

COVID-19 Access to Justice Task Force

Civil Legal Aid Funding Committee

Minutes from Open Meeting

October 21, 2020

Via Google Meet

Co-Chair Susan Erlichman called the Committee meeting of the Civil Legal Aid Funding Committee to order at 3:00 p.m. on Wednesday, October 21, 2020.

Present: Co-Chair Susan Erlichman, Delegate Sandy Rosenberg, Bob Embry, David Eppler, Deb Seltzer, Jake Whitaker, Karen Lash, Matt Hill, Rylie Shewbridge from Bellamy Genn Group, Reena Shah, Wilhelm Joseph, Tom Lynch, Pam Ortiz, Lisae Jordan, Victoria Schultz and Cizhu Feng.

Welcome and Minutes of September 9 Meeting

- Co-Chair Erlichman welcomed Committee members.
- The minutes of the Committee's September 30, 2020 meeting were adopted as written.

Draft Recommendations to Task Force

- Co-Chair Erlichman reported that MLSC had received \$8.7 million in settlement funds received from Deutsche Bank through the office of Attorney General Brian Frosh, and \$3 million in state funds. Co-Chair Erlichman thanked the Attorney General, Governor and Committee members for all their engagement and efforts. In response to Matt Hill's question that how much of these funds will be used for FY21, Deb Seltzer clarified that \$3 million is from CARES Act Funding, which needs to be used by the end of December 2020. Regarding the money received through the Attorney General, the answer is unclear, and more information will be provided later. Co-Chair Erlichman added that MLSC would be able to allocate \$5M to \$5.7M toward the enhancement of housing issues. With this funding, MLSC will not have to cut grants to legal services providers.
- Co-Chair Erlichman reported that to secure funds in FY22, MLSC planned to draft a letter to the governor asking for an appropriation. Pam Ortiz pointed out that in the letter, we could specifically mention other losses providers face from other sources. Legal services providers may turn to MLSC's grants since MLSC got a boost in its funding. Wilhelm Joseph suggested thanking the governor for directing

CARES Act Funding to MLSC at the beginning of this letter. Tom Lynch suggested some wording changes.

- Co-Chair Erlichman further reported that considering the timing and the Task Force's requirements in sending the letter, this letter might need to be sent by MLSC. Reena added that if any proposal or letter is sent for the purpose of advocacy, those letters should be reviewed by Policy and Race Equity Committee. The Task Force has seen the recommendations from this Committee, which included requesting an appropriation.
- Lisae Jordan suggested that there be two letters to meet the urgent need. One will come from MLSC, which can be sent as soon as possible. Another letter can be issued by Task Force after satisfying the requirements.

Updates on MLSC funding status and legislative initiatives

- Co-Chair Erlichman reported that MLSC planned to propose an increase in the distribution from the abandoned property fund. Co-Chair Erlichman thanked Senator Guzzone and Lisae Jordan for their previous efforts on this issue in the past. More information will be available later.
- Co-Chair Erlichman reported that MLSC also planned to propose a modest increase in the filing fee surcharge. Compared to the contiguous states, the court filing fee in Maryland is relatively low. Members of the MSBA Board of Governors and the Attorney General have suggested that increasing the court filing fee is a promising area that should be considered. The pre-filing deadline is on November 1, 2020.
- Delegate Rosenberg added that this year, hearings for the bills would be earlier than usual. As to the cross filing, his suggestion is that good lead sponsors in both houses are of great importance. He also mentioned that the bill is not required to be pre-filed, though pre-filing might help with timing of hearings. Co-Chair Erlichman appreciated Delegate Rosenberg's help in the past and thanked him in advance for the future help he would provide. Rylie Shewbridge reported that there would be a limit for each Senator in this year's guidelines that they can only file 25 bill during the session and can pre-file five bills. The total number of bills senators can file is 30.
- Matt Hill reminded the Committee to take the landlord/tenant situations into account when considering the increase of court filing fee. Delegate Rosenberg mentioned that he and Matt are working on and plan to pre-file a bill regarding the right to council in housing cases in Maryland. It is crucial that the bill this Committee talked about the bill from Delegate Rosenberg should be moved in the drafting process simultaneously so that two bills can be fully advocated. Matt added that this right-to-counsel bill would be on top of the Baltimore City bill. The total cost of full implementation of the bill would be around \$26 million. A right-to-counsel bill has been passed in other jurisdictions, mostly at the local level. Massachusetts is working on passing the bill to turn the right to counsel into a statewide practice, which usually will take four to five years of

implementation. He will provide more detailed information in the next meeting in terms of the sponsor's thoughts.

Updates on the Op-Ed

- Reena Shah reported that since the purpose of the Op-Ed was to get CARES Act Funding and the Baltimore Sun was still interested in publishing, the signatories are reviewing changes to the language of the Op-Ed. Reena suggested that the proposal to add the appropriation in FY22 could also be incorporated in the Op-Ed.

Timeline and Future Meetings.

- The next meeting is scheduled for Wednesday, November 4, 2020, at 3:00 p.m.
- The meeting was adjourned at 3:40 p.m.