

**COVID-19 Access to Justice Task Force
Civil Legal Aid Funding Committee
Minutes from Open Meeting
June 24, 2020
Via Google Meets**

Co-Chairs Catherine Bledsoe and Susan Erlichman called the first meeting of the Civil Legal Aid Funding Committee to order at approximately 3:00 p.m. on Wednesday, June 24, 2020.

Those in attendance included Co-Chairs Catherine Bledsoe and Susan Erlichman, Bill Van Horne from Senator Ben Cardin’s office, Sarah Schenning from Senator Chris Van Hollen’s office, Senator Will Smith, Senator Guy Guzzone, Delegate Luke Clippinger, Jake Whitaker, former Attorney General Stephen Sachs, Karen Lash, Wilhelm Joseph, Bob Embry, Pam Ortiz, Tom Lynch, David Eppler, Reena Shah, Michele Honick, Sondra McLemore, Tia Carnell, and Cizhu Feng.

Co-Chair Bledsoe started the meeting with a welcome and introduction of members of the Committee.

Co-Chair Erlichman explained that the purpose of the Committee is to identify and secure sustainable funding sources to replace lost revenue and meet the increased demand for civil legal aid services in the wake of the COVID-19 pandemic.

Current Civil Legal Aid Funding in Maryland. Co-Chair Erlichman explained the current sources of funding for civil legal aid services in Maryland, as reflected in the chart circulated before the meeting. She explained that the Maryland Legal Services Corporation, which provides \$20.1 million annually to approximately thirty-six grantees, has traditionally been funded by interest on IOLTA accounts, surcharges from court filing fees, and approximately \$2 million from Maryland’s Abandoned Property fund. Because of the historically low interest rates now in place and the lack of court filings due to the pandemic, the Maryland Legal Services Corporation is facing a severe budget shortfall at a time of growing and unprecedented need for civil legal assistance in Maryland. She explained that the Committee needs to find short-term and long-term solutions for replacing and expanding the funds available for such services.

Consideration of Possible New Funding Sources. Co-Chair Erlichman proposed for consideration the following potential sources of funding.

- **Coronavirus Aid, Relief, and Economic Security (CARES) Act funding.**
The State of Maryland received approximately \$1.6 billion, and its five most populous counties (Montgomery, Prince George’s, Baltimore City, Baltimore, and Anne Arundel Counties) received an additional \$700,000 million in CARES Act funds from the federal government. The Governor has announced that the State will distribute \$364 million of its funds to the less populous counties. Senator Guzzone noted that the State has already spent \$500 million of its funds and has approximately \$800 million

remaining. Payment from these funds can only be used to cover expenses that (1) are necessary expenditures incurred due to the pandemic, (2) were not accounted for in the budget most recently approved as of March 27, 2020 for the State or local government, and (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. The Committee discussed the need to determine how the State and local jurisdictions are planning to spend their CARES Act funds and to urge them to set aside a portion of these funds for civil legal aid services.

Jake Whitaker and Senator Guzzone offered to obtain more information about how the Governor plans to distribute the remaining State CARES Act funds. Tom Lynch offered to reach out to the Fredrick County Executive to inquire about Frederick's plans for its funds. Karen Lash is currently tracking how various states across the country are spending their CARES Act funds and offered to serve as a resource. She encouraged the Committee to think broadly about how the money could be spent by the deadline of December 30, 2020 (*e.g.*, for lawyers in eviction court, mediation services, rental assistance, webcams, laptops and printers for remote work, PPE and other protective equipment for offices, hot-lines, and educational videos and websites).

■ **Other Executive Branch Federal Funding**

In addition to the \$150 billion in CARES Act funds distributed to the states, the federal government is distributing \$850 million to state and local governments through the Coronavirus Emergency Supplemental Fund, and \$5 billion to state and local governments through the Community Development Block Grant – Coronavirus program. There is also additional funding available for services to seniors through the Older Americans Act, Title III-B. Karen Lash indicated that some states (Washington, Ohio, and Pennsylvania) have secured these funds to cover the increased demand for civil legal services in their jurisdictions.

■ **Attorney General Civil Penalties**

The State of Texas uses civil penalties recovered by its attorney general to fund civil legal services.

The Committee agreed to explore whether this is a viable option for Maryland.

■ **State General Revenue Funds**

Maryland is in the minority of states that do not appropriate general revenue funds to support civil legal aid. The Committee agreed to explore the appropriation of general revenue funds for civil legal aid.

■ **Philanthropy**

Co-Chair Erlichman explained that the Maryland Legal Services Corporation has not engaged in private or corporate fund-raising in the past to avoid competing with its pro bono services grantees who receive additional funding from such sources. Nevertheless, philanthropy could be a promising area to explore.

Consideration of Funding Source for Right to Counsel in Eviction Cases. The Committee will coordinate with the Housing Security Committee, co-chaired by Zafar Shah and Zak Shirley, which is focusing more specifically on this issue. It was suggested that we circulate the set of recommendations issued by the previous Task Force on Civil Right to Counsel.

Identify Short- and Long-Term Committee Goals. The Committee's short-term goal is to determine how to secure CARES Act funding and other federal funds for civil legal aid. The Committee's long-term goal is to find sustainable funding sources to replace lost revenue and meet increased demand for civil legal aid.

Possible Creation of Sub-Committees. Co-Chair Bledsoe suggested creating a subcommittee to explore the CARES Act funding that was distributed to the State of Maryland and local jurisdictions. More specifically, the subcommittee will seek to determine the amount of funding remaining, the identities of the decisionmakers involved in its distribution, the plans for its distribution, and what our Committee can do to ensure that a portion of the funds is committed to civil legal aid. Committee members who expressed an interest in serving on the CARES Act subcommittee include Senator Guy Guzzone, Karen Lash, Jake Whitaker, Tom Lynch, Pam Ortiz, and Catherine Bledsoe.

Timeline and Future Meetings. The Committee will meet every other Wednesday at 3:00 p.m. The next meeting is scheduled for Wednesday, July 8, 2020, at 3:00 p.m.

The meeting was adjourned at 4:20 p.m.