH, JR.
CONNIE KRATOVIL-LAVELLE
HON. PETER KRAUSER
HON. DAWNE LINDSEY
HON. DANIEL LONG
KRISTEN MAHONEY
MICHAEL MILLEMANN
HON. THOMAS V. MIKE MILLER
HON. WILLIAM D. MISSOURI
JOHN NETHERCUT
HON. MARTIN O'MALLEY
HON. SCOTT PATTERSON
LU PIERSON
ANGELITA PLEMMER
WENDY RILEY
JONATHAN ROSENTHAL
STEPHEN H. SACHS
HON. CATHY HOLLENBERG SERRETTE
BONNIE SULLIVAN
ROBERTA WARNKEN
DAVE WEISSERT
RACHEL WOHL

PAMELA CARDULLO ORTIZ
EXECUTIVE DIRECTOR

- c. **Possible 2012 Legislation.** The following might be included in the Judiciary's 2012 legislative package: the fee-shifting statute that the Commission has proposed and endorsed, and a civil right to counsel statute to implement the program outlined in the Commission's CRTC implementation document. The two items will be discussed at an upcoming meeting.
- d. **Legal Aid History Project.** A monogram on the history of the Maryland Legal Aid Bureau continues to be written.

2. New Business

a. Fee-Waivers.

1. **Fee Schedule.** At the December meeting, the Committee recommended changes to the Circuit Court and District Court fee schedules, as a response to concerns heard from providers and public defenders. Among other purposes, the recommended fee-schedule and rule changes ensure that courts automatically waive the filing fee for litigants represented by MLSC-funded providers. The proposed changes to the fee schedules were adopted unanimously.
2. **Rule Changes (1-325, 2-603 and 3-603).** The fee schedules are not well known and not often referenced. The Committee suggested that in addition to changing the fee schedule, it would be optimal to incorporate the existing procedure and its improvements in a rule.

The Commission accepted the Committee's report including the draft rules, and sent them back to the Committee to have them consult with various stakeholders for input.

- b. **Class Action Residual Funds.** A number of other states have used *cy pres* awards to direct funding to legal services. The Commission accepted the Committee's report and sent the draft rules back to the Committee to explore them further and get broader input from other stakeholders.
- c. **Public Education Initiatives.** The Public Education Committee's draft Media Kit was approved. It will be posted on the Commission's website. Draft public service announcements will be included in a future advertising plan the Committee hopes to develop. The Committee presented draft podcasts, which the Commission approved.
- d. **Orientation for New Judges/Legislators.** Some commissions meet with all new judges and legislators. It was proposed that the Commission brief judges at Baby Judge's School. The idea of presenting at Baby Judge's School was approved.
- e. **Pro Bono Reporting – Donation Screen.** The Commission reviewed a written proposal to incorporate an additional screen in the *pro bono*/IOLTA online reporting process to permit attorneys to make a voluntary contribution to a legal services provider. The proposal was approved.

3. Committee Reports.

- a. **Access & Delivery of Legal Services.** The fee-shifting white paper has been accepted for publication in the University of Baltimore Law Forum. The fee-shifting statute proposed by the Commission will be discussed at a forthcoming meeting with a member of the Judiciary's Legislative Committee. The issue of a civil right to counsel was featured in a panel discussion at the Partners for Justice Conference. Judge Raker was recently interviewed by the Wall Street Journal about our recent civil right to counsel report. Finally, on Monday, June 20, the Supreme Court announced its opinion in the *Turner v. Rogers* case, establishing that there is no categorical right to counsel in civil contempt matters.
 - b. **Critical Barriers.** The Committee met to debrief the information gathered from an earlier meeting at which they heard from Alternative Directions regarding the civil legal needs of the incarcerated. The Committee would like to hear from advocates and others who work with seniors to identify the civil legal needs of seniors and how we can improve access to justice for those individuals. The Critical Barriers Committee would also like to meet with the Department of Corrections to gather information about incarcerated individuals' access to civil legal information. The Commission approved the requests.
 - c. **Definitions, Standards & Awards.** There has been no activity since presenting the recent awards.
 - d. **Public Education.** The Committee has an inquiry pending with the author of the film production, *Thurgood* and is waiting to hear whether we will be able use the film as part of an educational program for high school youth.
 - e. **Self-Represented Litigants.** The limited scope rules remain pending before the Rules Committee. Commission staff recently presented on Limited Scope Representation at the Bar Conference.
4. **District Court Self-Help Center.** The District Court Self-Help Center is adding an additional two attorneys from Legal Aid (totaling four). More Rule 16 practice may be added with the help of the Consumer Protection Clinic. Plans are also underway to expand the use of the Center statewide by use of remote access.