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MARYLAND ACCESS TO JUSTICE COMMISSION

14 February 2012
9:30 a.m.
Annapolis, Maryland

SUMMARY OF COMMISSION MEETING

1. Legislative Update.

- a. **HB265 – Task Force to Study Implementing a Civil Right to Counsel in Maryland.** Members of the Commission testified at a hearing before the Senate Judicial Proceedings Committee last week. A hearing before the House Judiciary Committee is scheduled for February 15. Members of the Commission will testify.
- b. **HB751 – University System of Maryland – Law School Clinics – Prohibited Activities.** This bill would have a significant negative impact on law school clinics in Maryland.
- c. **HB1238 – Maryland Legal Services Corporation Fund – Net Interest Earnings.** This bill is designed to preclude the State from charging interest against the MLSC Fund when it goes below a certain balance.
- d. **HB703 -- Courts - Foreign Language Interpreters - Assessment of Costs.** The bill would require a court to conduct an assessment to determine if a party in a case appointed a foreign language interpreter should pay the costs of that interpreter. Commission members provided feedback to share with the MSBA Laws Committee when they discuss their bill.
- e. **SB786 -- Foreclosure Prevention and Neighborhood Stabilization Act.** The bill would, among other things, remove the court's right to waive the filing fee when a homeowner requests foreclosure mediation.

2. **Fee Waiver Proposal Update.** The proposal is currently pending before the General Provisions Subcommittee of the Rules Committee.

3. **Class Action Residual Funds Proposal Update.** The Judgments Subcommittee believes that the Access to Justice Commission's proposal is substantive, rather than procedural, and that if the proposal were to be enacted, it should be by statute, rather than by Rule. The Commission referred the matter back to the Access & Delivery of Legal Services Committee to make recommendations on next steps.
4. **People's Law Library Binder.** Commission staff prepared and disseminated large binders with the content from the People's Law Library. These materials are being provided to all correctional and detention facilities in the State. The material is being provided in hard copy to aid inmates and those preparing for reentry, as they do not have access to the Internet or email.
5. **Annual Report.** The Commission reviewed and approved the draft *2011 Annual Report*.
6. **Committee Reports.**
 - a. *Public Education.* At its recent meeting, the Committee discussed a potential collaboration with the CLREP Committee of the MSBA to develop an educational initiative around the HBO production of *Thurgood*, recently released on DVD. The Committee was updated on efforts, with the Office of Communications & Public Affairs, to develop multimedia materials for self-represented litigants on a range of topics. The Committee plans to develop a proposal regarding an educational program.
 - b. *Self-Represented Litigants.* The Committee continues to shepherd the limited scope rules through the Rules Committee process. The Committee will be following up to ensure MDEC will be able to handle the IT implications of limited scope representation.
 - c. *Definitions, Standards & Awards.* The Committee will review awards nominations at a meeting on February 28. The Commission decided to extend the deadline for nominations to February 26.
 - d. *Critical Barriers.* The Committee spent its last meeting debriefing the panel discussions held this fall with advocates who serve the incarcerated, seniors and persons with disabilities. The Committee recommends that the Commission support and advance the development of some type of legal services program to address the civil legal needs of incarcerated persons, including those planning for their reentry.
 - e. *Access & Delivery of Legal Services.* The Committee continues to monitor the progress of the Commission's bill to create a Civil Right to Counsel Task Force. Recent articles in the *Daily Record* and the *Sun* highlighted the shortfall once again facing the legal services delivery system. MLSC has been funding programs this year, in part, from reserves. The filing fee surcharge increased passed in 2010 did generate an additional \$4.9 million, but this was \$1.5 million less than anticipated. The Commission will need to be prepared in 2013 to pursue lifting the sunset on the filing fee surcharge, as well as finding additional revenue streams.