

RESOLUTION OF THE DELIVERY OF LEGAL SERVICES SECTION  
OF THE MARYLAND STATE BAR ASSOCIATION

WHEREAS one of the primary purposes of the Delivery of Legal Services Section (“DLS Section”) of the Maryland State Bar Association (“the Association”) is to “promote the administration of justice in the State of Maryland by providing and encouraging others to provide legal services in those areas of law practice in which legal representation is not adequately and routinely available . . . [which] may include, for example, legal services for the indigent . . . .”

WHEREAS the main source of funding for legal services for low income Maryland residents is the IOLTA Program, and that funding has decreased from \$6.7 million in FY2008 to \$4 million in FY2009; projected IOLTA income for FY2010 is only \$2 million;

WHEREAS without access to legal representation, low income people are deprived of access to legal recourse impacting myriad critical human needs including housing, employment, medical care, subsistence benefits, child custody and family matters, reasonable accommodations for disabilities, etc;

WHEREAS access to legal recourse is a bedrock of civil society and American democracy;

WHEREAS the Maryland Access to Justice Commission, the Maryland Legal Services Corporation (MLSC), the Editorial Board of the Daily Record, members of the legal services community, and many others concerned with access to justice for low-income Marylanders have identified a modest increase in certain filing fee surcharges as a fair and reasonable means by which to address the unprecedented, dramatic loss of IOLTA funding and the continued significant projected losses in IOLTA revenue;

WHEREAS Maryland’s court filing fees are among the lowest in the country, and would still remain below the average court filing fees in neighboring states with a modest surcharge increase;

WHEREAS passage of such an increase would avert an impending crisis, and provide Maryland’s legal services delivery system with a desperately needed stable, predictable, source of revenue from year to year, as well as improve the administration of justice for the bar, the judiciary, and all Maryland citizens by facilitating improved usage of Maryland’s courts;

WHEREAS the Maryland State Bar Association’s mission includes the facilitation of justice, and the MSBA has consistently demonstrated its commitment to this mission by its long and proud tradition of supporting initiatives which promote access to justice for all citizens and public respect for the rule of law;

THEREFORE, the Delivery of Legal Services Section of the Maryland State Bar Association hereby RESOLVES to urge the MSBA Committee on Laws and the Board of Governors to continue the Association's long and proud tradition of supporting access to justice by actively supporting passage of the MLSC filing fee surcharge bill in the upcoming legislative session to increase certain court filing fee surcharges to be paid to the MLSC Fund to help stabilize funding for Maryland's legal services delivery system.

Enacted by unanimous vote, this 18th day of November, 2009

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Suzanne Sangree, Chair  
Delivery of Legal Services Section Council