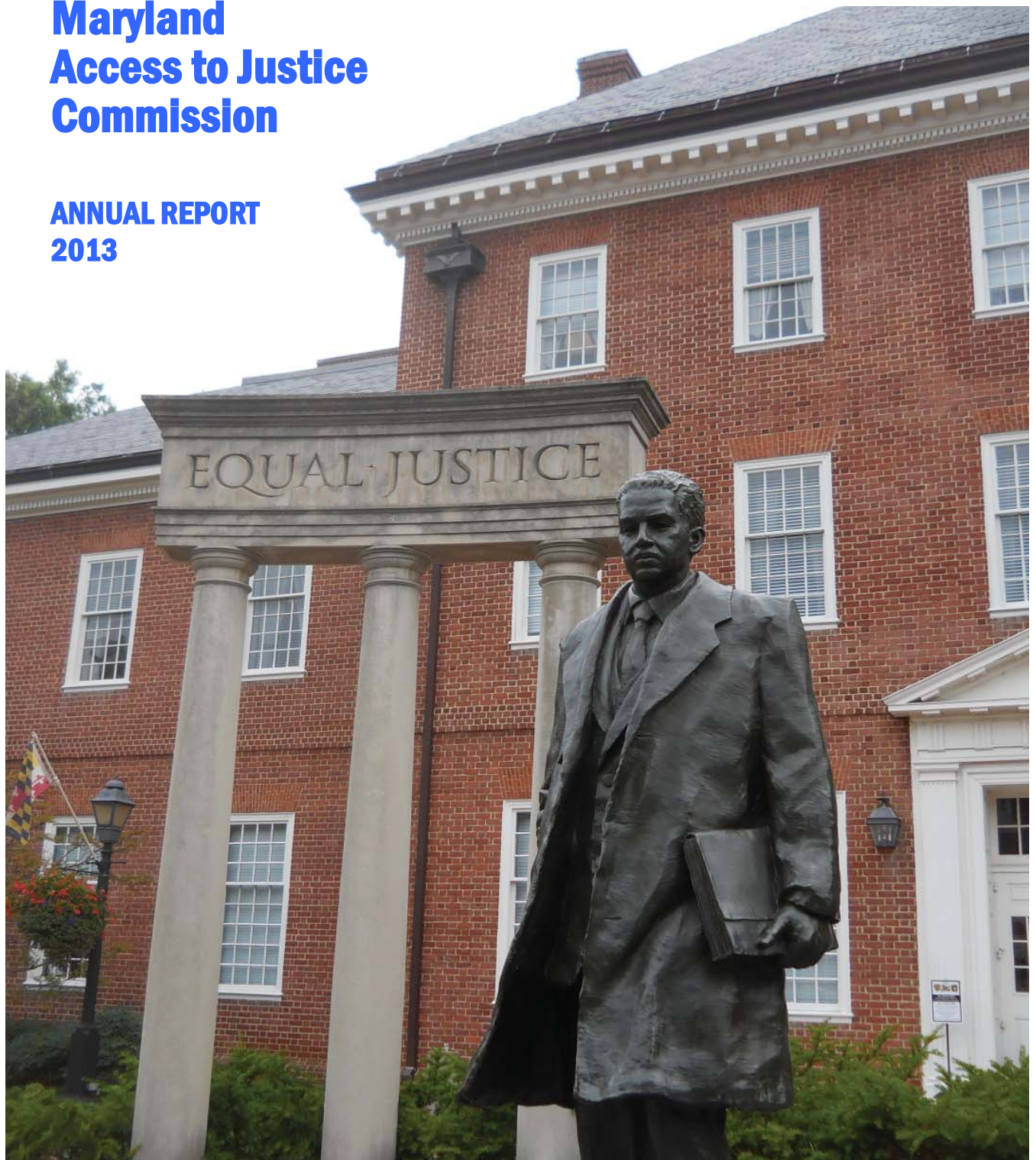
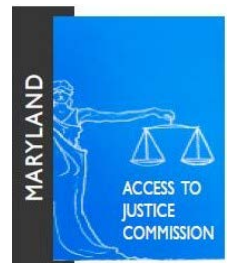


# Maryland Access to Justice Commission

**ANNUAL REPORT  
2013**



Maryland Access to Justice Commission  
2001 F Commerce Park Drive  
Annapolis, Maryland 21401  
410-260-1258  
[www.mdcourts.gov/mdatjc](http://www.mdcourts.gov/mdatjc)





## **OUR MISSION**

---

By bringing together leaders and stakeholders from the Maryland Judiciary and its justice system partners, the Commission gives meaningful voice to the public whose interest it serves. Therefore . . . the Commission shall develop, consolidate, coordinate and/or implement initiatives designed to, and which are consistent with the Judiciary's policy to expand access to, and enhance the quality of, civil justice for persons who encounter barriers in gaining access to Maryland's civil justice system.

**Duties.** To carry out its purposes, the Commission shall:

- (i) Consult extensively with members of communities that experience barriers to justice, including persons living in poverty, language minorities, persons with disabilities, and others, to obtain their views regarding the barriers to equal justice and proposed solutions;
- (ii) Establish a coordinated planning process that involves members of the community affected by the crisis in equal access to justice in an effort to develop strategies to improve access and reduce barriers;
- (iii) Facilitate efforts to create improved coordination and support of civil legal services programs;
- (iv) Work with the courts, administrative agencies and lawmaking bodies to propose and promote rules and systemic changes that will open greater access to the justice system; and
- (v) Propose and promote strategies to generate adequate levels of public, private and volunteer resources and funding for the State's civil justice network and the access to justice initiatives identified by the Commission.

*Excerpted from:*

*Maryland Court of Appeals, Administrative Order as to the Maryland Access to Justice Commission, 19 March 2010.*

## ***Defining Access to Justice for Maryland***

*Access to justice means all Marylanders can benefit from the rights, protections, services and opportunities that the law and the legal system provide. Having access to justice requires that the information and resources Marylanders need to access these rights are adequately funded and are available regardless of ability, age, gender, religion, institutionalization, income, language, literacy, race, ethnicity or sexual orientation.*

*Access to justice must include:*

- *Practices, procedures and resources that support the ability of the self-represented to navigate through and fully participate in the legal system, including online resources.*
- *Courthouses and facilities housing law-related services that are supported and maintained with adequate funding in order to be safe, accessible, convenient, and technologically current.*
- *The availability of a full range of legal services including information, advice, appropriate referrals, and full representation by an attorney, as necessary.*
- *The opportunity to participate in mediation or other appropriate dispute resolution services as well as the opportunity to understand their benefits and limitations.*
- *The commitment of all branches of government to support these principles through fiscal and legislative policies designed to make them a reality for all Marylanders.*

# Maryland Access to Justice Commission

**Hon. Irma S. Raker**

Chair, Maryland Access to Justice  
Commission  
Judge (Ret.), Court of Appeals of Maryland

**Hon. Ben C. Clyburn**

Vice-Chair, Maryland Access to Justice  
Commission  
Chief Judge, District Court of Maryland

---

**Richard Abbott**

Family Division Director, Circuit Court for  
Baltimore County

**Mary Joel Davis**

Executive Director, Second Chances

**José Felipé Anderson**

Professor, University of Baltimore  
School of Law  
*Designee for Law School Dean*

**Paul B. DeWolfe**

Public Defender, Office of the Public  
Defender

**Steve Anderson**

State Law Librarian, Maryland State Law  
Library

**Barbara Domer**

Chair, Conference of Court Administrators  
Court Admin., Cir. Ct. for Frederick Co.

**Cathy Ashby**

Director, Ruth Enlow Library

**Hon. Kathleen Dumais**

Delegate, Maryland House of Delegates  
*Designee for Speaker Michael E. Busch*

**Joshua Auerbach**

Asst. Attorney General,  
*Designee for Atty. Gen. Gansler*

**Susan Erlichman**

Executive Director, Maryland Legal  
Services Corporation

**Gray Barton**

Executive Director, Problem-Solving Courts  
Committee

**Jonathan Ferguson**

Department of Budget and Management  
*Designee for Chadfield Clapsaddle*

**Michael Baxter**

President, Maryland State Bar Association

**Patricia Fox-Merrill**

Executive Director,  
Interfaith Works

**Mark Bittner**

Executive Director, Judicial Info. Systems,  
Administrative Office of the Courts

**Hon. Douglas Gansler**

Attorney General  
*Designee: Joshua Auerbach*

**Sandy S. Brewer**

Chair, Conference of Maryland Court Law  
Library Directors

**Teresa Garraty**

Dir., Ofc. of Capital Budgeting,  
Dept. of Budget and Management  
*Designee: Jonathan Ferguson*

**L. Tracy Brown**

Exec. Dir., Women's Law Ctr. of Maryland

**Herbert S. Garten, Esq.**

Fedder and Garten Professional Assn.

**Tammy Brown**

Executive Director, Governor's Office on  
Crime Control & Prevention  
*Member and Designee for  
Governor Martin O'Malley*

**Sharon Goldsmith**

Executive Director, Pro Bono Resource  
Center of Maryland

**Del. Michael E. Busch**

Speaker, Maryland House of Delegates  
*Designee: Del. Kathleen Dumais*

**Hon. Kathryn G. Graeff**

Judge, Court of Special Appeals  
*Designee for Chief Judge Peter Krauser*

**Phoebe Haddon**

Dean, Univ. of Maryland School of Law  
*Designee: Michael Millemann*

**Hon. John R. Hargrove, Jr.**

Judge, Baltimore City District Court

**Pamela Harris**

State Court Administrator,  
Administrative Office of the Courts

**Kathy Kelly Howard, Esq.**

Past President, Maryland State Bar Assn.

**Hon. Karen Murphy Jensen**

Chair, Standing Committee on Pro Bono  
Admin. Judge, Cir. Ct. for Caroline Co.

**Wilhelm H. Joseph, Jr.**

Executive Director, Legal Aid Bureau, Inc.

**Loretta Knight**

Chair, Conference of Circuit Court Clerks  
Clerk, Circuit Court for Montgomery Co..

**Connie Kratovil-Lavelle**

Executive Director, Family Administration,  
Administrative Office of the Courts

**Hon. Peter Krauser**

Chief Judge, Court of Special Appeals  
*Designee: Hon. Shirley M. Watts*

**Hon. Daniel Long**

Chair, Legislative Committee  
Admin. Judge, Circuit Ct. for Somerset Co.  
*Designee: Hon. William D. Missouri*

**Hon. Robert N. McDonald**

Chair, Judicial Institute  
Maryland Court of Appeals

**Michael Millemann**

Professor, Univ. of Maryland School of Law  
*Designee for Phoebe Haddon*

**Sen. Thomas V. "Mike" Miller, Jr.**

Senate President, Maryland Senate

**Hon. William D. Missouri**

Circuit Court for Prince George's Co. (ret.)  
*Designee for Hon. Daniel Long*

**John Nethercut**

Executive Director, Public Justice Center

**Governor Martin O'Malley**

Designee: Tammy Brown

**Hon. Scott Patterson, Esq.**

Talbot County State's Attorney

**Lu Pierson**

Past President, League of Women  
Voters of Maryland

**Angelita Plemmer-Williams**

Court Information Officer,  
Maryland Judiciary

**Jonathan Rosenthal, Esq.**

Executive Director, ADR, District Court of  
Maryland

**Hon. Thomas G. Ross**

Chair, Conference of Circuit Judges  
Administrative Judge, Second Circuit and  
Circuit Court for Queen Anne's County

**Hon. Cathy Hollenberg Serrette**

Chair, Committee on Family Law  
Judge, Circuit Ct. for Prince George's Co.

**Bonnie Sullivan**

Executive Director, Maryland Volunteer  
Lawyers Service

**Roberta Warnken**

Chief Clerk, District Court of Maryland

**Ronald Weich, Esq.**

Dean, University of Baltimore School of Law

**David Weissert**

Coordinator of Commissioner Activities,  
District Court of Maryland

**Rachel Wohl, Esq.**

Executive Director, Maryland Mediation and  
Conflict Resolution Office

**COMMISSION STAFF**

**Pamela Cardullo Ortiz**

Executive Director

**Lonni Summers**

Public Policy Analyst

**Iris Joiner**

Administrative Assistant

## Letter from the Chair

---



Dear Colleagues:

I am pleased to share with you this *Annual Report* reflecting on the work of the Maryland Access to Justice Commission during 2013.

The Commission worked with others to promote the passage of legislation that has secured necessary funding for civil legal services over the next several years. The statewide conversation about a civil right to counsel will continue through a newly created task force established by legislation advanced by the Commission. During the year, the Commission was able to support the ability of courts to respond to the self-represented by developing new written and multimedia resources. The Commission has continued its work to advance rule changes that hold promise for increasing access to justice.

We look forward to continuing this important work with our justice system partners in the coming year as we renew our commitment to ensure equal access to justice for all.

Sincerely,

A handwritten signature in black ink that reads "Irma S. Raker".

Irma S. Raker  
Maryland Court of Appeals (ret.)  
Chair, Maryland Access to Justice Commission





# Table of Contents

<b>Introduction .....</b>	<b>1</b>
<b>Supporting the Self-Represented.....</b>	<b>1</b>
Videos on Self-Help Topics.....	1
Exploring Innovations for the Self-Represented.....	2
Unsuccessful Effort to Boost Language in the Code of Judicial Conduct.....	2
<b>Court Reforms and Innovations.....</b>	<b>3</b>
Fee Waivers for Indigent Legal Services Clients .....	3
<b>Innovations in the Practice of Law to Enhance Access.....</b>	<b>3</b>
Encouraging Cy Pres Awards to Benefit Civil Legal Services.....	3
Limited Scope Representation.....	4
<b>Supporting Public Interest Practice .....</b>	<b>4</b>
Making it Easier for Out-of-State and Retired Attorneys to Serve .....	4
<b>Funding for Civil Legal Services .....</b>	<b>5</b>
Extending Innovations that Support Civil Legal Services Funding .....	5
Donation Page .....	5
<b>Expanding Rights and Market Incentives .....</b>	<b>6</b>
Fee Shifting to Promote the Public Interest in Maryland .....	6
Civil Right to Counsel .....	7
<b>Reinforcing Efforts that Enhance Access to Justice .....</b>	<b>8</b>
The Maryland Access to Justice Awards.....	8
<b>Addressing the Needs of Special Populations .....</b>	<b>9</b>
Promoting Accessible Courts and Legal Services .....	9
Addressing Barriers to Justice for the Undocumented.....	9
<b>Promoting the Public’s Understanding of the Civil Justice and Legal Services Delivery System.....</b>	<b>10</b>
<b>Conclusion .....</b>	<b>11</b>
<b>APPENDICES.....</b>	<b>13</b>

1. Senate Bill 640
2. House Bill 1303
3. House Bill 130
4. *Legal Help and Protections for Undocumented Persons*
5. Spanish Language Brochures
6. *Maryland Court System Lesson Plan*



## **Introduction**

Since its creation in 2008, the Maryland Access to Justice Commission has played an important role advocating for innovations, investments and reforms that enhance access to Maryland's civil justice system. Civil legal services providers struggle to meet the needs of low-income residents as program funding is cut and demand continues to increase. Courts are met with increasing numbers of the self-represented. The public continues to find it difficult to secure legal help when they need it. The work of the Maryland Access to Justice Commission remains critically relevant.

This report outlines the activities of the Maryland Access to Justice Commission during 2013. The Commission continues to do most of its work through its five committees:

- Access & Delivery of Legal Services Committee
- Critical Barriers Committee
- Definitions, Standards & Awards Committee
- Public Education Committee
- Self-Represented Litigant Committee

During 2013, the Commission continued to pursue a range of strategies to advance the goal of a fair and efficient civil justice system, accessible to all.

### **New Administrative Order**

Former Chief Judge Robert M. Bell extended the mission of the Maryland Access to Justice Commission by signing a new administrative order in April, 2013. The new order continues the Commission's mission and clarifies the membership, adding the Chair of the Standing Committee on Pro Bono as a member.

## **Supporting the Self-Represented**

### **Videos on Self-Help Topics**

The Maryland Access to Justice Commission worked with the Office of Communications & Public Affairs to write, produce and release a series of videos to help people who represent themselves in court. The first four videos in the series have now been released and are available on the Judiciary's website.

### **Tips for Your Day in Court**

This video includes general information and several key tips for court users to keep in mind before coming to court.

<http://mdcourts.gov/video/selfhelp/atjtipsforyourdayincourt20131016.wmv>

### **Service of Process**

Service of process can be difficult for persons without counsel. This video helps self-represented litigants understand their obligations and how to effect service.

<http://mdcourts.gov/video/selfhelp/atjserviceofprocess20131016.wmv>

### **Defending a Small Claim**

This video explains the available options for those defending a small claims case in the District Court of Maryland.

<http://mdcourts.gov/video/selfhelp/atjdefendingagainstasmallclaim20131016.wmv>

### **Finding Legal Help**

This video covers how to get legal help in a civil matter. There are a number of programs in Maryland that can provide legal help and, in some cases, may be able to provide legal representation in court.

<http://mdcourts.gov/video/selfhelp/atjfindinglegalhelp20131016.wmv>

## **Exploring Innovations for the Self-Represented**

### **Circuit Court Working Group and FCCIP**

One outgrowth of the success of the District Court Self-Help Center has been a renewed interest among Circuit Courts and others to expand resources available to the self-represented. While Circuit Courts have long offered Family Law Self-Help Centers, the services available have changed little over the years. Self-Represented Litigant Committee member and Clerk of the Circuit Court for Carroll County, Donald Sealing II has begun convening a working group of Circuit Court professionals to explore innovations to better serve self-represented litigants in the Circuit Courts.

In addition, Ms. Ortiz hosted a visit for the staff of the Foster Care Court Improvement Project (FCCIP) to the District Court Self-Help Center. She has met with the FCCIP Representation Subcommittee to provide information as they explore ways to enhance support for self-represented parents in Child in Need of Assistance (CINA) and termination of parental rights (TPR) cases.

### **Unsuccessful Effort to Boost Language in the Code of Judicial Conduct**

In December 2012, the Commission reviewed and endorsed a resolution adopted by the Conference of Chief Justices and the Conference of State Court Administrators, that would have enhanced the language in the Code of Judicial Conduct regarding how judges interact with the self-represented. The proposal was modest, and would have moved language advising judges they could make reasonable accommodations for the self-represented from a comment to the body of the rule. The proposal was considered by the Rules Committee but was not endorsed.

## **Court Reforms and Innovations**

### **Fee Waivers for Indigent Legal Services Clients**

The Commission continued to advocate for the passage of a proposed set of rules to streamline the process used to consider and grant fee waiver requests. Court filing fees can be a significant barrier to low-income litigants. In December, 2011, the Commission forwarded to the Court of Appeals Standing Committee on Rules of Practice & Procedure (Rules Committee) proposed rules designed to:

- Ensure that courts automatically waive the filing fee prepayment requirement for litigants represented by Maryland Legal Services Corporation (MLSC)-funded providers;
- Extend the automatic waiver to those represented in civil matters by the Office of the Public Defender;
- Improve the process for fee waivers requested by self-represented litigants who may be indigent by requiring the application of MLSC income-eligibility guidelines as a standard for fee waivers for self-represented persons who allege indigency;
- Make some corrections and update the current fee schedules and rules.

The proposal includes recommended changes to Maryland Rules 1-325, 2-603 and 3-603, and would highlight fee waiver provisions by including in the rules some of the material that is now only available in a fee schedule posted on the Judiciary's website.

During 2013, Commission staff participated in numerous subcommittee and full Rules Committee meetings at which the proposal was considered. As of Spring, 2014, the proposal remains pending with the Rules Committee.

In the meantime, to encourage courts to honor the provisions already laid out in the fee schedules, the Maryland Access to Justice Commission joined with the Standing Committee on Pro Bono to send a joint letter to administrative judges urging them follow the current procedure for granting an automatic waiver to clients of the State's civil legal services providers.

## **Innovations in the Practice of Law to Enhance Access**

### **Encouraging Cy Pres Awards to Benefit Civil Legal Services**

In late 2012, the Maryland Access to Justice Commission published a *Class Action Residual Funds Toolkit*. The document is designed to aid attorneys who may want to direct *cy pres* awards to the state's non-profit civil legal services providers. The *Toolkit* educates attorneys about these types of awards, advancing the idea that unclaimed funds from class action lawsuits can, when appropriate, be directed to one of Maryland's non-profit organizations that provide legal help to the poor. A number of states have passed legislation or adopted court rules to channel and promote such awards to legal services organizations.

The Commission offered a workshop at the June, 2013, annual conference of the Maryland State Bar Association to highlight the *Toolkit* and promote attorney awareness of how *cy pres* awards can be used to strengthen the civil legal services delivery system. Commission members Sharon Goldsmith, Susan Erlichman, Wilhelm Joseph, Connie Kratovil-Lavelle, Commission Executive Director Pamela Ortiz, and attorney Peter Holland all participated in the panel discussion.

### **Limited Scope Representation**

Limited scope practice continues to hold promise for innovative attorneys who want to design their practices to fill the needs of individuals who may need or want to engage an attorney for discrete tasks, rather than full representation. In a 2010 white paper, the Commission noted a favorable climate for limited scope practice in the state, but urged the passage of new rules to highlight and refine the practice, and to permit a limited appearance in court. During 2013, the Maryland Access to Justice Commission continued to monitor the rule-making process to advance a proposal the Commission initially made back in January 2011. The limited scope practice rules remain pending before the Rules Committee.

## **Supporting Public Interest Practice**

### **Making It Easier for Out-of-State and Retired Attorneys to Serve**

#### **Proposed Pro Bono Practice Rule**

In 2012, the Maryland Access to Justice Commission and the Standing Committee on Pro Bono worked to develop a proposed rules that would facilitate pro bono practice among attorneys barred elsewhere but residing or working in Maryland. Maryland has a disproportionately high percentage of attorneys who move to the area to work in government service. Those who serve with the federal government, for example, may not need to be barred in Maryland, but may be willing to serve here pro bono. The Commission is also interested in promoting pro bono practice among emeritus attorneys, those who have retired and who may not want to maintain an active practice, but who might be interested in serving. The issue was originally brought to the Commission's attention by the Department of Justice which operates a pro bono program for its attorneys.

The Commission and the Standing Committee proposed a draft rule in January 2013. During the year, Commission staff and members participated in several meetings with the Attorney Subcommittee of the Rules Committee, with whom the proposal is still pending.

## **Funding For Civil Legal Services**

### **Extending Innovations that Support Civil Legal Services Funding**

Two key funding bills were before the General Assembly during the 2013 legislative session. Both bills passed, with support from the Maryland Access to Justice Commission, and in collaboration with many civil legal services providers.

#### **Extending the Filing Fee Surcharge Increases**

House Bill 838 / Senate Bill 640 extended the sunset on 2010 legislation which had enhanced filing fee surcharges used to generate revenue to support the civil legal services delivery system. The 2010 legislation had originally included a three-year sunset. Interest rates remain extremely low, with a federal funds rate that remains at 0-0.25%. Revenue from the Interest on Lawyers Trust Account (IOLTA) program thus remains very low, and the filing fee surcharge increases continue to be a critical remedy to funding remains available for the state's 34 or so civil legal services providers. The passage of House Bill 838 / Senate Bill 640 means the surcharge increases will continue for another five years, preserving critical funding.

#### **Increasing the Statutory Appropriation**

House Bill 1303 / Senate Bill 809 also passed, with support from the Commission. The bill increases an annual appropriation that the Maryland Legal Services Corporation receives from the Abandoned Property Fund. The bill increased the appropriation from \$500,000 to \$1.5 million, generating an extra \$1 million for civil legal services per year.

#### **Donation Page**

The Commission has created a vehicle to help reinforce knowledge about the delivery system among Maryland's lawyers, and to give those attorneys an opportunity to support legal services organizations in the State. During 2012, for the first time, the Commission added a single web page to the online reporting pro bono report that Maryland attorneys complete each year. The webpage invites attorneys, if they so choose, to make a one-time voluntary contribution to a legal services organization. The page offers links to each organization's web page, scrollover text that describes their mission, and a direct link to that organization's online donation page, to aid attorneys who may want to make a financial contribution. Maryland Rule of Professional Conduct 6.1 provides that a lawyer may discharge their professional responsibility to provide *pro bono* representation "by contributing financial support to organizations that provide legal services to persons of limited means."

The Commission does not receive or handle any funds as the online contributions are deposited directly in the providers' online payment accounts. The Commission tracks donations reported through the web page. In the current reporting cycle,

attorneys are reminded of the donation they made last year when completing their report, so they can include the amount in reporting their financial contributions. During the 2012 Reporting Cycle, which took place during early 2013, Maryland attorneys used the Donation Page to make approximately \$70,952 in contributions to the state's non-profit civil legal services providers.

## **Expanding Rights and Market Incentives**

### **Fee-Shifting to Promote the Public Interest in Maryland**

The Commission continued to pursue the use of attorneys' fees as a means to promote access to justice by creating market incentives for attorneys to take cases that promote individual rights or that have a larger public impact. In its *Interim Report* in 2009, the Commission recognized the role fee-shifting schemes play in expanding access to legal representation. The Commission noted the large number of fee-shifting statutes in the State, and noted especially the lack of a provision for attorneys' fees in cases involving State constitutional claims. During 2010, the Commission articulated the benefit of fee-shifting schemes in a white paper, *Fee-Shifting to Promote the Public Interest in Maryland*. During 2012, the Commission's white paper was published in the *University of Baltimore Law Forum*.

During the 2013 Legislative Session, the Commission proposed and supported House Bill 130 / Senate Bill 263. The bills would have permitted courts to compensate prevailing plaintiffs for the cost of representation when asserting state constitutional claims or enforcing important rights affecting the public interest; would have aided judges in calculating fee awards by codifying existing case law on that subject; and would have amended state and local government tort claims acts to permit successful claimants to be awarded fees in addition to damages. The bill received an unfavorable report from the House Judiciary Committee and was subsequently withdrawn in the Senate.

Building on the work of the Commission, the Public Justice Center has had two similar bills introduced. House Bill 568 and Senate Bill 544 are identical to the Commission's 2013 legislation, but exclude the portion of the bill that would have extended attorney's fees to statutory claims that advance an important social interest. The new bills focus on an attorney fee provision for claims brought solely under the Maryland Constitution and the Maryland Declaration of Rights. In addition, the 2014 bills retain the portion of the bill that address the Maryland Tort Claims Act, but exclude the provisions that would have enhanced attorney fee awards under the Local Government Tort Claims Act. The bills remain pending with the Maryland General Assembly.



## Civil Right to Counsel

During the past year, the Commission continued its work to promote a dialogue about civil right to counsel in Maryland and nationwide, building on its 2010 report, *Implementing a Civil Right to Counsel in Maryland*.

### Task Force on a Civil Right to Counsel Appointed

In an effort to engage Maryland legislators in the statewide conversation about a civil right to counsel, the Commission successfully advocated during the 2013 legislative session for the passage of a bill to create a Task Force to Study Implementing a Civil Right to Counsel. House Bill 129 / Senate Bill 262 was signed into law by Governor O'Malley. The task force is chaired by former State Senator and Anne Arundel County Executive, Robert Neall, and has twelve members – three each appointed by the Senate of Maryland, the House of Delegates, the Maryland Judiciary and the Governor.

The Task Force has had two meetings to date. Additional meetings are planned for after the end of the 2014 Legislative Session when legislators will be available to participate.

#### Task Force to Study Implementing a Civil Right to Counsel in Maryland

Robert R. Neall, Chair

Hon. Ben C. Clyburn  
Chief Judge, District Court of Maryland and  
Vice-Chair, Maryland Access to Justice  
Commission,

Hon. Kathleen Dumais  
Maryland House of Delegates,

Susan Erlichman  
Executive Director, Maryland Legal Services  
Corporation,

Hon. Joseph Getty  
Senator, Maryland Senate,

Hon. Guy Guzzone  
Senator, Maryland Senate,

Kathy Kelly Howard, Esq.  
General Counsel, Regional Management,

Hon. Richard S. Madaleno, Jr.  
Senator, Maryland Senate,

Hon. Irma S. Raker  
Judge, Maryland Court of Appeals (ret'd)  
Chair, Maryland Access to Justice Commission,

Hon. Samuel I. Rosenberg  
Maryland House of Delegates,

Stephen H. Sachs, Esq.  
Of Counsel, Wilmer Hale,

Hon. Robert Zirkin  
Senator, Maryland Senate

## **Reinforcing Efforts that Enhance Access to Justice**

### **The Maryland Access to Justice Awards**

The Commission continued its annual awards program in 2013 by presenting awards in five categories to laudable individuals and programs. The awards were presented at the annual Judicial Conference in Cambridge, Maryland, on May 9, 2013. The awards recognize individuals, programs and entities in the State that improve the ability of all Marylanders to access the courts or to get legal help in civil legal matters.

This year the Commission voted to rename the Judge of the Year Award in honor of retiring Chief Judge Robert M. Bell.

The 2013 honorees were:

- **ROBERT M. BELL JUDGE OF THE YEAR AWARD**  
Hon. Robert M. Bell, Chief Judge, Maryland Court of Appeals
- **JUDICIAL BRANCH EXCELLENCE AWARD**  
Leslie Gradet, Clerk, Court of Special Appeals and  
the staff members of the Office of the Clerk
- **OUTSTANDING PROGRAM OF THE YEAR AWARD**  
Community Mediation Maryland  
Laurig Charkoudian, Executive Director, Community Mediation Maryland  
accepted the award along with 17 local community mediation center  
directors.
- **EXECUTIVE BRANCH AWARD**  
Homeowners Preserving Equity (HOPE) Initiative Program,  
Maryland Department of Housing and Community Development.

## **Addressing the Needs of Special Populations**

To ensure the Commission remains grounded in the needs of the State's most vulnerable, the Critical Barriers Committee continued to focus on the needs of critical groups that face barriers to justice, meeting with advocates and organizations that address the needs of persons with mental illness, and following up on action items to address the needs of persons with disabilities, those with limited English proficiency, and the needs of the foreign born, among others.

### **Promoting Accessible Courts and Legal Services**

#### **Web Accessibility Grants**

In 2012, the Commission created an "accessibility" web page that brings together a range of supportive information to promote access to courts and legal services for persons with disabilities. The page includes copies of the Commission's own policy on accessibility, and a number of tools and documents designed to help courts and providers better serve this population. One of those documents is the Commission's 2012 publication, *Beyond Compliance: Creating a Culture of Inclusivity and Accessibility Among Maryland State Courts and Legal Services Providers*. In that document, the Commission recommends courts and providers adopt a number of strategies to provide accessible websites and facilities, and to institutionalize proactive practices that support inclusivity.

To support legal services providers in fulfilling these recommendations, the Commission sought and secured a small amount of funding to distribute in the form of grants. During 2013, the Commission issued a Notice of Funding Availability and solicited applications from civil legal services providers for grants to support accessible websites. The Commission established a small grants committee which met and awarded grants to five non-profit legal services providers. The following grants totaling \$60,000 were awarded:

- Allegany Law Foundation - \$2,295
- Community Legal Services of Prince George's County - \$5,000
- Maryland Coalition for Inclusive Education - \$23,305
- Mid-Shore Pro Bono Program - \$14,400
- Public Justice Center - \$15,000

### **Addressing Barriers to Justice for the Undocumented**

Coming to court can be especially intimidating for the foreign born. An individual may be entitled to protection or assistance from the court, but may be concerned about appearing in court if they are undocumented. The federal government provides special relief to some immigrants who are victims of certain crimes, human trafficking, or domestic violence. During the past year, the Maryland Access to Justice Commission developed, printed and posted a brochure explaining the legal protections available to the undocumented, in an effort to ensure that all those

eligible for protection under the law, can obtain it without fear of reprisal. The brochures are available free-of-charge to clerk's offices, legal services providers and others upon request. The document is also available online at:

<http://mdcourts.gov/mdatjc/pdfs/legalhelpprotectionundocumentedpersons.pdf>

### **Spanish Language Resources**

This year the Program Services Department, which operates the Court Interpreter Program, has collaborated with the Maryland Access to Justice Commission to help ensure critical information is available to those who speak Spanish. In 2013, the department extended its translation services contract to have the Commission's four brochures that address access to court records and expungements, translated into Spanish. The four translated brochures were then printed and made available for free distribution to courts and providers, as well as provided online at:

<http://mdcourts.gov/mdatjc/brochures.html>.

The new brochure on *Legal Help and Protections for Undocumented Persons* was similarly translated into Spanish and is available in hard copy as well as online.

<http://mdcourts.gov/mdatjc/pdfs/legalhelpprotectionundocumentedpersonssp.pdf>

## **Promoting the Public's Understanding of the Civil Justice and Legal Services Delivery System**

### **Educating Educators: *Maryland Court System* Lesson Plan and Teacher Training**

In order to enjoy full access to justice, Marylanders must understand how the justice system works, what their rights are under the law, and how to exercise those rights by using the courts effectively. The Maryland Access to Justice Commission maintains an ongoing public awareness campaign to enhance the public's understanding of the courts and the legal services delivery system, as key to promoting public trust and confidence in the civil justice system.

In 2010, the Maryland Access to Justice Commission produced a video, *The Maryland Court System*, as a part of that campaign. During the past year, the Public Education Committee of the Commission developed and published a lesson plan for public high school teachers, to be used in conjunction with the film. Copies of the lesson plan were distributed to all social studies coordinators in all 26 public school systems within the State. Finally, in November, 2013, the Commission's Executive Director, Pamela Ortiz, provided teacher training sessions on the use of the lesson plan, to approximately 50 or 60 Baltimore City Public School teachers. During those sessions she also shared information with teachers about the Maryland State Bar Association's Continuing Law-Related Education Program (CLREP)'s Civics and Law Academy, to make them aware of that resource as well.

## **Conclusion**

The Commission continues to actively enhance access to the courts and legal services for all Marylanders. The Commission provides a collaborative forum where courts, civil legal services providers and other justice system partners can work together to address barriers to justice. In the coming year, the Commission will continue to promote reforms that help make it easier for Marylanders to obtain legal help when they need it, and to help courts meet the needs of the many individuals who come before them.



## **APPENDICES**





## Chapter 71

(Senate Bill 640)

AN ACT concerning

### **Civil Cases – Maryland Legal Services Corporation Fund – Surcharges – ~~Repeal~~ Extension of Termination Date**

FOR the purpose of ~~repealing~~ extending the termination date of certain provisions of law altering certain surcharges on certain fees, charges, and costs in certain civil cases and requiring a certain informational budget to be prepared for the Maryland Legal Services Corporation and submitted to the General Assembly; and generally relating to the Maryland Legal Services Corporation Fund.

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 7–202(a)(1), (d), and (f) and 7–301(c)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,  
Article – Human Services  
Section 11–208  
Annotated Code of Maryland  
(2007 Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 486 of the Acts of the General Assembly of 2010  
Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### **Article – Courts and Judicial Proceedings**

7–202.

(a) (1) (i) The State Court Administrator shall determine the amount of all court costs and charges for the circuit courts of the counties with the approval of the Board of Public Works.

(ii) The fees and charges shall be uniform throughout the State.

(d) The State Court Administrator, as part of the Administrator's determination of the amount of court costs and charges in civil cases, shall assess a surcharge that:

(1) May not be more than \$55 per case; and

(2) Shall be deposited into the Maryland Legal Services Corporation Fund established under § 11-402 of the Human Services Article.

(f) If a party in a proceeding feels aggrieved by any fee permitted under this subtitle or by §§ 3-601 through 3-603 of the Real Property Article, the party may request a judge of that circuit court to determine the reasonableness of the fee.

7-301.

(c) (1) The filing fees and costs in a civil case are those prescribed by law subject to modification by law, rule, or administrative regulation.

(2) The Chief Judge of the District Court shall assess a surcharge that:

(i) May not be more than:

1. \$8 per summary ejection case; and

2. \$18 per case for all other civil cases; and

(ii) Shall be deposited into the Maryland Legal Services Corporation Fund established under § 11-402 of the Human Services Article.

(3) The Court of Appeals may provide by rule for waiver of prepayment of filing fees and other costs in cases of indigency.

### **Article – Human Services**

11-208.

(a) The executive director shall prepare an annual budget for the Corporation.

(b) (1) For informational purposes only, the Corporation shall submit its budget to the General Assembly in conjunction with the budget request of the Judicial Branch of the State government on November 1 of each year.

(2) The informational budget required under this subsection shall include 3 years of data, including the most recently completed fiscal year, an estimate for the current fiscal year, and an estimate for the next fiscal year, including:

- (i) a summary of total expenditures and the sources of revenue that support that spending;
- (ii) line item expenditure detail for personnel, operating expenses, and grants, including individual grantees;
- (iii) narrative explanation of all revenue and spending changes between the current fiscal year and the next fiscal year;
- (iv) performance measurement data that details the use of funds; and
- (v) detail on the Corporation's reserve fund, including actual and estimated end of fiscal year balances, transfers to and from the reserve fund, and the policies governing the reserve fund.

#### **Chapter 486 of the Acts of 2010**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. ~~It shall remain effective for a period of 8 years and, at the end of June 30, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2013.

**Approved by the Governor, April 9, 2013.**



## **Chapter 553**

### **(House Bill 1303)**

AN ACT concerning

#### **Maryland Legal Services Corporation Funding – Abandoned Property Funds**

FOR the purpose of altering the distributee of certain abandoned property funds that the Comptroller is required to distribute each year; altering the amount that the Comptroller is required to distribute; repealing certain provisions of law requiring the Governor to appropriate a certain amount in certain budgets each year to the Maryland Legal Services Corporation Fund; repealing certain provisions of law authorizing the Governor to transfer a certain amount to the Fund from a certain portion of abandoned property funds; altering a certain source of money in the Fund; and generally relating to Maryland Legal Services Corporation funding.

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 17–317(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services

Section 11–401 and 11–402

Annotated Code of Maryland

(2007 Volume and 2012 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### **Article – Commercial Law**

17–317.

(a) (1) All funds received under this title, including the proceeds of the sale of abandoned property under § 17–316 of this subtitle, shall be credited by the Administrator to a special fund. The Administrator shall retain in the special fund at the end of each fiscal year, from the proceeds received, an amount not to exceed \$50,000, from which sum the Administrator shall pay any claim allowed under this title.

(2) After deducting all costs incurred in administering this title from the remaining net funds the Administrator shall distribute ~~[\$500,000] \$3,000,000~~ \$1,500,000 to the Maryland Legal Services Corporation [to support the activities of the corporation] **FUND ESTABLISHED UNDER § 11-402 OF THE HUMAN SERVICES ARTICLE.**

(3) (i) Subject to subparagraph (ii) of this paragraph, the Administrator shall distribute all unclaimed money from judgments of restitution under Title 11, Subtitle 6 of the Criminal Procedure Article to the State Victims of Crime Fund established under § 11-916 of the Criminal Procedure Article to assist victims of crimes and delinquent acts to protect the victims' rights as provided by law.

(ii) If a victim entitled to restitution that has been treated as abandoned property under § 11-614 of the Criminal Procedure Article is located after the money has been distributed under this paragraph, the Administrator shall reduce the next distribution to the State Victims of Crime Fund by the amount recovered by the victim.

(4) After making the distributions required under paragraphs (2) and (3) of this subsection, the Administrator shall distribute the remaining net funds not retained under paragraph (1) of this subsection to the General Fund of the State.

### Article – Human Services

11-401.

[(a) In the State operating budget or in any supplemental budget that the Governor submits to the General Assembly, the Governor shall appropriate at least \$500,000 each year to the Maryland Legal Services Corporation Fund established under § 11-402 of this subtitle.

(b) (1) To support or add to the appropriation under subsection (a) of this section, on July 1 of each year, the Governor may transfer to the Fund up to \$500,000 from the portion of abandoned property funds deposited in the General Fund of the State under § 17-317 of the Commercial Law Article.

(2) If, after deducting all costs of administering the abandoned property fund, the balance in the portion of abandoned property funds deposited in the General Fund of the State under § 17-317 of the Commercial Law Article is less than \$500,000, only the balance may be transferred in accordance with paragraph (1) of this subsection.

(c)] Nonstate funds received by the Corporation shall be accounted for and reported as receipts and disbursements separate and distinct from State funds.

11-402.

- (a) There is a Maryland Legal Services Corporation Fund.
- (b) The Administrative Office of the Courts shall administer the Fund.
- (c) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.
- (d) The Fund consists of:
  - (1) money deposited to the Fund from the surcharge assessed in civil cases under §§ 7–202 and 7–301 of the Courts Article;
  - (2) [money appropriated to the Fund under § 11–401 of this subtitle] **MONEY DISTRIBUTED TO THE FUND UNDER § 17–317 OF THE COMMERCIAL LAW ARTICLE;**
  - (3) interest on attorney trust accounts paid to the Fund under § 10–303 of the Business Occupations and Professions Article; and
  - (4) investment earnings of the Fund.
- (e) The Corporation shall use the Fund to provide funding for civil legal services to indigents under this title.
- (f) The Treasurer shall:
  - (1) invest and reinvest the Fund in the same manner as other State funds; and
  - (2) credit any investment earnings to the Fund and may not charge interest against the Fund if the average daily net cash balance for the month is less than zero.
- (g) Expenditures from the Fund shall be made in accordance with an appropriation requested by the Judicial Branch of the State government under § 7–108 of the State Finance and Procurement Article and approved by the General Assembly in the State budget or by the budget amendment procedure under § 7–208.1 of the State Finance and Procurement Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~June~~ July 1, 2013.

**Approved by the Governor, May 16, 2013.**





# HOUSE BILL 130

D3

3lr1321  
CF 3lr1320

---

By: **Chair, Judiciary Committee (By Request – Chief Judge, Court of Appeals)**

Introduced and read first time: January 17, 2013

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Award of Attorney’s Fees and Expenses**

3 FOR the purpose of authorizing a court to award a prevailing party reasonable  
4 attorney’s fees and expenses in certain civil actions; requiring a court to  
5 consider certain factors in determining whether to make a certain award to a  
6 prevailing plaintiff; authorizing a court to award attorney’s fees to a prevailing  
7 defendant only under certain circumstances; establishing the method of  
8 calculating certain awards of attorney’s fees; establishing that a local  
9 government employee shall be fully liable for a certain award of attorney’s fees  
10 and expenses in a certain action under the Local Government Tort Claims Act;  
11 establishing that the limits on the liability of a local government under the  
12 Local Government Tort Claims Act do not include a certain award of attorney’s  
13 fees and expenses; establishing that the limit on the liability of the State under  
14 the Maryland Tort Claims Act does not include a certain award of attorney’s  
15 fees and expenses; establishing that certain limits on attorney’s fees under the  
16 Maryland Tort Claims Act do not apply to a certain award of attorney’s fees and  
17 expenses; defining a certain term; providing for the application of this Act; and  
18 generally relating to awarding attorney’s fees and expenses in certain actions.

19 BY adding to

20 Article – Courts and Judicial Proceedings  
21 Section 3–1901 and 3–1902, to be under the new subtitle “Subtitle 19. Award of  
22 Attorney’s Fees and Expenses in Civil Actions”  
23 Annotated Code of Maryland  
24 (2006 Replacement Volume and 2012 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – Courts and Judicial Proceedings  
27 Section 5–302(b)(2)(i) and 5–303(a)  
28 Annotated Code of Maryland  
29 (2006 Replacement Volume and 2012 Supplement)

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
2 Article – State Government  
3 Section 12–104(a)(2) and 12–109  
4 Annotated Code of Maryland  
5 (2009 Replacement Volume and 2012 Supplement)

6 Preamble

7 WHEREAS, There are now more than half a million Marylanders living at or  
8 near the federal poverty level; and

9 WHEREAS, The legal problems faced by low-income Marylanders are more  
10 likely to involve low monetary claims, which make it difficult or impossible for them to  
11 attract counsel because the means are not available to compensate an attorney from  
12 the proceeds; and

13 WHEREAS, There is no provision in Maryland law that permits an award of  
14 attorney’s fees to individuals asserting a State constitutional claim, which means that  
15 many Marylanders are unable to assert their rights under the State constitution for  
16 lack of counsel, because these claims are often for injunctive or nonmonetary relief  
17 and, without a monetary award, there are no funds with which to pay an attorney; and

18 WHEREAS, A law that provides for an award of attorney’s fees to a prevailing  
19 party would permit litigants in cases involving low or nonmonetary relief to find  
20 attorneys to represent them, provided their cases have merit; and

21 WHEREAS, Such provisions can be a powerful tool for promoting access to  
22 justice, and they do so in a way that does not require any additional expenditure of  
23 public funds, by creating incentives for private attorneys to accept clients with  
24 meritorious claims; and

25 WHEREAS, Such provisions permit aggrieved parties to be “made whole” by  
26 ensuring that they do not have to pay for their legal representation from the  
27 compensation they were awarded; and

28 WHEREAS, Such provisions permit individual citizens to enforce rights  
29 protected by law in a manner that has a larger social benefit, reducing the need for  
30 State action and expenditure to enforce the law; and

31 WHEREAS, The purpose of such provisions is not to benefit private attorneys,  
32 but to promote access to legal representation for individuals who are unable to retain  
33 counsel, despite having meritorious claims, in case types that legal aid organizations  
34 are not able to accept because of statutory or funding restrictions; and

35 WHEREAS, When large segments of Maryland’s population are denied effective  
36 access to the justice system and are unable to assert and defend effectively important

1 civil legal rights and prerogatives, public trust and confidence in the justice system is  
2 placed in jeopardy; now, therefore,

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Courts and Judicial Proceedings**

6 **SUBTITLE 19. AWARD OF ATTORNEY’S FEES AND EXPENSES IN CIVIL ACTIONS.**

7 **3–1901.**

8 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COURT  
9 MAY AWARD A PREVAILING PARTY REASONABLE ATTORNEY’S FEES AND  
10 EXPENSES IN ANY CIVIL ACTION:

11 (1) TO ENFORCE A RIGHT SECURED BY THE MARYLAND  
12 CONSTITUTION OR DECLARATION OF RIGHTS; OR

13 (2) THAT HAS RESULTED IN THE ENFORCEMENT OF AN  
14 IMPORTANT RIGHT AFFECTING THE PUBLIC INTEREST.

15 (B) (1) IN THIS SUBSECTION, “PREVAILING PLAINTIFF” INCLUDES  
16 ONE WHOSE LITIGATION WHOLLY OR SUBSTANTIALLY ACHIEVED THE DESIRED  
17 RESULT BY BRINGING ABOUT A VOLUNTARY CHANGE IN THE CONDUCT OF THE  
18 DEFENDANT.

19 (2) IN DETERMINING WHETHER TO MAKE AN AWARD TO A  
20 PREVAILING PLAINTIFF UNDER SUBSECTION (A)(2) OF THIS SECTION, THE  
21 COURT SHALL CONSIDER:

22 (I) WHETHER A SIGNIFICANT BENEFIT HAS BEEN  
23 CONFERRED ON THE GENERAL PUBLIC OR A LARGE CLASS OF PERSONS;

24 (II) THE NECESSITY AND FINANCIAL BURDEN OF PRIVATE  
25 ENFORCEMENT; AND

26 (III) WHETHER PAYMENT OF ATTORNEY’S FEES AND  
27 EXPENSES OUT OF THE RECOVERY, IF ANY, WOULD BE CONTRARY TO THE  
28 INTERESTS OF JUSTICE.

29 (C) THE COURT MAY AWARD ATTORNEY’S FEES TO A PREVAILING  
30 DEFENDANT ONLY ON A FINDING THAT THE ACTION BROUGHT BY THE  
31 PLAINTIFF WAS FRIVOLOUS.

1 **3-1902.**

2 **FOR PURPOSES OF THIS SUBTITLE OR ANY OTHER STATE STATUTE**  
3 **AUTHORIZING AN AWARD OF REASONABLE ATTORNEY'S FEES TO A PREVAILING**  
4 **PARTY, THE COURT SHALL DETERMINE THE AMOUNT OF AN AWARD OF**  
5 **ATTORNEY'S FEES BY:**

6 **(1) MULTIPLYING THE NUMBER OF HOURS REASONABLY**  
7 **EXPENDED BY A REASONABLE HOURLY RATE; AND**

8 **(2) DETERMINING WHETHER ANY ADJUSTMENT SHOULD BE MADE**  
9 **TO THE AMOUNT CALCULATED UNDER ITEM (1) OF THIS SECTION, AFTER**  
10 **CONSIDERING:**

11 **(I) THE TIME AND LABOR REQUIRED;**

12 **(II) THE NOVELTY AND DIFFICULTY OF THE QUESTIONS;**

13 **(III) THE SKILL REQUIRED TO PERFORM THE LEGAL**  
14 **SERVICE PROPERLY;**

15 **(IV) WHETHER ACCEPTANCE OF THE CASE PRECLUDED**  
16 **OTHER EMPLOYMENT;**

17 **(V) THE CUSTOMARY FEE FOR SIMILAR WORK IN THE**  
18 **COMMUNITY;**

19 **(VI) ANY TIME LIMITATIONS IMPOSED BY THE CLIENT OR**  
20 **CIRCUMSTANCES;**

21 **(VII) THE AMOUNT INVOLVED AND THE RESULTS OBTAINED;**

22 **(VIII) THE UNDESIRABILITY OF THE CASE;**

23 **(IX) THE NATURE AND LENGTH OF THE PROFESSIONAL**  
24 **RELATIONSHIP WITH THE CLIENT; AND**

25 **(X) AWARDS IN SIMILAR CASES.**

26 **5-302.**

1 (b) (2) (i) [An employee shall be fully liable for all damages awarded  
 2 in] **IN** an action in which it is found that [the] **AN** employee acted with actual malice,  
 3 **THE EMPLOYEE SHALL BE FULLY LIABLE FOR:**

4 **1. ALL DAMAGES AWARDED IN THE ACTION; AND**

5 **2. ANY AWARD OF ATTORNEY'S FEES AND EXPENSES**  
 6 **UNDER § 3-1901 OF THIS ARTICLE.**

7 5-303.

8 (a) (1) Subject to paragraph (2) of this subsection, the liability of a local  
 9 government may not exceed \$200,000 per an individual claim, and \$500,000 per total  
 10 claims that arise from the same occurrence for damages resulting from tortious acts or  
 11 omissions, or liability arising under subsection (b) of this section and indemnification  
 12 under subsection (c) of this section.

13 (2) The limits on liability provided under paragraph (1) of this  
 14 subsection do not include interest accrued on a judgment **OR ANY AWARD OF**  
 15 **ATTORNEY'S FEES AND EXPENSES UNDER § 3-1901 OF THIS ARTICLE.**

16 **Article - State Government**

17 12-104.

18 (a) (2) **(I) [The] SUBJECT TO SUBPARAGRAPH (II) OF THIS**  
 19 **PARAGRAPH, THE** liability of the State and its units may not exceed \$200,000 to a  
 20 single claimant for injuries arising from a single incident or occurrence.

21 **(II) THE LIMIT ON LIABILITY UNDER SUBPARAGRAPH (I) OF**  
 22 **THIS PARAGRAPH DOES NOT INCLUDE ANY AWARD OF ATTORNEY'S FEES AND**  
 23 **EXPENSES UNDER § 3-1901 OF THE COURTS ARTICLE.**

24 12-109.

25 **[Counsel] EXCEPT AS PROVIDED IN § 3-1901 OF THE COURTS ARTICLE,**  
 26 **COUNSEL** may not charge or receive fees that exceed:

27 (1) 20% of a settlement made under this subtitle; or

28 (2) 25% of a judgment made under this subtitle.

29 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall be  
 30 construed to apply only prospectively and may not be applied or interpreted to have  
 31 any effect on or application to any case filed before the effective date of this Act.

1           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2013.

**For legal self-help and information on many topics in Maryland, visit [peoples-law.org](http://peoples-law.org).**

Human trafficking hotline - report a tip or get help immediately

- National Human Trafficking Resource Center (888) 373-7888, [polarisproject.org](http://polarisproject.org)

Human trafficking and domestic violence support services and legal help

- Casa de Maryland (301) 431-4185, [casademaryland.org](http://casademaryland.org)
- Domestic Violence Center of Howard County (410) 997-2272, [dvcenter.org](http://dvcenter.org)
- Hearty House (301) 662-8800, [heartilyhouse.org](http://heartilyhouse.org)
- House of Ruth of Maryland (410) 889-7884, [hruth.org](http://hruth.org)
- Maryland Coalition Against Sexual Assault (877) 496-SALL, [mcsa.org](http://mcsa.org)
- Turnaround (443) 279-0379, [turnaroundinc.org](http://turnaroundinc.org)
- YWCA of Annapolis and Anne Arundel County (410) 222-6800, [annapolisywca.org](http://annapolisywca.org)

Free and low-cost legal help with immigration

- Asian Pacific American Legal Resource Center (202) 393-3572, [apalrc.org](http://apalrc.org)
- Catholic Charities - Immigration Legal Services (410) 534-8015, [catholiccharities-md.org](http://catholiccharities-md.org)
- Multi-Ethnic Domestic Violence Project (410) 534-8800, [wlcmd.org](http://wlcmd.org)
- Tahiri Justice Center (410) 999-1900, [tahiri.org](http://tahiri.org)

**Are you a victim of human trafficking, domestic violence, or another crime?**



**Legal Help and Protection for Undocumented Persons**

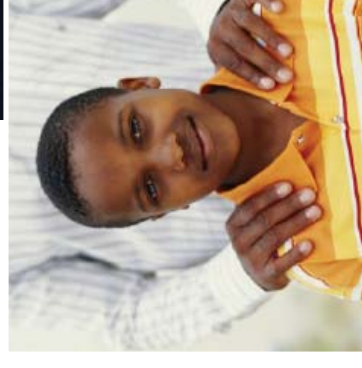
**Is it safe for me to go to court to get help?**

You or someone you know may need help from the courts. Going to court can help you enforce your rights or get legal protection from domestic violence. But is it safe to go to court if you're undocumented? State courts provide justice to people within their jurisdiction. This includes people who are not American citizens.

In the United States, the federal government is separate from state governments, which includes Maryland's courts. The federal government enforces immigration laws (through agencies such as the U.S. Office of Citizenship and Immigration Services). State courts handle small claims, family, landlord-tenant, and other legal matters.

Most state court records, including court dates, are public information. On occasion, the federal government may use an event in a state court as a chance to find an undocumented person.

As a result, some undocumented people avoid going to court when they need legal protection. If you are a victim of human trafficking, domestic violence, or another crime, you may feel that you have nowhere safe to turn. This brochure will help you understand some of your options, and where you can get help in Maryland.



**Maryland Access to Justice Commission**  
**[mdcourts.gov/mdatjc](http://mdcourts.gov/mdatjc)**

# Legal protection for victims of certain crimes, human trafficking, or domestic violence



The federal government provides special relief to some immigrants who are victims of certain crimes, human trafficking, or domestic violence.

When someone commits a crime against you, U Visas and T Visas may be able to help you get the protection and justice you deserve. These visas can give you legal status in this country, and allow you to work.

Under the Violence Against Women Act (VAWA), victims of domestic violence can become permanent residents without their abusive, citizen family member's help in the process.

## U Visas — For victims of certain crimes

U Visas provide immigration protection to victims of certain crimes who help law enforcement with investigation and prosecution. These crimes include sexual assault, domestic violence, and kidnapping, among 24 other crimes.

A lawyer can help you apply for a U Visa by filing forms and documents including an I-918, Petition for U Nonimmigrant Status.

## T Visas — For victims of severe human trafficking

Human trafficking is a form of modern day slavery. Trafficking victims often come to the United States after someone lies to them about a good job or life here. The victim may then be forced to work in brutal conditions or engage in prostitution.

A T Visa provides immigration protection to a victim of severe human trafficking who helps law enforcement with the trafficking case (or who is under 18).

A lawyer can help you apply for a T Visa by filing forms and documents including an I-914, Application for T Nonimmigrant Status.

## The Violence Against Women Act (VAWA) — Immigration and domestic violence

The Violence Against Women Act applies to both men and women.

VAWA gives victims of domestic violence a way to apply for a green card without help from their abuser.

Eligible victims include a child, parent, or current or former spouse of an abuser, where the abuser is a U.S. citizen or permanent resident.

Applying for any of these protections can be confusing and complicated, so you should get legal help. See the other side of this brochure to find free and lower-cost legal services in Maryland.



The U.S. Office of Citizenship and Immigration Services processes visa and residency applications. You can contact them at [uscis.gov](https://uscis.gov), or (800) 375-5283.



**Este folleto le ayudará a entender cómo tener acceso a los expedientes judiciales estatales de Maryland. También le informará cuándo el tribunal puede limitar o denegar el acceso público a los expedientes.**

## ¿Qué expedientes puede ver el público?

Todos los expedientes judiciales están abiertos al público, salvo las limitaciones dispuestas por ley. Sin embargo, algunos expedientes no están abiertos al público sin una orden judicial o disposición legal que permita específicamente el acceso. Ello incluye expedientes sobre:

- Adopción;
- Custodia que da fin a los derechos de patria potestad;
- Delincuencia juvenil;
- Casos relacionados con un menor que necesita de asistencia (CINA);
- Cierta información de las licencias de matrimonio;
- Evaluaciones de salud mental de emergencia;
- Declaraciones del impuesto a la renta; y
- Estados financieros presentados en un caso sobre pensión alimenticia del cónyuge o manutención de menores.

## ¿Qué son los expedientes judiciales?

Los expedientes judiciales incluyen:

- Documentos
- Información
- Elementos de prueba
- Otras cosas que el tribunal mantiene en relación con un caso
- Información que se encuentra en línea en la Búsqueda de Casos de Maryland (Maryland Case Search)

## El público no debería poder ver:

- Quién reportó el maltrato de un adulto vulnerable;
- La localidad e información de contacto de empleados gubernamentales;
- Más de los últimos cuatro (4) números de un número de seguro social o identificación federal; o
- Quién solicita y recibe una copia de una lista de delincuentes sexuales o registro de depredadores sexuales.

A pedido, el tribunal puede restringir el acceso público a un caso específico o información específica en esa causa. Para más información sobre cómo hacer ese pedido, consulte los folletos:

- *¿Puedo evitar que el público vea información sobre mi persona en un caso judicial?*  
[Can I Keep the Public from Seeing Information about Me in a Court Case?]
- *¿Puedo evitar que el público vea información sobre mi persona en un caso de orden de paz o de protección? (para Demandados)*  
[Can I Keep the Public from Seeing Information about Me in a Peace or Protective Order Case? (for Respondents)]
- *Eliminación de antecedentes penales*  
[Expungement of Criminal Records]

# ¿Qué puede ver el público sobre mi persona en los expedientes judiciales y en la Búsqueda de Casos de Maryland [Maryland Case Search]?

¿Qué puede ver el público sobre mi persona en los expedientes judiciales y en la Búsqueda de Casos de Maryland [Maryland Case Search] ?

# ¿Qué información hay en línea en la Búsqueda de Casos?

La Búsqueda de Casos de Maryland ofrece acceso público a algunos expedientes judiciales. El Poder Judicial de Maryland mantiene este sitio web. Cualquiera puede hacer una búsqueda de esos expedientes en:

**[www.mdcourts.gov/casesearch](http://www.mdcourts.gov/casesearch)**

La Búsqueda de Casos no es el expediente judicial oficial. No tiene toda la información contenida en el expediente judicial.

El resultado de la búsqueda no debe incluir cierta información personal sobre las víctimas o testigos que no son parte del caso en:

- casos penales;
- casos de violencia doméstica; y
- casos de órdenes de paz.

Sin embargo, es posible que la información personal todavía esté disponible en línea si la persona tiene otro rol en el caso (aparte de ser la víctima o un testigo que no es una de las partes), a menos que el tribunal otorgue la solicitud de la persona de limitar el acceso público a los expedientes judiciales.

Si encuentra información en Búsqueda de Casos que, en su opinión, no es exacta o no debiera estar abierta al público, sírvase notificar por escrito al tribunal en el que se creó o presentó el expediente original. Usted puede presentar su solicitud escrita ante la Oficina del Secretario por correo o en persona.

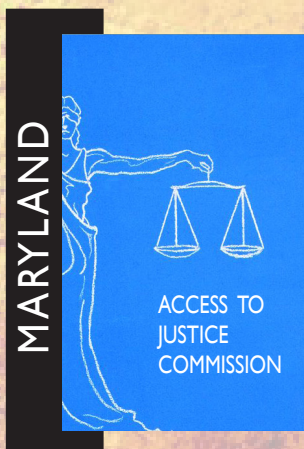
Consulte los folletos:

- *“¿Puedo evitar que el público vea información sobre mi persona en un caso judicial?”* [Can I Keep the Public from Seeing Information about Me in a Court Case?]
- *“¿Puedo evitar que el público vea información sobre mi persona en un caso de orden de paz o de protección? (para Demandados)”* [Can I Keep the Public from Seeing Information about Me in a Peace or Protective Order Case? (for Respondents)]
- *“Eliminación de antecedentes penales”* [Expungement of Criminal Records]

## ¿Quién notifica al tribunal si el expediente contiene información que no debería ser pública?

La persona que presenta el expediente judicial debe notificar al tribunal si el expediente contiene algo que no debería estar abierto al público. La notificación debe realizarse por escrito e identificar la información específica. El tribunal debe determinar si la información está sujeta a inspección pública.

Si descubre que algo del expediente judicial no debe estar abierto para inspección pública, notifique al tribunal por escrito y especifique qué información. Si el tribunal no limita el acceso público, usted puede presentar una petición y un juez hará la determinación. Consultar los folletos indicados arriba.



**COMISIÓN DE  
ACCESO  
A LA JUSTICIA**

[www.mdcourts.gov/mdatjc](http://www.mdcourts.gov/mdatjc)

**410.260.1258**

### Para más información:

Los formularios judiciales se encuentran en el sitio web del Poder Judicial de Maryland en [www.mdcourts.gov/courtforms](http://www.mdcourts.gov/courtforms).

Lea las leyes de Maryland en [www.mdcourts.gov/lawlib/researchtools/sourcesmdlaw.html](http://www.mdcourts.gov/lawlib/researchtools/sourcesmdlaw.html).

Visite la Biblioteca Legal del Pueblo de Maryland, un recurso en línea, en [www.peoples-law.org](http://www.peoples-law.org).

Visite personalmente cualquier biblioteca pública especializada en leyes. Llame al 410.260.1430 o averigüe más información en [www.mdcourts.gov/lawlib](http://www.mdcourts.gov/lawlib).

Visite o llame a la Oficina del Secretario del tribunal que trató su caso.

Así como las salas de tribunales están abiertas al público, el público tiene derecho a averiguar información sobre los casos judiciales. Sin embargo, en algunas situaciones, usted puede pedir que el público no vea información sobre usted en un caso.

Si usted es el demandado en un caso de orden de paz o de protección (usted es el demandado si se presentó una orden de paz o de protección contra usted), consulte el folleto “¿Puedo evitar que el público vea información sobre mi persona en un caso de orden de paz o de protección?” Si usted es un acusado penal, consulte el folleto “Eliminación de antecedentes penales”.

Si:

usted es una **víctima** o **testigo** en un caso penal y desea limitar el acceso del público a información como su **nombre**, **dirección** o **teléfono**, puede presentar una **solicitud**.



1. Complete la **solicitud** para limitar el acceso del público a información contenida en un caso penal (formulario CC-DC 52). Explique exactamente qué información no desea que el público vea y por qué.
2. **Presente su solicitud** en la oficina del secretario del Tribunal de Distrito o Circuito en el que se trató el caso.



Si el tribunal **otorga** su solicitud, el público no podrá ver esa información sobre usted. ¡Eso es todo!

Sin embargo, si el tribunal **deniega** su solicitud, usted puede presentar una **petición** para limitar el acceso del público a la información (ver al dorso).

Si:

usted es una **parte** (demandante o demandado) en un caso civil;

O

usted es **objeto de un caso civil**;

O

se le **identifica específicamente** en un caso civil;

y desea limitar el acceso del público a la información contenida en el caso, puede presentar una **petición** (ver al dorso).

# ¿Puedo evitar que el público vea información sobre mi persona en un caso judicial?

¿Puedo evitar que el público vea información sobre mi persona en un caso judicial?

# ¿Cuál es la diferencia entre una solicitud y una petición?

Por lo general . . .

## Una solicitud:

1. puede ser otorgada por un secretario o comisionado; y
2. no necesita audiencia.

El demandado en un caso de orden de paz o de protección no puede usar este proceso más sencillo. Los demandados en casos de órdenes de paz o de protección deben usar ciertos formularios, deben siempre dar aviso a todas las partes y personas afectadas y deben asistir a una audiencia frente a un juez. Consulte el folleto “¿Puedo evitar que el público vea información sobre mi persona en un caso de orden de paz o de protección?” (*Can I Keep the Public from Seeing Information about Me in a Peace or Protective Order Case?*)

## Una petición:

1. siempre es decidida por un juez;
2. exige aviso a todas las partes y personas afectadas; y
3. necesita una audiencia.

## Presentación de una petición para limitar el acceso del público al expediente de un caso

Si un juez le otorga una petición, ordenará que la oficina del secretario retire el expediente del caso de la vista del público. La oficina del secretario coloca la totalidad del expediente o documento en un sobre. El público no puede abrir el sobre sin la firma del juez. Para presentar una petición a fin de limitar el acceso del público al expediente de un caso:

1. Llene la petición para limitar la inspección del expediente de un caso (formulario CC-DC 53). Usted debe demostrar que existe una razón especial o imperiosa para limitar o evitar que el público vea la información.
2. Presente la petición por correo o en persona ante el Tribunal de Distrito o de Circuito que trató el caso.
3. Avise a todas las partes y a otras personas nombradas en el caso enviándoles todos los documentos que usted presentó ante el tribunal. Esto le da la oportunidad a las otras partes de responder a su petición.
4. Un juez analizará la petición y las contestaciones. El público no podrá ver la información mientras el juez esté analizando su petición. Luego sucederán una de estas tres cosas:

Si el juez determina que la petición requiere mayor consideración, se concertará una **fecha para una audiencia**.

Si el juez determina que no puede otorgar legalmente la petición, entonces la **denegará**.

Si el juez **otorga** la petición, entonces el tribunal limitará o evitará que el público vea la información.

## Para más información:

Para averiguar más información, consulte la Regla de MD. 16-1009.

Para más detalles sobre qué información puede el Demandado solicitar que el público tenga acceso limitado en un caso de orden de paz o de protección, consulte el CÓDIGO DE MD., TRIBUNALES Y PROCEDIMIENTOS JUDICIALES SECCIÓN 3-1510 [MD. CODE, COURTS & JUDICIAL PROCEEDINGS § 3-1510]; y CÓDIGO DE MD., DERECHO DE FAMILIA SECCIÓN 4-512 [MD. CODE, FAMILY LAW § 4-512].

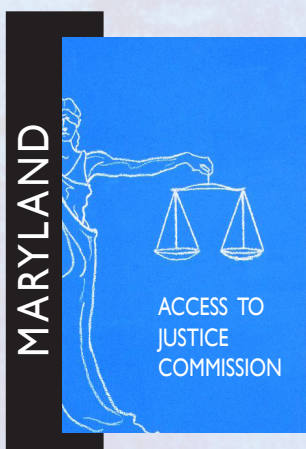
Los formularios judiciales se encuentran en el sitio web del Poder Judicial de Maryland en [www.mdcourts.gov/courtforms](http://www.mdcourts.gov/courtforms).

Lea las leyes de Maryland en [www.mdcourts.gov/lawlib/researchtools/sourcesmdlaw.html](http://www.mdcourts.gov/lawlib/researchtools/sourcesmdlaw.html).

Visite la Biblioteca Legal del Pueblo de Maryland, un recurso en línea, en [www.peoples-law.org](http://www.peoples-law.org).

Visite personalmente cualquier biblioteca pública especializada en leyes. Llame al 410.260.1430 o averigüe más información en [www.mdcourts.gov/lawlib](http://www.mdcourts.gov/lawlib).

Visite o llame a la Oficina del Secretario del tribunal que trató su caso.



**COMISIÓN DE  
ACCESO  
A LA JUSTICIA**

[www.mdcourts.gov/mdatjc](http://www.mdcourts.gov/mdatjc)

**410.260.1258**

Así como las salas de tribunales están abiertas al público, el público tiene derecho a averiguar información sobre los casos judiciales. Sin embargo, en algunas situaciones, usted puede solicitar que el público no vea la información sobre una orden de paz o de protección presentada en su contra.

Las órdenes de paz y de protección son órdenes civiles emitidas por un juez para ordenarle a una persona que no actúe de cierto modo hacia otra.

El solicitante entabla el caso de la orden de paz o de protección en contra del demandado.

Este folleto es para los demandados.

## ¿Quién soy en este caso?

**DEMANDADO**  
La persona contra la cual se entabló el caso de la orden de paz o de protección.



Bajo ciertas circunstancias, el juez puede conceder la solicitud del demandado de limitar el acceso público a la información sobre el caso.



o

**SOLICITANTE**  
La persona que entabla el caso para pedir una orden de paz o de protección.



El solicitante puede pedirle al juez que limite el acceso público a cierta información, en cualquier momento.

Consulte el folleto "*¿Puedo evitar que el público vea información sobre mi persona en un caso judicial?*"

[*Can I Keep the Public from Seeing Information about Me in a Court Case?*]

## ¿Puedo solicitar que el juez limite el acceso público al expediente del caso?

Sí, siempre que los cuatro (4) enunciados siguientes se le apliquen a usted (el demandado):

La orden de paz o de protección en su contra se **denegó o desestimó**.

+

No se **ha emitido previamente** una orden definitiva de paz o de protección en su contra, en un caso en el que intervino este solicitante.

+

No hay ningún otro caso de orden de paz o de protección **pendiente** entre usted y este solicitante.

+

No hay un **cargo penal** pendiente en su contra, relacionado con este solicitante.

*para los Demandados*

# ¿Puedo evitar que el público vea información sobre mi persona en un caso de orden de paz o de protección?

¿Puedo evitar que el público vea información sobre mi persona en un caso de orden de paz o de protección?

## ¿Cuándo puedo solicitar que el juez limite el acceso público al expediente del caso?

Cuando hayan transcurrido tres (3) años desde la fecha en que el juez denegó o desestimó la orden de paz o de protección

o

Antes de los tres (3) años si usted también presentó una Exención General y Liberación (formulario CC-DC 77). Piense en consultar a un abogado antes de renunciar a los derechos legales que quizás tenga.

## ¿Cómo le solicito al juez que limite el acceso público al expediente del caso?

Siga estos pasos:

1. **Llene el formulario correcto.** Adjunte una Exención General y Liberación (formulario CC-DC 77) si fuera necesario.
  - Para un caso de **orden de paz** – use el formulario CC-DC PO-16 para pedir al juez que limite el acceso público a un expediente.
  - Para un caso de **orden de protección** – use el formulario CC-DC DV-21 para pedir al juez que limite el acceso público a un expediente.
2. **Presente el formulario** (y la exención/liberación, si fuera necesario) por correo o en persona ante el Tribunal de Distrito o de Circuito que trató su caso de orden de protección o de paz.
3. **Envíe** al solicitante y a las otras personas del caso **una copia** del formulario y de todo lo que presente ante el tribunal. Si el domicilio del Solicitante es confidencial, presente una “Petición para Recibir Reparación Apropiada” para solicitar al juez que envíe su pedido al Solicitante.
  - Para un caso de orden de protección, use el formulario CC DC/DV 25.
  - Para un caso de orden de paz, use el formulario CC DC/PO 19.
4. El juez celebrará una **audiencia** y considerará las objeciones que tenga el solicitante. Si el juez decide que la objeción del solicitante es válida, es posible que no limite el acceso público al expediente del caso.
5. Si el juez decide que a usted le corresponde legalmente, se limitará el acceso público a la información sobre su persona en este caso civil.

Si el juez no limita el acceso público al expediente del caso, usted puede presentar un recurso de apelación.

Si usted fue un demandado en un **caso penal** sobre este mismo incidente, consulte el folleto *Eliminación de Antecedentes Penales*. A través de la eliminación de antecedentes, usted podrá limitar más lo que el público puede ver acerca de usted en los expedientes judiciales.

## Para más información:

Para averiguar más información, consulte el CÓDIGO DE MD., TRIBUNALES Y PROCEDIMIENTOS JUDICIALES SECCIÓN 3-1510 [MD. CODE, COURTS & JUDICIAL PROCEEDINGS § 3-1510]; CÓDIGO DE MD., DERECHO DE FAMILIA SECCIÓN 4-512 [MD. CODE, FAMILY LAW § 4-512]; Y REGLA DE MD. 16-1009 [MD. RULE 16-1009].

Los formularios judiciales se encuentran en el sitio web del Poder Judicial de Maryland en [www.mdcourts.gov/courtforms](http://www.mdcourts.gov/courtforms).

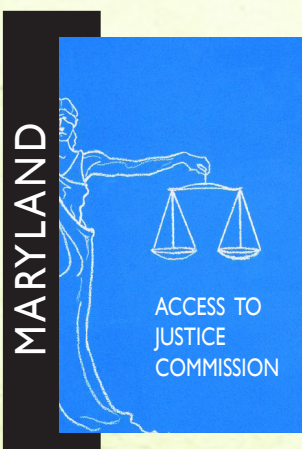
Lea las leyes de Maryland en

<http://www.lawlib.state.md.us/researchtools/sourcesmdlaw.html>

Visite la Biblioteca Legal del Pueblo de Maryland, un recurso en línea, en [www.peoples-law.org](http://www.peoples-law.org).

Visite personalmente cualquier biblioteca pública especializada en leyes. Llame al 410.260.1430 o averigüe más información en <http://www.lawlib.state.md.us/index.html>

Visite o llame a la Oficina del Secretario del tribunal que trató su caso.



COMISIÓN DE  
ACCESO  
A LA JUSTICIA

[www.mdcourts.gov/mdatjc](http://www.mdcourts.gov/mdatjc)

410.260.1258

La eliminación de antecedentes penales retira por completo todo expediente penal de la vista del público. La información suprimida no aparecerá en las verificaciones de antecedentes penales. Usted no tiene la obligación legal de informar a los empleadores sobre sus antecedentes penales eliminados. Este folleto explica cómo eliminar los antecedentes penales sobre su persona únicamente de los expedientes de los tribunales estatales de Maryland.

## ¿Quién usa la eliminación de antecedentes?

Los acusados en casos **penales** estatales.

Si usted es el **demandado** en un **caso de orden de paz o de protección**, su caso es **civil** y no penal. Consulte el folleto: “¿Puedo evitar que el público vea información sobre mi persona en un caso de orden de paz o de protección?” Si el estado entabló un caso penal en contra de usted por el mismo incidente, posiblemente tenga un caso civil y un caso penal.

Si desea limitar el acceso público a su caso civil, o si es una víctima o testigo en un caso penal, consulte el folleto: “¿Puedo evitar que el público vea información sobre mi persona en un caso judicial?” (incluido si usted es el **solicitante** en un caso de orden de paz o de protección).

En muchos casos, usted no podrá presentar una eliminación de antecedentes si es **ahora** un acusado en un caso penal con una posible sentencia de condena en prisión. En algunos casos, usted no podrá presentar una eliminación de antecedentes si se le encontró culpable de otro delito después del delito sobre el cual solicita la eliminación de antecedentes.

## ¿Cómo presento la eliminación de antecedentes penales?

Para suprimir antecedentes de los expedientes de los tribunales estatales de Maryland, puede presentar una “Solicitud para Eliminación de Antecedentes Penales” (formulario CC-DC/CR-72) y, de ser necesario, una “Exención General y Liberación” (formulario CC-DC/CR-78). Preséntela ante la Oficina del Secretario del tribunal que trató su caso, en persona o por correo.

Solicite la eliminación de cada delito en base a la fecha de arresto, la fecha en que la policía le entregó una multa o boleta o la fecha en que se le entregó una citación judicial.

**No hay forma de eliminar todos sus antecedentes penales de una sola vez.**

También es posible eliminar sus antecedentes penales de los expedientes de la Administración de Vehículos Motorizados y los expedientes policiales. Cada proceso suprime expedientes muy específicos. Comuníquese con cada agencia que tenga antecedentes penales sobre usted para averiguar cuál es su procedimiento de eliminación de antecedentes.

# Eliminación de antecedentes penales

# Soy el acusado en un caso penal.

## ¿Puedo presentar la eliminación de antecedentes penales?

Sí, en estos casos:

El Gobernador de Maryland lo **indultó**;

○

El caso se entabló contra usted como **menor**, inicialmente en el tribunal penal y luego se transfirió al tribunal de menores; \*

○

Usted puede demostrar **motivos justificantes**.

Sí, si transcurrieron tres (3) años y:

Se le dio **libertad condicional antes del fallo** (salvo casos de DUI (conducir bajo la influencia)/DWI (conducir en estado afectado))

○

El Tribunal **suspendió indefinidamente** su caso (“stet”);

○

El delito del que se le condenó está enumerado en el Código de Md., Procedimiento Penal Sección § 10-105(a)(9), o se halló que usted no fue responsable penalmente de un delito enumerado en el Código de Md., Procedimiento Penal Sección § 10-105(a)(9) o (10).

Sí, si han transcurrido tres (3) años O usted presenta una “Exención General y Liberación” [“General Waiver and Release” formulario CC-DC/CR-78]<sup>†</sup> y:

Se le declaró **no culpable** (“absolución de cargos”);

○

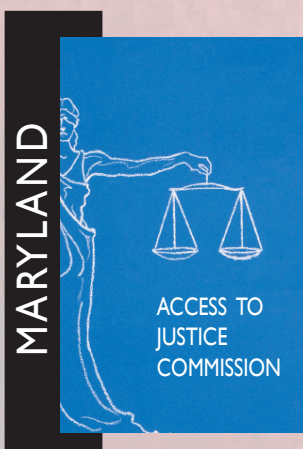
El estado **no enjuició** el cargo contra usted (“nolle prosequi”).

\* Los antecedentes de delincuencia juvenil son siempre confidenciales. Se mantienen en un sistema separado de los expedientes penales de los adultos. Presente su solicitud de eliminación de antecedentes ante el secretario del tribunal de Menores que trató su caso.

† Al presentar este formulario, renunciará a ciertos derechos legales que puede tener. Antes de hacerlo, el convendrá hablar con un abogado.

## ¿Debo comunicar a otros la información que el tribunal eliminó?

En virtud del CÓDIGO DE MD., PROCEDIMIENTO PENAL SECCIÓN § 10-109 [MD. CODE, CRIMINAL PROCEDURE § 10-109], un empleado o institución educativa no puede exigir, como condición de empleo o admisión, que usted divulgue la información penal eliminada sobre su persona. Esto incluye al gobierno estatal. Además, el estado no puede exigirle que divulgue la información penal eliminada cuando solicite una licencia estatal, permiso u otro registro.



COMISIÓN DE  
ACCESO  
A LA JUSTICIA

[www.mdcourts.gov/mdatjc](http://www.mdcourts.gov/mdatjc)

410.260.1258

### Para más información:

El proceso de eliminación de antecedentes penales puede ser complicado. Consulte el folleto sobre Eliminación de antecedentes penales del Poder Judicial de Maryland en [www.mdcourts.gov/expungement](http://www.mdcourts.gov/expungement).

Los formularios judiciales se encuentran en el sitio web del Poder Judicial de Maryland en [www.mdcourts.gov/courtforms](http://www.mdcourts.gov/courtforms).

Lea las leyes de Maryland en [www.mdcourts.gov/lawlib/researchtools/sourcesmdlaw.html](http://www.mdcourts.gov/lawlib/researchtools/sourcesmdlaw.html).

Visite la Biblioteca Legal del Pueblo de Maryland, un recurso en línea, en [www.peoples-law.org](http://www.peoples-law.org).

Visite personalmente cualquier biblioteca pública especializada en leyes. Llame al 410.260.1430 o averigüe más información en [www.mdcourts.gov/lawlib](http://www.mdcourts.gov/lawlib).

Visite o llame a la Oficina del Secretario del tribunal que trató su caso.



**Para la autoayuda legal e información sobre muchos asuntos en Maryland, visite [peoples-law.org](http://peoples-law.org).**

Línea de asistencia de la trata de personas – Haga una denuncia o consiga ayuda inmediatamente

- National Human Trafficking Resource Center (Centro Nacional de Recursos contra la Trata de Personas) (888) 373-7888, [polarisproject.org](http://polarisproject.org)

Servicios de apoyo y ayuda legal para casos de trata de personas y violencia doméstica

- Casa de Maryland (301) 431-4185, [casademaryland.org](http://casademaryland.org)
- Domestic Violence Center of Howard County (Centro contra la Violencia Doméstica del Condado Howard) (410) 997-2272, [dvcenter.org](http://dvcenter.org)
- Heartly House (301) 662-8800, [heartlyhouse.org](http://heartlyhouse.org)
- House of Ruth of Maryland (410) 889-7884, [hruth.org](http://hruth.org)
- Maryland Coalition Against Sexual Assault (Coalición de Maryland contra la Agresión Sexual) (877) 496-SALI, [mcasa.org](http://mcasa.org)
- Turnaround (443) 279-0379, [turnaroundinc.org](http://turnaroundinc.org)
- YWCA of Annapolis and Anne Arundel County (YWCA de Annapolis y el Condado Anne Arundel) (410) 222-6800, [annapolisywca.org](http://annapolisywca.org)

Free and low-cost legal help with immigration (Asistencia legal con la inmigración, gratuita y de bajo costo)

- Asian Pacific American Legal Resource Center (Centro de Recursos Legales para Americanos del Pacífico Asiático) (202) 393-3572, [apalrc.org](http://apalrc.org)
- Catholic Charities - Immigration Legal Services (Obras benéficas católicas - Servicios Legales de Inmigración) (410) 534-8015, [catholiccharities-md.org](http://catholiccharities-md.org)
- Multi-Ethnic Domestic Violence Project (Proyecto contra la Violencia Doméstica Multiétnica) (410) 534-8800, [wlcmd.org](http://wlcmd.org)
- Tahirih Justice Center (Centro de Justicia Tahirih) (410) 999-1900, [tahirih.org](http://tahirih.org)

## ¿Es usted víctima de la trata de personas, la violencia doméstica u otro delito?



**Asistencia legal y protección para indocumentados**

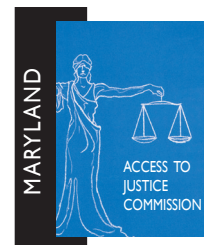
## ¿Puedo solicitar ayuda ante el tribunal sin peligro?

Es posible que usted o alguna persona conocida necesite ayuda de los tribunales. Ir al tribunal puede ayudarle a hacer cumplir sus derechos o a conseguir protección legal contra la violencia doméstica. ¿Pero es seguro ir al tribunal si usted está indocumentado? Los tribunales estatales imparten justicia a las personas dentro de su jurisdicción. Ello incluye a las personas que no son ciudadanos americanos.

En los Estados Unidos, el gobierno federal está separado de los gobiernos estatales, lo que incluye a los tribunales de Maryland. El gobierno federal hace cumplir las leyes de inmigración (a través de agencias como el Servicio de Ciudadanía e Inmigración de Estados Unidos). Los tribunales estatales atienden reclamaciones de menor cuantía, casos de familia, arrendador-inquilino y otros asuntos legales.

La mayoría de los registros de los tribunales estatales, lo que incluye fechas para comparecer al tribunal, están abiertos al público. En ocasiones, el gobierno federal puede usar un evento en un tribunal estatal como oportunidad para buscar a una persona indocumentada.

Por consiguiente, algunas personas indocumentadas evitan ir al tribunal cuando necesitan protección legal. Si usted es víctima de la trata de personas, la violencia doméstica u otro delito, quizás sienta que no tiene ningún lugar seguro al cual pedir ayuda. Este folleto le ayudará a entender algunas de sus opciones y dónde pedir asistencia en Maryland.



**Maryland Access to Justice Commission**  
**(Comisión de Acceso a la Justicia de Maryland)**  
[mdcourts.gov/mdatjc](http://mdcourts.gov/mdatjc)

produced by Maryland Judiciary Office of Communications and Public Affairs  
producido por la Oficina de Comunicaciones y Asuntos Públicos del Poder Judicial de Maryland 9/2013

# Protección legal para víctimas de ciertos delitos, trata de personas o violencia doméstica



El gobierno federal proporciona reparación especial para algunos inmigrantes que son víctimas de ciertos delitos, de la trata de personas o de la violencia doméstica.

Cuando alguien comete un delito en contra de usted, es posible que pueda conseguir la protección y justicia que se merece con las visas U y T. Esas visas pueden brindarle estado legal en este país y permitirle trabajar.

Bajo la Ley contra la Violencia hacia las Mujeres (Violence Against Women Act, VAWA), las víctimas de la violencia doméstica pueden convertirse en residentes permanentes sin la ayuda del familiar abusivo que es ciudadano.

## U Visas — Para víctimas de ciertos delitos

Las Visas U ofrecen protección inmigratoria para víctimas de ciertos delitos que ayudan a las autoridades policiales y judiciales en la investigación y enjuiciamiento. Esos delitos incluyen la agresión sexual, la violencia doméstica y el secuestro, entre otros 24 delitos.

Un abogado puede ayudarle a solicitar la Visa U llenando formularios y documentos que incluyen el I-918, Solicitud de Estado No Inmigratorio U.

## T Visas — Para víctimas de la trata grave de personas

La trata de personas es una forma de esclavitud moderna. Las víctimas de la trata de personas suelen venir a los Estados Unidos después de que alguien les miente sobre un buen trabajo o mejor vida aquí. Es posible que se fuerce a la víctima a trabajar en condiciones brutales o a dedicarse a la prostitución.

La Visa T ofrece protección inmigratoria a la víctima de la trata grave de personas que ayuda a las autoridades policiales y judiciales en el caso de trata de personas (o que es menor de 18 años).

Un abogado puede ayudarle a solicitar la Visa T llenando formularios y documentos que incluyen el I-914, Solicitud de Estado No Inmigratorio T.

## Ley contra la Violencia hacia las Mujeres (The Violence Against Women Act, VAWA)

### — Inmigración y violencia doméstica

La Ley contra la Violencia hacia las Mujeres se aplica tanto a mujeres como a hombres.

Ofrece a las víctimas de la violencia doméstica una forma de solicitar una tarjeta verde sin la ayuda del abusador.

Las víctimas con derecho a pedirla incluyen un menor, padre o cónyuge actual o anterior del abusador, en el caso en que el abusador sea un ciudadano estadounidense o residente permanente.

Solicitar alguna de esas protecciones puede ser confuso y complicado, por lo que debe solicitar asistencia legal. Consulte al dorso de este folleto para averiguar los servicios legales gratuitos y de bajo costo en Maryland.



The U.S. Office of Citizenship and Immigration Services processes visa and residency applications.  
El Servicio de Ciudadanía e Inmigración de Estados Unidos procesa las solicitudes de visa y residencia.

You can contact them at / Puede comunicarse con ellos a: [uscis.gov](https://uscis.gov), or / o (800) 375-5283.

# The Maryland Court System

Grade Level: High School

Subject: Civics/Government

Prepared By: Maryland Access to Justice Commission

<p><b>Overview &amp; Purpose</b></p> <p>The goal of the Maryland court system is to provide a fair and efficient forum for the resolution of disputes and the administration of justice. Using the video, <i>The Maryland Court System</i>, students examine the structure of the state court system, and how that structure supports the principle of a separation of powers, reinforces the neutrality and fairness of the courts, and creates challenges for access to justice. The lesson provides an opportunity to guide students in an exploration of the many tensions built into the justice system that must be balanced if the courts are to offer equal justice for all.</p>	<p><b><u>Education Standards Addressed</u></b></p> <p><b>Standard 1: Political Science</b></p> <p><b>Expectation 1:</b> The student will demonstrate understanding of the structure and functions of government and politics in the United States.</p> <p><b>Indicator 1.A.1:</b> The student will evaluate how the principles of government assist or impede the functioning of government.</p> <p><b>Expectation 2:</b> The student will evaluate how the United States government has maintained a balance between protecting rights and maintaining order.</p> <p><b>Indicator 2.C.4:</b> The student will evaluate the principle of due process.</p> <p><b>Indicator 2.C.5:</b> The student will analyze elements, proceedings and decisions relating to criminal and civil law.</p>
<p><b>Key Concepts</b></p> <p>Separation of powers Checks and balances Judicial review Limited government Rule of law Due process Access to justice Self-representation</p>	<p><b>Documents</b></p> <p>Maryland Constitution and Declaration of Rights</p>

	<b>Teacher Guide</b>	
<p><b>Objectives</b> (Specify skills/information that will be learned.)</p>	<ol style="list-style-type: none"> <li>1. Describe the structure, power and organization of the Maryland court system.</li> <li>2. Distinguish state from federal courts and other adjudicatory bodies in MD.</li> <li>3. Explain the difference between original jurisdiction and appellate jurisdiction.</li> <li>4. Explain how judicial review affects the functioning of government.</li> <li>5. Distinguish civil from criminal cases.</li> <li>6. Explain how procedural due process limits the powers of government and protects the accused.</li> <li>7. Describe the role of the courts in settling disputes between individuals.</li> </ol>	<p><b>Materials Needed</b></p> <ul style="list-style-type: none"> <li>• Paper</li> <li>• Pencil</li> <li>• Computer and projector (to view the film)</li> </ul>
<p><b>Information</b> (Give and/or demonstrate necessary information)</p>	<ul style="list-style-type: none"> <li>▪ Review the differences between federal and state courts, generally.</li> <li>▪ Go over key vocabulary.</li> <li>▪ View <i>The Maryland Courts</i> video.</li> <li>▪ Present access to justice statistics.</li> </ul>	
<p><b>Verification</b> (Steps to check for student understanding)</p>	<ol style="list-style-type: none"> <li>1. Video Debriefing Questions – To confirm student’s understanding of court system structure.</li> <li>2. Verbal discussion or written assignment – Final question assesses the ability of the students to analyze the manner in which due process limits the power of state courts and demands courts balance their need for efficiency with the promise of equal access for all.</li> </ol>	<p><b>Other Resources</b></p> <ul style="list-style-type: none"> <li>• Internet access</li> </ul>
<p><b>Activity</b> (Describe the independent activity to reinforce this lesson)</p>	<p><b>Civil and Criminal Large Group or Small Group Discussions.</b> In this activity a large group discussion is held on how litigants in civil and criminal cases navigate the courts, and the impact of whether or not they have a lawyer. If time permits, students divide into small groups. Half the groups focus on the experience of a criminal defendant. Half focus on the experience of a civil litigant. Students describe the procedure each follows, the needs, rights and experiences of each, and analyze the impact of the case on the individual, on the court, and on the community.</p>	
<p><b>Summary</b></p>	<p>By the end of the lesson, students will have explored the “why” behind the structure of the Maryland court system, and will have practiced challenging that structure and exploring its implications.</p>	

# The Maryland Court System

## Lesson Plan

### Overview

In this session students explore the structure, authority and organization of the Maryland court system. In a preliminary presentation, the teacher distinguishes federal and state courts, generally, and exposes the students to key vocabulary they will hear in an upcoming video. The students review *The Maryland Courts* video. After the video students participate in a debriefing session and learn some key information about access to justice in Maryland. Students then discuss what a civil or criminal case participant experiences in using the court system, reflecting on the impact the structure of that system has on that person's experience. In a final large group session, the class reflects on the limitations of the state court system and analyzes how state courts can or should balance the needs of the individual with the interest of the state and the community.

### Materials / Equipment Needed

- Computer and projector with access to the Internet. (In the alternative, students could watch the video on individual computers, then gather for follow-up activities and discussions.)
- Pencil / paper
- Glossary of terms (handout)
- Maryland Access to Justice Statistics (handout)
- Civil v. Criminal: What's the Difference (handout)
- The Courts in Maryland (video worksheet)

### Website (Video)

- <http://mdcourts.gov/video/mdcourtsystem.wmv>

## Procedure

1. Provide a brief overview of the differences between federal and state courts. Distinguish between the two systems on the following points:
  - The manner in which they were created.
  - Jurisdiction and case types.
  - Funding and appointments.
2. Review key vocabulary.
3. Introduce the film and activity to the students.
  - The film presents information about the various court systems in Maryland.
  - As they watch the film, ask students to think what it would be like to use the courts described. Would they want a lawyer? How would they know which court to use? What do they think happens in each of the various courts? How do cases come before the courts?
  - Give the students *The Courts in Maryland* video worksheet and prepare them to note their answers as they watch the film.
4. Show the video, *The Maryland Courts*, found at <http://mdcourts.gov/video/mdcourtsystem.wmv> (Runtime: Just under 10 minutes).
5. Go over the students' answers on *The Courts in Maryland* video worksheet.
6. Distribute the *Maryland Access to Justice Statistics* and *Civil v. Criminal* handouts.
7. Hold a large group discussion, asking the students to analyze the structure of the courts, and some impacts for vulnerable people. Use the following questions, to guide the discussion. If time permits, this can be done by configuring students in small groups and reconvening to debrief.

### Discussion Questions:

1. If you have a question about the case, can you call or email the judge? Why not? Why is it important that judges not communicate with one party without the other party's knowledge?
2. Why doesn't the legislature rule on cases? After all, they made the laws? Why is it important that the branch that makes the laws not be the branch that decides the laws?
3. We let the Executive Branch make some decisions, for example, about whether individuals should get certain kinds of benefits. If you disagree you appear before the Office of Administrative Hearings which is actually a part of the Executive Branch, not the Judicial Branch. Do you have any concerns about this based on what we just discussed?
4. Should courts take steps to make it easier for people who do not have lawyers?
5. What can or should courts do if a person does not speak English?

6. You have a right to lawyer if you cannot afford one if you have been charged with a crime, but not in a civil case. Should people have a right to lawyer in civil matters? Which case types? All? Housing? Custody? Domestic Violence? Small claims? In an appeal?

## THE COURTS IN MARYLAND

1. How many levels of trial and appellate courts are there in Maryland? \_\_\_\_\_
2. How many District Court locations are there in the state? \_\_\_\_\_
3. If your case is a civil (non-criminal) matter where you are asking the court to order the other side to pay you \$45,000 in damages, in which court should you file your case?
4. You get a speeding ticket and request a court hearing. Which court will hear your case?
5. Your landlord claims you did not pay the rent and files a court case against you to force you to pay or have you evicted. In what court will your case be heard?
6. You get a letter telling you to come to court for jury duty. Which court should you go to?
7. What case type can be heard in both circuit and District court?
8. What does it mean that you can ask for an appeal “as a matter of right?”
9. How many judges hear your case in the Court of Special Appeals?
10. How is your “day in court” different in a trial court from an appellate court?
11. What does the Orphan’s Court handle?
12. What matters are heard by federal courts?
13. Where would you go if you disagreed with a decision of a Maryland state agency?
14. If you are unhappy with the decision in a District Court case, what court hears your appeal?
15. If you are unhappy with the decision in a circuit court case, what court hears your appeal?

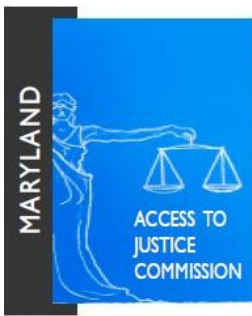


## THE COURTS IN MARYLAND

1. How many levels of trial and appellate courts are there in Maryland?   4
2. How many District Court locations are there in the state?   34
3. If your case is a civil (non-criminal) matter where you are asking the court to order the other side to pay you \$45,000 in damages, in which court should you file your case?  
**The local county Circuit Court.**
4. You get a speeding ticket and request a court hearing. Which court will hear your case?  
**The District Court in the county where you received the ticket.**
5. Your landlord claims you did not pay the rent and files a court case against you to force you to pay or have you evicted. In what court will your case be heard?  
**District Court.**
6. You get a letter telling you to come to court for jury duty. Which court should you go to?  
**Circuit Court in the county (or Baltimore City) where you reside. All jury trials are heard in Circuit Court.**
7. What case type can be heard in both circuit and District court?  
**Domestic violence. These are civil matters where a victim asks the court for a civil protective order. Someone who engages in a violent act with an intimate partner may also be charged with a crime. The criminal matter will be heard in the appropriate court based on the type of crime with which they are charged. Even though civil requests for protection from domestic violence can be filed in circuit and District Court, District Court handles many more cases than circuit courts in our state.**
8. What does it mean that you can ask for an appeal “as a matter of right?” **You have a right to have your case appealed from a trial court to the next highest court if you believe the judge decided your case improperly in light of the law. You appeal your District Court case to Circuit Court. You appeal Circuit Court cases to the Court of Special Appeals. You do not have a right to have your case heard by the State’s highest court, the Maryland Court of Appeals. If you appeal your case to the Court of Special Appeals and you disagree with the result, you may file an appeal with the Maryland Court of Appeals. The judges will decide whether or not to hear your case. They generally select cases that have some important legal significance for our state.**
9. How many judges hear your case in the Court of Special Appeals? **The judges sit in panels of 3.**
10. How is your “day in court” different in a trial court from an appellate court? **In trial court, a judge or jury hears a trial. Both sides may call witnesses and present evidence. The judge or jury then decides the case based on the facts, and in light of Maryland law. In an appellate court, there is no trial. Both sides summarize in writing why they believe the trial court made an error in rendering its decision. Each side prepares a written document called a brief. The court will usually schedule a day to hear “oral argument” when both parties and their lawyers will**

have an opportunity to stand before the court and verbally state why they should win the appeal. They do not call witnesses or present new evidence. The judges may ask questions of both sides. Later, the judges meet to discuss the case and decide if they believe the lower court made an error or not. They issue their decision by preparing a written opinion.

11. What does the Orphan's Court handle? Estates and trusts, guardianship matters, and protecting the estates of minors.
12. What matters are heard by federal courts? Bankruptcy, matters involving persons or corporations from different states, cases brought under federal law or the federal constitution, immigration.
13. Where would you go if you disagreed with a decision of a Maryland state agency? The Office of Administrative Hearings.
14. If you are unhappy with the decision in a District Court case, what court hears your appeal? The Circuit Court.
15. If you are unhappy with the decision in a circuit court case, what court hears your appeal? The Court of Special Appeals.



## Maryland Access to Justice Commission

# My Laws, My Courts, My Maryland

Promoting Equal Justice for All

### CONTACT INFORMATION

Pamela Cardullo Ortiz, Executive Director  
 Maryland Access to Justice Commission  
 2001 E/F Commerce Park Drive  
 Annapolis, Maryland 21401  
 Phone: 410-260-1258  
 Email: [pamela.ortiz@mdcourts.gov](mailto:pamela.ortiz@mdcourts.gov)

### CRIMINAL VS. CIVIL JUSTICE: WHAT'S THE DIFFERENCE?

	CIVIL CASES	CRIMINAL CASES
Who brings the case?	In civil matters, <b>you or another</b> individual private citizen or corporation brings the case to court.	In criminal matters, the case is brought by the State, through the action of the prosecutor.
What's at stake?	If you lose this civil case you might lose <b>custody</b> of a child, your <b>home</b> or other <b>possession</b> , you might lose <b>money</b> , or in some instances (e.g., civil contempt) you could be <b>temporarily incarcerated</b> until you follow the orders of the court.	If you lose this criminal case, you might lose your <b>physical liberty</b> (i.e., you might go to jail). You could also lose <b>money</b> if you are ordered to pay a fine or court costs.
How does it feel?	Being involved in a civil court case, whether civil or criminal, can be one of the scariest and most <b>stressful</b> experiences you can have.	Being involved in a criminal court case, whether civil or criminal, can be one of the scariest and most <b>stressful</b> experiences you can have.
Am I always entitled to a free lawyer if I cannot afford to hire one myself?	<b>No.</b> In a civil case, you do not have a constitutional right to a free lawyer if you cannot afford it. You may have a lawyer, but you will have to pay for it yourself. There are some organizations that may be able to provide some help if you cannot afford to hire a lawyer, but there is no guarantee they will be able to help you.	<b>Yes.</b> In a criminal case, if you cannot afford one, a lawyer will be appointed to represent you in your criminal matter, at State expense.
Where can I get more information?	For general civil legal information and information on how to find free or low-cost legal help, see: <b><a href="http://www.peoples-law.org">www.peoples-law.org</a></b> .	For a criminal case, contact the Office of the Public Defender: <b>877-430-5187 (toll free)</b> or <b><a href="http://www.opd.state.md.us">www.opd.state.md.us</a></b> .



## Maryland Access to Justice Commission

# My Laws, My Courts, My Maryland

Promoting Equal Justice for All

### CONTACT INFORMATION

Pamela Cardullo Ortiz, Executive Director  
Maryland Access to Justice Commission  
2001 E/F Commerce Park Drive  
Annapolis, Maryland 21401  
Phone: 410-260-1258  
Email: [pamela.ortiz@mdcourts.gov](mailto:pamela.ortiz@mdcourts.gov)

### ACCESS TO JUSTICE STATISTICS

- In Maryland, approximately 496,525 individuals (8.6%) are living below the federal poverty level.<sup>1</sup>
- Over 94,000 Maryland families (6.6%) live in poverty.<sup>2</sup>
- Of those over age 5, 16.5% of Marylanders speak a language other than English at home.<sup>3</sup>
- To qualify for help from Maryland Legal Aid, a person with a family of 4 must make less than \$28,813 (125% of federal poverty guidelines). An individual with a household size of 1 must make less than \$13,963.<sup>4</sup>
- To qualify for help from most other MLSC-funded organizations, a person with a family of 4 must make less than \$50,999 (50% of Maryland median income). An individual must make less than \$26,519.<sup>5</sup>
- Approximately 1,000,000 Marylanders qualify for legal assistance from organizations funded by the Maryland Legal Services Corporation.<sup>6</sup>
- In Maryland, it is estimated that only about 22% of the civil legal needs of low-income and poor residents are being met.<sup>7</sup>
- Only 0.7% of Maryland lawyers are employed by a legal services organization.
- The average starting salary for a public interest attorney in Maryland is about \$50,000. Most new law school graduates carry \$100,000 in student loan debt.<sup>8</sup>
- In 2009, Maryland lawyers provided 1,139,866 hours of *pro bono* service.<sup>9</sup>
- During that same year, Maryland lawyers donated over \$3.2 million dollars to organizations that provide legal services to people of limited means.<sup>10</sup>

<sup>1</sup> U.S. CENSUS BUREAU, STATE & COUNTY QUICKFACTS: MARYLAND (Jan. 17, 2012), available at <http://quickfacts.census.gov>.

<sup>2</sup> U.S. CENSUS BUREAU, S1702 POVERTY STATUS IN THE PAST 12 MONTHS OF FAMILIES (2010), available at <http://factfinder.census.gov/home>.

<sup>3</sup> U.S. CENSUS BUREAU, S1601 LANGUAGE SPOKEN AT HOME (2010), available at <http://factfinder.census.gov/home>.

<sup>4</sup> Legal Services Corporation 2012 Income Guidelines, 45 C.F.R Part 1611, App. A (2012); LEGAL SERVS. CORP., GENERAL INFORMATION ABOUT ELIGIBILITY FOR SERVICES (2012), <http://www.lsc.gov/general-information-about-eligibility-services>.

<sup>5</sup> MD. LEGAL SERVS. CORP., CLIENT INCOME ELIGIBILITY GUIDELINES (2011), <http://mlsc.org/wp-content/uploads/2010/08/2012-MLSC-incgud.pdf>.

<sup>6</sup> MD. ACCESS TO JUSTICE COMM'N, IMPLEMENTING A CIVIL RIGHT TO COUNSEL IN MARYLAND (2011), <http://mdcourts.gov/mdatjc/pdfs/implementingacivilrighttocounselinmd2011.pdf>.

<sup>7</sup> *Id.*

<sup>8</sup> Kathy Kristof, *The Great College Hoax*, FORBES, Feb. 2, 2009, available at <http://www.forbes.com/forbes/2009/0202/060.html>.

<sup>9</sup> MD. ADMIN. OFFICE OF THE COURTS, CURRENT STATUS OF PRO BONO SERVICE AMONG MARYLAND LAWYERS, YEAR 2009 (Nov. 9, 2010), available at <http://www.courts.state.md.us/probono/pdfs/probonoreport-2009.pdf>.

<sup>10</sup> *Id.*