

Standing Committee on Pro Bono Legal Service
Report to Court of Appeals of Maryland
2009-2010

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STANDING COMMITTEE ON PRO BONO LEGAL SERVICE

ANNUAL REPORT 2009–2010

I. Introduction

In February of 2002, the Court of Appeals launched a statewide initiative to improve the existing pro bono delivery system in Maryland. The Court adopted Rule 16-901, establishing the Standing Committee on Pro Bono Legal Service (Standing Committee), and Rule 16-902, mandating the creation of a Local Pro Bono Committee in each county. Together with Rule 16-903, which required each attorney authorized to practice law in Maryland to file an annual report on pro bono legal service, these new rules were intended to coordinate and revitalize the delivery of pro bono services in Maryland. Revisions to Rule 6.1 of the Maryland Rules of Professional Conduct, which clarified the definition of pro bono service and created an aspirational goal of 50 hours of pro bono service annually for attorneys engaged in the fulltime practice of law, aimed to assure that greater numbers of Maryland lawyers would render pro bono services annually.

Since its creation in 2002, the Standing Committee has established the pro bono reporting process in Maryland, overseen the annual analysis of the results of that process, helped Local Pro Bono Committees to organize and conduct surveys assessing the legal needs in their communities, and met with Local Committees individually and regionally. The Standing Committee also worked closely with the Local Pro Bono Committees to help them draft their Local Pro Bono Action Plans as required under Rule 16-902(c).

On August 1, 2005, the Standing Committee submitted a State Pro Bono Action Plan to the Court of Appeals pursuant to Rule 16-901(c). The State Pro Bono Action Plan included a detailed description of the legal needs of Maryland's poor, the scope and extent of pro bono services in the state, a summary of the Local Pro Bono Action Plans and a series of recommendations for the Standing Committee, the Court of Appeals, the Administrative Office of the Courts, the bar, the bench and the legal services community. The State Action Plan was revised in December of 2006 to reflect the implementation of several of the recommendations. As a result of the Standing Committee's recommendations, the Court of Appeals revised Rule 16-902 to increase the participation of judges on Local Pro Bono Committees, require submission of annual reports on May 1 of each year, require each Local Committee to establish a procedure for new membership, and allow counties within the same region to join together as a local committee with the approval of the Administrative Judge of the counties involved. In March of 2007, the Court of Appeals adopted the State Pro Bono Action Plan and approved all but one of the Standing Committee's twenty recommendations.

The Standing Committee has continued to fulfill its mandate to oversee and facilitate the work of the Local Pro Bono Committees in each county. A top priority for the Standing Committee during 2009-2010 was providing support and resources to the Local Pro Bono Committees and strengthening the ties between the Local Pro Bono Committee Chairs and the members of the Standing Committee. To that end, the Standing Committee held joint and regional meetings with the Local Committee Chairs, and developed a *Best Practices Manual for Local Pro Bono Committees* to help enhance the performance of Local Pro Bono Committees. Other key activities of the Standing Committee included a Government Attorneys Project to increase the pro bono participation of lawyers working for the state, federal and local governments; revision of Maryland Rule 16-901 to expand the membership of the Standing Committee and increase the diversity of experience of its members; and support for statewide programs during National Pro Bono Week.

II. Composition of Standing Committee and Revision of Rule 16-901

As originally established by Rule 16-901, the Standing Committee consisted of 13 members comprised of attorneys from each of the appellate judicial circuits, one circuit and one district court judge, a representative of a legal services organization, and a member of the general public, as well as consultants appointed to the Committee from time to time. In the spring of 2010, the Standing Committee reviewed Rule 16-901 and determined that the Rule should be revised to expand the Committee's membership. In May, the Standing Committee submitted proposed changes to Rule 16-901 to the Court of Appeals Standing Committee on Rules and Procedures to: 1) increase the number of judges who can serve as members of the Committee from one circuit court judge and one district court judge to a maximum of three each; 2) increase the representation on the Standing Committee of legal services provider organizations by adding representatives of the Legal Aid Bureau, Maryland Volunteer Lawyers Service, the Pro Bono Resource Center of Maryland and one additional pro bono referral organization; and 3) establish a three year, renewable term for all Standing Committee members. In June, the Rules Committee voted to recommend the proposed changes to the Court of Appeals, and on October 19, 2010, the Court of Appeals adopted the proposed changes and appointed six new members to the Standing Committee in accordance with revised Rule 16-901. A list of the current Standing Committee members is attached as Appendix A.

III. Required Reporting of Pro Bono

One of the responsibilities of the Standing Committee is to oversee the process and trouble-shoot questions and concerns for required reporting of pro bono hours throughout the filing period. Members of the Committee and Pro Bono Resource Center of Maryland (PBRC) staff responded to numerous inquiries about the pro bono rules and what qualifies as pro bono service. The pro bono reporting process was combined with the IOLTA required reporting several years ago so

that lawyers are asked to complete both reporting forms at the same time. This past year, PBRC staff spent weeks contacting lawyers who failed to comply with the reporting rule for either the pro bono or the IOLTA reports to alert them to the consequences of failing to file and ensure that they had every opportunity to file their reports with the Court. The staff additionally assisted people who had difficulty filing online. The reporting process went smoothly as more lawyers chose to file online (75.9% or 26,159.)

The Administrative Office of the Courts recently issued its annual report entitled *Current Status of Pro Bono Service Among Maryland Lawyers, Year 2009* which includes the collective results from the individual attorneys' Pro Bono Legal Service Reports. The report states that "[i]n spite of the rough economic conditions during the year 2009, the total number of pro bono hours rendered by Maryland-certified lawyers was 1,139,866..." an increase of 30,180 hours. A significant number of those hours were attributed to the Foreclosure Prevention Pro Bono Project. A separate question on that effort was included in the reporting form in 2008 to help identify how many lawyers were actively engaged in the Project. As a result, lawyers reported a 73.4% increase in hours dedicated to providing assistance to homeowners in 2009 compared with the prior year. Overall, 59.3% of the full-time lawyers in Maryland reported rendering some type of pro bono service in 2009.

The Standing Committee analyzes the results of the AOC report to inform its goals and help target its efforts. For example, prior reports highlighted the low participation of government lawyers in pro bono work, the sense that most government lawyers did not believe they were able to engage in pro bono legal work, as well as the substantial number of lawyers in government practice. The awareness of this issue served as the catalyst to reinvigorate an effort to focus on government attorney policies and practice. Similarly, those areas of the state with lower participation levels used the evidence from the report to urge greater involvement of members of their local bars and bench to support pro bono initiatives. In sum, the Standing Committee believes that the reporting process continues to be highly efficient and effective in raising awareness of the need for pro bono service and in helping to identify gaps and inform the Committee's work.

IV. Government Attorneys Project

The Standing Committee has continued the Government Attorneys Project it initiated several years ago to increase the pro bono service of the many Maryland lawyers who are employed by the state, federal and local governments. Since January, the focus of the Standing Committee's efforts has been on outreach to County Attorney's Offices throughout the State. Members of the Standing Committee who are liaisons with Local Pro Bono Committees have worked with their Local Committee Chairs to contact the County Attorney and determine if their Office has a pro bono policy, whether the policy is written or unwritten, and whether the policy permits staff attorneys to perform pro bono service. In addition to collecting information about current

policies, the Standing Committee developed a *Model Pro Bono Policy for Government Attorneys* which includes provisions covering the key issues that may be included in a pro bono policy and addresses the primary concerns that government law offices may wish to consider as they develop their own policies. Members of the Standing Committee have shared the *Model Pro Bono Policy for Government Attorneys* with several County Attorney Offices. In August of 2010, Stephanie Pratt Anderson, County Attorney for Prince George's County, adopted a pro bono policy for the 31 attorneys in her office based upon the Standing Committee's *Model Pro Bono Policy* after several meetings with members of the Prince George's County Pro Bono Committee.

V. Waiver of Advanced Filing Fees

The Standing Committee has received reports from pro bono providers in several counties indicating that clients represented by pro bono attorneys are not being granted automatic fee waivers in cases where the client is entitled to the waiver because they were referred by a pro bono or legal services program recognized by the Maryland Legal Services Corporation (MLSC). The provisions providing for such automatic fee waivers are not found in the Rules of Civil Procedure, but are set forth in the Courts and Judicial Proceedings Article in Section III (B)(1)(J) of the Notes to Section 7-202 (Court Fees) for the Circuit Court, and the Notes to Section 7-301(Court Costs) for the District Court. Each of these Notes sections provides for waiver of advanced payment for costs in a case "in which the plaintiff or petitioner is represented by counsel retained through a pro bono or legal services program that is recognized by the Maryland Legal Services Corporation and provides the clerk with a memorandum that names the program, attorney(s), and client(s), and that specifies that representation is being provided for clients meeting the financial eligibility standards of the Corporation."

Instead of following the provisions of the Courts and Judicial Proceedings Article, court clerks in some counties are rejecting the memoranda filed by pro bono attorneys establishing their client's eligibility for the automatic fee waiver and in the Circuit Courts are requiring the attorneys to file a petition for waiver of fees pursuant to Rule 1-325 (Filing Fees and Costs – Indigency) of the Rules of Civil Procedure. (There is no companion to Rule 1-325 of the Circuit Court Rules in the District Court Rules.) In addition, some judges are denying Rule 1-325 petitions even when the client establishes that they meet the financial eligibility standards of the Maryland Legal Services Corporation. This issue was raised with the Maryland Access to Justice Commission. Members of the Standing Committee have been working with a subcommittee of the Access to Justice Commission to strengthen the language and help educate court personnel of the waiver provisions.

The Standing Committee believes that what is necessary to address the problem is an amendment to Rule 1-325. The amended Rule should incorporate the appropriate language from the Notes to Section 7-202 of the Courts and Judicial Proceedings Article mandating an automatic advance waiver of filing fees for pro bono clients where the appropriate memorandum is filed in the Circuit Court provided the client is represented by counsel through an MLSC-funded program.

In addition, the Court should adopt a new, companion rule for the District Court incorporating the Notes to Section 7-301 of the Courts and Judicial Proceedings Article to create an automatic advance waiver of filing fees for pro bono clients represented through an MLSC program when the appropriate memorandum is filed.

VI. Local Pro Bono Committees

A. Introduction

The principal role of the Standing Committee on Pro Bono Legal Service is to oversee and facilitate the work of the Local Pro Bono Committees in each county. Pursuant to Rule 16-902, the Local Pro Bono Committees were charged with establishing goals and priorities for pro bono services in their counties and devising a Local Pro Bono Action Plan tailored to the needs of their jurisdiction. In the early years, the Standing Committee assisted the work of the Local Pro Bono Committees by creating a template for the Local Pro Bono Action Plans, conducting a statewide survey of legal services providers in the state and providing county-specific information to the Local Committees, designing a survey of human and social services agencies and a client survey for use by the Local Committees, and preparing a *Local Pro Bono Committee Resource Manual*. The Standing Committee also hosted several regional meetings of Local Pro Bono Committee Chairs. In 2005, the Local Committee Chairs of four counties on the Eastern Shore, Caroline, Dorchester, Queen Anne's and Talbot, held a meeting to discuss the possibility of establishing a regional pro bono coordinator, which ultimately led to the creation of Mid-Shore Pro Bono, Inc., a regional pro bono referral agency that now serves those four counties, as well as Kent County. In 2006, the Standing Committee convened a meeting with the Central Western counties, Carroll, Frederick and Howard, and in 2007 the Lower Shore counties, Somerset, Wicomico and Worcester, met to discuss regional needs. A regional meeting took place in Southern Maryland in January of 2008 with Calvert, Charles and St. Mary's counties where Local Committee Chairs explored the possibility of initiating joint projects in the region.

To enhance the opportunity for dialogue among Local Pro Bono Committees, the Standing Committee initiated a statewide meeting of Local Pro Bono Committee Chairs in 2009 which has become a bi-annual event. During 2009-2010, the Standing Committee also facilitated regional meetings and summits for Local Pro Bono Committees as described below.

B. Joint Meetings of the Standing Committee and Local Pro Bono Committee Chairs

On November, 4, 2009, the Standing Committee held its inaugural joint meeting with Local Pro Bono Committees Chairs from across the state. Chief Judge Robert M. Bell attended the meeting and addressed the gathering, commending the Standing Committee and the Local Pro Bono Committees for their work to increase pro bono services in Maryland. Local Committee Chairs presented reports on the work of their Committees, and the Standing Committee shared information with the Chairs about the many resources and support services available for pro

bono attorneys through the Pro Bono Resource Center of Maryland, short-term pro bono opportunities available for attorneys unable to provide full representation of pro bono clients, and resources available to the public, such as the Maryland Lawyers Care Brochures. The Standing Committee also discussed the preliminary findings of the *Best Practices Questionnaire* sent to the Local Committee Chairs prior to the meeting to develop material for a *Best Practices Manual for Local Pro Bono Committees* (see below), and gained additional information and insight from the Chairs regarding the successful projects and programs of their Local Pro Bono Committees, as well as the challenges facing them.

The second joint meeting of the Local Pro Bono Committee Chairs and the Standing Committee was held on June 16, 2010. The meeting was well attended and Local Committee Chairs from around the State provided updates of their Committee's activities. The *Best Practices Manual for Local Pro Bono Committees* was distributed to the Local Committee Chairs, and there was a PowerPoint presentation outlining the highlights of the *Best Practices Manual*. The consensus at the conclusion of the meeting was that the Standing Committee should hold two joint meetings annually with the Local Pro Bono Committee Chairs in the fall and spring of each year.

C. Best Practices Manual for Local Pro Bono Committees

In the fall of 2009, the Standing Committee sent a *Best Practices Questionnaire* to all Local Pro Bono Committee Chairs seeking information regarding the most successful methods they had implemented for recruiting, training and recognizing volunteers, as well as providing support and resources for pro bono attorneys. The Questionnaire had a 38% return rate and provided valuable information for the development of a *Best Practices Manual for Local Pro Bono Committees*. In developing the *Best Practices Manual*, the Standing Committee conducted research nationally to determine the most effective means for increasing participation in pro bono service. In addition to describing numerous best practices for volunteer recruitment, training and resources, the *Best Practices Manual* addresses ways for Local Committees to collaborate with the judiciary and legal services providers in their counties, conduct effective community outreach, and adopt innovative pro bono projects. It also includes a "Handbook for New Local Pro Bono Committee Members," which provides a detailed history of pro bono in Maryland, and a Q & A section entitled "Maryland Pro Bono Basics." The *Best Practices Manual for Local Pro Bono Committees* was disseminated to the Local Pro Bono Committee Chairs in June of 2010 at the second joint meeting of the Standing Committee and Local Chairs. A copy of the *Best Practices Manual for Local Pro Bono Committees* (without appendices) is attached as Appendix B.

D. Southern Maryland Regional Meeting

The Local Pro Bono Committee Chairs for Calvert, Charles and St. Mary's Counties met with Standing Committee staff, Judge Karen Abrams of the Circuit Court for St. Mary's County and

Laura Joyce, Southern Maryland Center for Family Advocacy, in Leonardtown on January 28, 2010. Amy Welch Lorenzini (Calvert County), Brad Fowler (Charles County), and Sam Baldwin (St. Mary's County) provided updates about their Pro Bono Committee's activities and the challenges they face in rural counties with a limited number of attorneys. The Standing Committee staff shared with the participants the events at the Joint Meeting of the Standing Committee and Local Pro Bono Committee Chairs held on November 4, 2009, and described for them the history of the formation of the Mid-Shore Pro Bono Consortium. The Local Committee Chairs then discussed a variety of ways to collaborate and combine efforts on trainings, case intake and referral and pro bono attorney recognition. They also discussed the possibility of forming a regional committee, or in the alternative, having the three Chairs meet regularly to confer about pro bono issues in Southern Maryland. The Chairs agreed to take the proposals back to their respective Committees, and have continued to discuss possible collaborations.

E. Prince George's County Pro Bono Summit

In July of 2009, the Standing Committee staff provided resources and support to help facilitate the Prince George's County Pro Bono Summit hosted by the Prince George's County Pro Bono Committee. The Summit, which was held at the Prince George's County Circuit Court on July 8, 2009, brought together all legal services providers in Prince George's County to explore the impact of the recession and demographic changes in the County on the delivery of pro bono legal services. The Summit provided legal services programs the opportunity to introduce themselves to each other and share information about their missions and the resources they have available for providing pro bono services. At the Summit, the Prince George's County legal services organizations explored ways to avoid the duplication of services, focus resources where they are most needed, and collaborate with each other to ensure the efficient and effective delivery of pro bono legal services.

F. Summary of Local Pro Bono Committee Activities 2009-2010

The Local Pro Bono Committees have continued to work at the county level through a broad spectrum of activities to assure access to justice for Maryland's indigent and underrepresented. While the nature and degree of the work done by each Local Pro Bono Committee varies, most of the Local Pro Bono Committees are actively engaged in the effort to increase the amount of pro bono service provided by attorneys in their counties. Notably, in the spring of 2010, Garrett County became the final county in Maryland to form a Local Pro Bono Committee and begin work on its Local Pro Bono Action Plan.

The following is a summary of the most recent activities of the Local Pro Bono Committees in Maryland's counties. A list of all Local Pro Bono Committee Chairs is available at Appendix C.

1. Allegany County

The Allegany County Pro Bono Committee worked closely with the Allegany Law Foundation to administer its program, which screens and places pro bono cases and coordinates the attorneys working in the Family Law Self-Help Clinic at the Allegany Circuit Court. It regularly conducted training for pro bono attorneys on family law and special education issues, as well as on foreclosure prevention techniques in conjunction with the Foreclosure Prevention Pro Bono Project. Volunteer attorneys conducted seminars on family law at the public library which were advertized through community agencies and the local press. In July of 2009, the Allegany County Pro Bono Committee co-hosted a Foreclosure Solutions Workshop for the public with State Senator George Edwards and the Pro Bono Resource Center of Maryland.

On March 10, 2010, the Allegany County Pro Bono Committee held a joint meeting with the Allegany Law Foundation Board of Directors, at which it was determined that the composition of the Allegany Pro Bono Committee and the Allegany Law Foundation Board were virtually identical. By consent of both groups, it was decided that in the future all activities, including meetings, fundraising, committee work and goal setting, would be shared by the two groups.

In its Annual Report, the Allegany County Pro Bono Committee requested assistance from the Standing Committee in developing resources to provide additional funding for the Family Law Self-Help Clinic in Allegany County in order to assist the overwhelming numbers of pro se family law litigants in Allegany County.

2. Anne Arundel County

In 2009, the Anne Arundel County Pro Bono Committee initiated the “Ask a Lawyer in the Library” Program, which was developed by Anne Arundel County Pro Bono Committee member and Circuit Court Law Librarian, Joan Bellistri. The walk-in legal advice clinic, staffed by pro bono attorneys, began as a program in the courthouse law library and has expanded to public libraries throughout the county. As of June, 2010, the program had served 295 clients and engaged 34 pro bono attorneys. The Anne Arundel County Pro Bono Committee also participated in “Homeless Resource Day,” conducted at Anne Arundel County high schools by the Department of Social Services in March. The Committee hosted a legal clinic staffed by pro bono attorneys, who joined with doctors, dentists and many other professionals to make their services available to the homeless. The Committee has created a WIKI website that allows self-represented litigants to post questions and is linked to the Anne Arundel County Bar Association website.

3. Baltimore City

The Baltimore City Pro Bono Committee conducted its first “Pro Bono Day” in October of 2009 during National Pro Bono Week. The event was so successful that a second “Pro Bono Day” was

held in May, 2010. The May program, hosted by the Legal Aid Bureau, and co-sponsored by the Pro Bono Resource Center, Maryland Volunteer Lawyers Service and Legal Services for the Elderly, engaged 42 volunteers, 28 of whom were lawyers who counseled 125 individuals on 146 different legal issues. During National Pro Bono Week in October 2010, the Legal Aid Bureau hosted a third Pro Bono Day with its co-sponsors. Sixty volunteers participated, 28 of whom were lawyers who counseled 166 individuals on 191 different legal issues. The Baltimore City Pro Bono Committee also worked closely with the Baltimore City Bar Association's Legal Services for the Elderly Program and with the Pro Se Family Law Clinic in the Baltimore City Circuit Court to provide pro bono attorneys. The Young Lawyers Section of the Baltimore City Bar recently adopted a high school in Highlandtown, and members of the Young Lawyers Section now provide pro bono legal services to parents of children with special education needs in that area of the city.

4. Baltimore County

The Baltimore County Pro Bono Committee has continued to focus on training and providing short-term pro bono opportunities for lawyers. During National Pro Bono Week 2009, the Baltimore County Pro Bono Committee conducted a Family Law Best Practices Seminar with judges of the Baltimore County Circuit Court for attorneys who pledged to take two pro bono family law cases over a period of two years. The Committee assigned an experienced family law attorney as a mentor for each volunteer. The Baltimore County Pro Bono Committee also held its Pro Bono Awards Ceremony, at which Chief Judge Bell presented the awards for Baltimore County Pro Bono Attorney of the Year and Pro Bono Firm of the Year. During National Pro Bono Week in October 2010, the Baltimore County Pro Bono Committee launched its newest program, "Lawyer in the Lobby," a general civil law walk-in clinic on the model of the Family Law Pro Se Clinic held at the courthouse one evening each month and staffed by volunteer attorneys. The Committee hopes to expand the program to one evening each week in the future. In 2010, the Committee and its partners also repeated their successes from 2009, conducting a second conference on Best Practices in Family Law during National Pro Bono Week, which was attended by forty-two attorneys who agreed to accept a pro bono case, and holding the Baltimore County Pro Bono Awards Ceremony, hosted by Hodes, Pessin and Katz, P.A., with awards presented by Judge Joseph Murphy.

5. Calvert County

In 2009-2010, the Calvert County Pro Bono Committee coordinated volunteer attorneys for the Family Law Self-Help Clinic at the Calvert County Circuit Court and organized luncheons for the volunteers with the Calvert County Circuit and District Court judges as a thank you for their pro bono work. In January of 2010, the Calvert County Pro Bono Committee Chair participated in a regional meeting with the Chairs of the Charles and St. Mary's County Pro Bono Committees and staff of the Standing Committee on Pro Bono Legal Service to discuss possible collaborations among the three counties. In the spring of 2010, the Calvert County Pro Bono

Committee conducted a second Needs Assessment which confirmed that in Calvert County, a small but affluent county, the poor are falling through the cracks and lack access to the civil justice system. At present, the chair of the Calvert County Pro Bono Committee personally conducts client intake and makes referrals of the pro bono cases that come to Committee.

6. Caroline County – Mid-Shore Pro Bono Regional Consortium

The Caroline County Pro Bono Committee, as a part of the Mid-Shore Pro Bono Regional Consortium, worked together with Dorchester, Kent, Queen Anne’s and Talbot Counties to coordinate pro bono services throughout the five-county region on the Eastern Shore. The Mid-Shore Consortium works closely with Mid-Shore Pro Bono, Inc., the pro bono referral program which provides referrals in all five counties, matching pro bono clients with a panel of 80 volunteer attorneys. It also coordinates the volunteer attorneys staffing the Family Law Self-Help Clinic in the circuit courts of each county, and collaborates with community mediation centers and Habitat for Humanity. Mid-Shore conducted trainings and workshops with the Foreclosure Prevention Pro Bono Project, as well as the Debtor’s Assistance Project. It is currently collaborating with the Lawyers Committee on Civil Rights on a real property project, conducting “Heir’s Property Workshops” to help low-income families in Caroline and Dorchester counties clear title to homes that have been held for generations without properly recorded deeds.

7. Carroll County

The Carroll County Pro Bono Committee worked with Judge Michael Galloway, Administrative Judge of the Carroll County Circuit Court, to institute the practice of sending all new Carroll County Bar admittees a letter signed by Judge Galloway encouraging them to take pro bono cases. The Committee also initiated a new program called the “best interest attorney bank,” in which family law attorneys agree to serve as a pro bono best interest attorney in a contested custody case for a colleague, who in turn will do the same when the need arises. In Carroll County, participation in the Family Law Pro Se Project is a significant part of the provision of pro bono services, with thirty or more regular attorney volunteers staffing the Clinic. The Committee expressed its concern about the impact of the many self-represented litigants in Carroll County who, once they receive assistance with filing the proper pleadings in family law cases, are on their own through the course of the trial with no resources available to aid them in the litigation process.

8. Cecil County

In October of 2009, the Cecil County Pro Bono Committee worked closely with the Harford County Pro Bono Committee to present two trainings on domestic violence practice at the Cecil County and Harford County Circuit Courts. The Cecil County Pro Bono Committee also collaborated with Widener Law School to develop mediation training to increase the number of qualified mediators in the county. The Committee worked with a group of enthusiastic family

law attorneys in Cecil County who regularly volunteer to serve as *guardians ad litem* or best interest attorneys in contested child custody cases. The Committee also worked to bring together young lawyers with mentors who will provide guidance for them in their pro bono cases. The Cecil County Pro Bono Committee has discussed joining the Mid-Shore Consortium, aligning with Harford County, or doing both in the future.

9. Charles County

A significant portion of the Charles County Pro Bono Committee's work was coordinating the volunteer attorneys who staffed the two walk-in clinics at the courthouse, the Family Law Self-Help Clinic and the General Practice Self-Help Clinic, which are open to the public every two weeks. The Charles County Pro Bono Committee Chair also met with the Calvert and St. Mary's County Committee Chairs and staff of the Standing Committee in January of 2010 to explore ways in which the Southern Maryland Committees could collaborate on projects.

10. Dorchester County – Mid-Shore Pro Bono Regional Consortium

Dorchester County is a part of the Mid-Shore Pro Bono Regional Consortium, working together with Caroline, Kent, Queen Anne's and Talbot Counties to coordinate pro bono services throughout the five-county region on the Eastern Shore. (*See description for Caroline County.*)

11. Frederick County

As part of the process of formulating the Pro Bono Plan for Frederick County, the Frederick County Pro Bono Committee has met monthly for the past two years, drafted and disseminated two surveys, reviewed and collated the survey data, begun the drafting of the Pro Bono Plan, developed an Application for Pro Bono Representation to be used by clients, solicited volunteers and compiled a volunteer database. The Committee has formed a partnership with the Legal Aid Bureau for the use of a conference room and mail-drop for meetings and applications received from individuals seeking pro bono representation. At each monthly meeting, the Committee plans to review applications for pro bono representation, screen those applications, and place qualified applicants with volunteer attorneys in Frederick County, as well as actively manage and build the database of volunteer attorneys in Frederick. Committee members have agreed to perform these functions individually between meetings, committing a significant amount of personal time toward the review and placement of applications. The Committee also has updated the pro bono services brochure for dissemination to the public in Frederick County, and has discussed succession planning for the continued viability and operation of the Pro Bono Committee.

The Frederick County Pro Bono Committee was instrumental in helping to establish the Frederick County Bar Association's *Justice for All Fund* in 2007. In January of 2010, the *Justice for All Fund* awarded its first grant to the Legal Aid Bureau in Frederick County to create a Pro Se Bankruptcy Clinic. The Pro Se Bankruptcy Clinic will assist low-income clients who wish to

file for bankruptcy and will be staffed by a part-time paralegal who will conduct intake, schedule classes, and assure that participants have completed consumer bankruptcy counseling. Pro bono attorneys will conduct the pro se bankruptcy classes, provide advice and counsel, and assist pro se clients in completing bankruptcy documents.

12. Garrett County

The Garrett County Pro Bono Committee held its first meeting on March 2, 2010. At the Committee's second meeting on April 15, 2010, a full slate of members was approved by Circuit Court Judge James Sherbin and Garrett County Bar Association President, Tracey Henline. The Committee also decided to conduct a Needs Assessment by disseminating a survey and holding a focus group to measure local legal needs. The survey was delivered to local social service organizations that serve low-income members of the community, including the Garrett County Health Department, the Department of Social Services, Parole and Probation, the Family Service Coordinator at the Garrett County Circuit Court, Appalachian Crossroads (serving disabled individuals) and the Dove Center (serving victims of domestic violence). The focus group was convened on Friday, June 18, and was attended by seven Pro Bono Committee members and fourteen guests. The findings of the focus group established that, in addition to custody and visitation issues, legal guardianship, particularly of minors, is a frequent unmet legal need in Garrett County. Other areas of significant need include bankruptcy, social security, foreclosure, elder law, and domestic violence. The Committee collected the surveys and compiled the survey information during the summer/fall 2010. The Committee plans to meet in January of 2011 to discuss further steps in the Needs Assessment process, including meeting directly with service providers, conducting another focus group for low-income community members, and meeting with local judges and masters to discuss the issue of pro se litigants. The Committee also plans to begin to develop its Local Pro Bono Action Plan at its next meeting.

13. Harford County

The Harford County Pro Bono Committee continued to operate a number of successful projects. It held twenty presentations at the Small Business Development Center at Harford Community College conducted by volunteer attorneys during the two years of the program. The Committee also worked with the Harford County Department on Aging to organize volunteer attorneys to meet with senior citizens at local senior centers to assist with advanced directives and other estate planning needs, and it regularly conducted family law workshops for the public at local libraries. The Committee collaborated with the Pro Bono Resource Center to update brochures (Maryland Lawyers Care Brochures) providing information about local and statewide programs for free and reduced fee legal services; the brochures are available to the public at the courthouse, the Harford County Bar Foundation, the Legal Aid Bureau, the Public Defender's Office and SARC. In October of 2009, the Committee worked closely with the Cecil County Pro Bono Committee to present two trainings on domestic violence practice at the Cecil County and Harford County Circuit Courts. In June of 2010, it formed a partnership with the Harford County

Bar Association to publish a column, “Pro Bono Corner,” in the Bar Association’s quarterly newsletter. And on October 29, 2010, in conjunction with National Pro Bono Week, it conducted a full day program at Harford Community College for pro se attorneys, “Representing Children in Contested Custody Cases in Harford County,” at which each participant received a CD containing materials prepared by the Administrative Office of the Courts.

The Harford County Pro Bono Committee is planning a “Pro Bono Day” to be held on May 14, 2011. The event, run in conjunction with the Northeast Office of the Legal Aid Bureau, will be modeled after Baltimore City’s successful Pro Bono Day event. The Committee is also looking to add two new non-attorney members to the Committee, a financial planner and an insurance representative.

14. Howard County

Each week, the Howard County Pro Bono Committee coordinates the Family Law Assistance Program and the Civil Law Self-Help Center at the Howard County Circuit Court on Monday and Tuesday respectively. Both programs are staffed by volunteer attorneys. The Committee has partnered with the Howard County Public Library to provide the Family Law Assistance Program at the East Columbia Branch of the library on twelve dates from June – December, and the Civil Law Self-Help Center once a month from August through December. The Committee has created a brochure to provide Howard County citizens with a list of pro bono services available at the county and state level and developed a distribution list for the brochure once printing is completed. The Committee also is working on a project to make better use of the internet to recruit pro bono attorneys. In its Annual Report, the Committee noted that the Howard County Bar Association and Howard County Bar Foundation are supportive of its work, as are the judges of the Howard County courts.

15. Kent County – Mid-Shore Pro Bono Regional Consortium

The Kent County Pro Bono Committee is a part of the Mid-Shore Pro Bono Regional Consortium, working together with Caroline, Dorchester, Queen Anne’s and Talbot Counties to coordinate pro bono services throughout the five- county region on the Eastern Shore. (*See description for Caroline County.*)

16. Montgomery County

In November of 2010, the Montgomery County Pro Bono Committee elected Michael Goecke, of Lerch, Early & Brewer, as Chair of the Committee, a position which had been vacant for some time. The Committee anticipates a revitalized effort to expand pro bono services with its new chair. The Montgomery County Pro Bono Committee has continued to work closely with the Montgomery County Bar Foundation Pro Bono Program, which provides client intake, screening and referrals for the large numbers of pro bono clients seeking assistance in Montgomery

County. It also operates walk-in legal advice clinics in four locations throughout the county which are open eight times per month and staffed by volunteer attorneys. In calendar year 2009, the clinics served a combined 1817 clients; in 2010, the clinics have served 1569 clients through November. Pro Bono attorneys also help to staff the Family Law Self-Help Center at the Montgomery County Circuit Court. The Montgomery County Pro Bono Committee is hoping to expand pro bono services in the areas of bankruptcy, debt collection, and domestic violence, and has requested assistance from the Standing Committee to develop additional funding resources for addressing these issues.

17. Prince George's County

The Prince George's County Pro Bono Committee held a Pro Bono Summit in July of 2009, bringing together all of the legal services organizations in the County to explore ways to maximize delivery of services and ensure that organizations are not duplicating services. Since then, the Committee has focused its efforts on providing legal assistance to individuals harmed by the foreclosure crisis in Prince George's County. The Pro Bono Resource Center and its partners have conducted numerous workshops in Prince George's County at which pro bono attorneys have counseled homeowners threatened by foreclosure. In addition, the Committee worked with PBRC and the Maryland Disability Law Center to provide training for volunteer attorneys in special education and disciplinary proceedings. As part of its Government Attorney Project, members of the Committee met with Prince George's County Attorney Stephanie Anderson and provided her with the Standing Committee's *Model Pro Bono Policy for Government Attorneys*. It also initiated contact with the Office of the Public Defender and the State's Attorney's Office to facilitate increased participation of government attorneys in pro bono service. On October 27, 2010, during National Pro Bono Week, the Committee hosted a Pro Bono Luncheon for over 75 guests, including Circuit Court Judges, State's Attorney Glenn Ivey, Maryland Public Defender Paul DeWolfe, and District Public Defender Brian Denton. The Prince George's County Pro Bono Committee is planning a Pro Bono Fair to be held at an upcoming Prince George's County Bar Association meeting.

18. Queen Anne's County – Mid-Shore Pro Bono Regional Consortium

Queen Anne's County is a part of the Mid-Shore Pro Bono Regional Consortium, working together with Caroline, Dorchester, Kent and Talbot Counties to coordinate pro bono services throughout the five- county region on the Eastern Shore. (*See description for Caroline County.*)

19. St. Mary's County

In the fall of 2009, the St. Mary's County Pro Bono Committee sent a questionnaire to all attorneys in the county, recruiting them to volunteer for pro bono cases involving wills and estates, landlord/tenant, immigration, bankruptcy and family law matters. The Committee also sent a reporting form, urging attorneys who provide pro bono services to use the form to track

their hours and provide data for the county. In January of 2010, the Mary's County Committee Chair met with the Chairs of the Calvert and Charles County Committees, as well as Standing Committee staff to discuss establishing a regional collaboration with Calvert and Charles Counties, including a joint Law Day celebration for the three Southern Maryland Counties. The top priority of the St. Mary's County Pro Bono Committee is to establish an effective referral system for pro bono cases. To that end, the Committee Chair, Sam Baldwin, met with Bonnie Sullivan of Maryland Volunteer Lawyer Service to develop a list of volunteer attorneys in St. Mary's County, organized by their areas of practice, for use by MVLS to make referrals. MVLS will conduct the intake and referral process for St. Mary's County through its toll-free number and on-line intake process.

20. Somerset County

No report.

21. Talbot County – Mid-Shore Pro Bono Regional Consortium

Talbot County is a part of the Mid-Shore Pro Bono Regional Consortium, working together with Caroline, Dorchester, Kent and Queen Anne's Counties to coordinate pro bono services throughout the five- county region on the Eastern Shore. (*See description for Caroline County.*)

22. Washington County

The Washington County Pro Bono Committee has worked closely with the bar and bench to increase pro bono participation and is exploring the possibility of establishing a pro bono program similar to the Allegany County Law Foundation program. The Committee is planning to hold a video training for pro bono attorneys on landlord/ tenant law and other poverty related substantive areas.

23. Wicomico County

No report.

24. Worcester County

No report.

G. Assessment of Local Pro Bono Committee Activities

The Local Pro Bono Committees in many Maryland counties are actively engaged in the pro bono effort and have made great strides to increase the pro bono participation of attorneys in their counties by initiating innovative and effective projects. In most of these counties, the Local

Pro Bono Committees actively partner with the pro bono referral programs and legal services organizations in their communities to provide an effective system for client intake and referral, conduct community outreach, host workshops for the public, offer trainings for pro bono attorneys and recognize the work of exemplary pro bono lawyers.

Examples of the successful initiatives of Local Pro Bono Committees include the “Ask a Lawyer in the Library” program in Anne Arundel County, which has expanded beyond the Circuit Court Law Library to several county libraries and was the model for the new “Lawyer in the Lobby” program in Baltimore County. The Pro Bono Day program in Baltimore City hosted by the local pro bono committee, which has been held three times, is the model for a Harford County Pro Bono Day to be held in May of 2011. In Harford County the Pro Bono Committee’s collaboration with the Small Business Development Center at Harford Community College resulted in twenty presentations by volunteer lawyers in a two year period. The Prince George’s County Pro Bono Summit in 2009 brought together all of the legal services organizations in the county to explore ways to maximize the delivery of services and avoid duplication of services. In Howard County, the Local Pro Bono Committee partnered with the Howard County Public Library to provide the Family Law Assistance Program and the Civil Law Self-Help Center, both staffed by volunteer attorneys, at the East Columbia Branch of the library.

Collaborations between Local Pro Bono Committees and the judiciary have also been successful. For example, in Calvert County lawyers who volunteer in the Family Law Self-Help Clinic are invited to a luncheon with the judges as a thank you for their pro bono work. The Administrative Judge in Carroll County regularly sends a letter to all new Carroll County admittees encouraging them to take pro bono cases, and judges frequently participate in family law trainings for pro bono attorneys in Allegany, Baltimore, Cecil, and Harford Counties, among others. These collaborative efforts, together with the participation of county judges and bar leaders as members of the Local Pro Bono Committees, have proven to be the foundation upon which the active Local Pro Bono Committees have built their successes.

In other counties, however, it has been a struggle for the Local Pro Bono Committee to maintain full membership and engage the local bar in the pro bono effort. In many cases these are small and rural counties where there are few attorneys, there is no pro bono referral program located in the county, and the county bar association is inactive and unengaged. Even in some larger counties, Local Pro Bono Committees have been unable to maintain full membership and sustain their activities due to the attrition of their original members and the lack of judicial involvement on the Committee.

Case intake and referral systems also pose a challenge in some counties. For example, in Calvert County the chair of the Local Committee personally screens cases and places them with pro bono attorneys. In Frederick County, the Local Pro Bono Committee members have taken upon themselves the responsibility to screen pro bono cases and refer them to volunteer lawyers. In several counties, a significant portion of the Local Pro Bono Committee’s activities involves the coordination of volunteer attorneys who staff the family law pro se clinics at the circuit courts. Other factors affecting the ability of the Local Pro Bono Committees to function effectively

include the lack of administrative assistance for Local Committees, the lack of funding for staff and for pro bono projects, and the demands of legal practice that limit the ability of volunteer Committee members to dedicate the time necessary to successfully fulfill their duties under Rule 16-902.

The Mid-Shore Pro Bono Regional Consortium is an example of a highly successful collaboration that has helped to overcome many of the problems facing Local Pro Bono Committees in small, rural counties. The five counties that are members of Mid-Shore Consortium (Caroline, Dorchester, Kent, Queen Anne's, and Talbot) have established a thriving pro bono referral program, Mid-Shore Pro Bono, Inc., which not only conducts the intake and referral process for all five counties, but also coordinates attorney trainings, conducts workshops for the public and holds recognition events for outstanding pro bono attorneys in the five county region. Currently the board of directors of Mid-Shore Pro Bono, Inc., serves as the de facto Regional Pro Bono Committee for the Mid-Shore counties, raising issues regarding compliance with the membership and responsibility mandates of Rule 16-902 for regional pro bono committees. Despite these technical issues, the Mid-Shore Pro Bono Regional Consortium has done a remarkable job of ensuring that pro bono services are available across a five state area where previously the individual Local Committees had been unable to work effectively, serving as a possible model for other regions of the state.

VII. Recommendations

Pursuant to Rule 16-901(c)(6), the Standing Committee on Pro Bono Legal Service makes the following recommendations regarding the work of the Local Pro Bono Committees and the implementation and effectiveness of the Local Pro Bono Action Plans.

A. For the Court of Appeals

Recommendation # 1. The Court of Appeals should communicate to County and/or Circuit Administrative Judges the importance of their obligation under Rule 16-902(a)(5) to take steps to ensure full membership of the Local Committee on at least an annual basis.

Recommendation #2. The Court should amend Rule 1-325 of the Maryland Rules of Civil Procedure to provide an automatic waiver of advance filing fees for a litigant whose attorney files a memorandum from a pro bono or legal services program recognized by the Maryland Legal Services Corporation certifying that the litigant qualifies for legal services under the Maryland Legal Services Corporation income eligibility guidelines; the Court should adopt a companion rule in Chapter 300 of the Rules of Civil Procedure providing for a comparable automatic waiver of filing fees for pro bono litigants in District Court.

Recommendation # 3. The Administrative Office of the Courts should provide a mechanism for receiving, evaluating and granting requests for funding staffing needs of Local Pro Bono Committees or pro bono initiatives of Local Pro Bono Committees.

Recommendation # 4. The Court/Administrative Office of the Court should encourage all County Attorneys Offices and State's Attorney's Offices to adopt pro bono policies permitting and facilitating pro bono work by the attorneys on their staffs.

Recommendation # 5. The Court should emphasize the role of the bench in the development of pro bono services at judicial conferences.

B. For the Standing Committee

Recommendation #6. The Standing Committee should continue to work with the Local Committees to encourage pro bono service by attorneys employed by the state, county, municipal and federal governments.

Recommendation #7. The Standing Committee should continue to hold bi-annual meetings with the Local Pro Bono Committee Chairs as well as regional meetings with Local Pro Bono Committees.

Recommendation #8. To help address the high volume of need for family law legal services, the Standing Committee should work with Local Pro Bono Committees and providers to increase awareness of family law training opportunities and to encourage lawyers to accept pro bono family law cases.

C. For Local Pro Bono Committees

Recommendation #9. Local Committees should encourage court personnel to join the Committee as consultants and actively participate in the process.

Recommendation #10. Local Committees should work with the courts and ethnic community groups to develop specific mechanisms for increasing access to interpreters and making legal services available for non-English speakers.

Recommendation #11. Local Committees should work with the courts, local legal services providers and ethnic community groups to develop specific mechanisms for outreach to isolated and minority populations.

Recommendation #12. Local Committees should be encouraged to approach their local county planning offices or government officials who are responsible for transportation and social services in the county and urge them to develop reasonable means of transportation to legal services programs.

Recommendation #13. Local Committees should work with legal services providers to develop opportunities for transactional lawyers (e.g. corporate, real estate, and tax) by reaching out to

non-profits serving the needs of people of limited means as defined in Rule 6.1 (b)(D) of the Maryland Rules of Professional Conduct.

VIII. Appendices

- Appendix A 2010-2011 STANDING COMMITTEE MEMBERS AND TERMS
- Appendix B *BEST PRACTICES MANUAL FOR LOCAL PRO BONO COMMITTEES*
- Appendix C LOCAL PRO BONO COMMITTEE CHAIRS 2010-2011