

DELIVERY OF LEGAL SERVICES
SECTION COUNCIL
Minutes
November 18, 2009

Participants: Suzanne Sangree, Chair; Yoanna Moisesides, Vice-Chair; Marianne Hendricks, Secretary/Treasurer; Tracy Brown; J. Allan Cohen; Stephanie Joseph; Pooja Regmi; Harriet Robinson; Sheryl Snee; Nevett Steele, Jr; Bonnie Sullivan

Guests: Susan Ehrlichman (MLSC); Marita Etucubanez (APALRC); Shawn Boehringer (LAB); Virginia Knowlton (MDLC)

A. Legal Services Funding Crisis

a. Susan Ehrlichman:

- i. Passed out recent materials re: legal services funding crisis.
- ii. IOLTA money is down a couple million from last year; projected to be down 70% by the end of FY 2010; interest rates are expected to be at historic lows for awhile per Ben Bernanke.
- iii. MLSC had to spend 20% from reserves to maintain its level of funding.
- iv. Legislative initiative to increase filing fees to pay for legal services. We currently receive legal services money from filing fees. Even with the current filing fees we have, still lower than the fees of most states. This is the most stable resource for legal services revenue.
- v. Some ideas were not pursued, i.e., increase of attorney registration fee to pay for legal services.
- vi. Has spoken with the Maryland Multi-Housing Association (MMHA) about the issue, not a meeting of the minds but it was cordial.
- vii. This is a big sticking point with the Plaintiffs' bar/Maryland Access to Justice Commission ; in many contingency cases attorneys do not get any money from the client unless they prevail, so they are out the filing fee, which is a problem

b. Suzanne Sangree went over the Resolution that our Section Council unanimously adopted on October 6, 2009 to support the interim funding recommendations of the Maryland Access to Justice Commission.

- i. We were not consulted by MSBA when the issue was discussed at the September BOG meeting (Kathy Kelly Howard brought it up to determine what her vote should be at the Access to Justice Commission meeting). The BOG voted against the recommendation re: the attorney registration fee increase; took no position on the filing fee increase; and in favor of the MD General Assembly adopting a regular appropriation to support general legal services. We asked to present our position to the BOG, as did Susan Ehrlichman, but were denied that request.
- ii. Until the BOG takes a position on the filing fee issue, we will continue to support it.
- iii. Apparently MSBA President Tom Cardaro plans to consult with Judge Raker re: this issue.
- iv. We will ask to have a seat at the table at the December 15, 2009 BOG meeting when this topic will be addressed. Vernon Boozer (MLSC)

- Chair) will be there, as will Wilhelm Joseph (LAB Executive Director) and possibly other legal services organization leaders.
- v. We will consider adopting a resolution that is not in conflict with the BOG's vote.
 - vi. MLSC is working with LAB and a lobbyist hired by LAB (Gary Alexander) to introduce a bill re: the filing fee increase. They plan to have Del. Kathleen Dumais (on A2J Commission) introduce the bill in the House.
- c. Tracy Brown reported on the Maryland Access to Justice Commission Interim Report and Recommendations
 - i. Recommendations 1, 4, 5 and 6 are of particular importance to us.
 - ii. There will be listening events coming up (critical barriers committee), look on website for more information.
 - d. Pooja Regmi brought up the issue that Henry Dugan, our BOG Representative, encouraged us to focus on asking the Legislature for funds to support legal services. We need to form an appropriate response; the Legislature is going to be bombarded with requests and the MSBA seems to be passing the buck. Asking the Legislature for the money is neither a reliable nor stable source of income.
 - e. Motion: To enact a new resolution that speaks only to supporting a modest increase in the filing fee surcharge to be dedicated to the funding of legal services as embodied in the MLSC Bill to be filed in the House of Delegates. Passed unanimously.
 - i. Susan will provide Suzanne with the language from the original filing fee increase resolution from 2004.
 - ii. Susan will advise Richard Montgomery that we plan to adopt this new resolution and check with him as to the best time to submit the resolution and how to get on the agenda, whether it be by contacting Paul Carlin, Tom Cardaro, etc.
 - f. Motion: To request that our Section Council appear as part of this filing fee increase agenda item at the December 15, 2009 BOG Meeting. Passed unanimously.
 - i. Susan will explore this.
 - g. Bonnie Sullivan volunteered to work on an E-newsletter to inform the Section re: this issue.
- B. Nevett Steele can no longer Chair the Legislative Committee but will remain as a member. Stephanie Joseph will also stay on as a Committee member. Motion: for Ed Fee to chair the Legislative Committee. Passed with one abstention (J. Allan Cohen).
- C. Our MLSC Awards nominations were all successful. The Awards Banquet is on December 7, 2009.
- a. Cardin Award: Tracy Brown.
 - b. Machen Award: Carl Gold.
 - c. Marbury Award: Carol Ahlum.
- D. Guardianship Handbook: Lauren Kallins e-mailed Suzanne a report
- a. A UM Law student has been working on the revision, it is moving along.
 - b. We did not get budget money for this item; MSBA recommended that we apply to the MD Bar Foundation. We agreed to publish it online as soon as it

- is available and will also pursue the Bar Foundation grant application.
- c. Yoanna Moises and Harriet Robinson consulted with Nicole Earl of MSBA to determine grant application information. They will work with her on the application and submit it by mid-December to Nicole, so she has time to work on it before she submits it for the Bar Foundation meeting in mid-January. We reviewed the application and will let Yoanna know if there are any answers we can provide to save time.
- E. FY 2010-2011 Budget Request: Marianne Hendricks provided a draft request.
- a. The requests are due on December 18, 2009.
 - b. Marianne will add a request for mailing for the Guardianship Handbook.
 - c. Partners for Justice Conference: We discussed efforts to get more private attorneys to attend and for a reduced rate for public interest attorneys.
 - i. Stephanie, Yoanna and Harriet are on the planning committee and explained that they make many efforts to include private attorneys and cannot afford to reduce the rate for public interest attorneys, but places like LAB pay for all their staff members to attend.
 - ii. Someone made a suggestion to request scholarships from private firms to pay for public interest attorneys.
 - iii. Harriet suggested that we have private attorneys from other Section Councils speak on a panel at the event regarding the relevance of legal services to their respective Sections.
- F. People's Law Library: Harriet reported on this.
- a. The people in charge are doing a great job, have very specific requirements re: content and are using a new format (Drupal) that will be very user friendly.
 - b. The Committee is now using a list serve to communicate between meetings to ensure that they follow through on their tasks.
 - c. The Committee expects input from the community regarding content.
 - d. Yoanna explained that LAB is using Drupal as well, with the MD Justice website, and will .
- G. Efforts to Get Legal Services Attorneys on Relevant Section Councils:
- a. Bankruptcy: Suzanne will contact Alexander Gordon to ask whether he wants to join.
 - b. Real Estate: Jennifer Larrabee is willing to serve on the Real Estate Section Council. Harriet had spoken to Diane Cippolone re: joining the Section Council, too. Ken McFadjen of the Foreclosure Subcommittee already invited Kathleen Skullney to join the subcommittee. We need to find out the next meeting date, Suzanne will contact Ken to get the date. She will figure out whether the two others can join, too.
 - c. Family Law: Tracy and WLC is still working on Laure Ruth joining. Bonnie thinks Hope Tipton should defer because she is on the Baltimore City Bar Family Law Committee and will also be teaching at Maryland Law, so she will be overloaded.
 - d. This is an ongoing project and we will continue to work on this.

Next Meeting:

January at Dogwood Gourmet in Hampden –January 12, 2010 at 6pm