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Judiciary's Access to Justice Commission Issues Preliminary Recommendations for Improving Courts

(ANNAPOLIS, Md. — Nov. 18, 2009) A year after its launch, the Maryland Access to Justice Commission has issued an interim report citing insufficient funding for legal services for the poor, among other barriers, which leaves countless Marylanders without meaningful access to the courts or the help they need to resolve their legal problems.

The report makes 62 substantive recommendations that reflect three general areas that will require collaborative problem-solving by the Judiciary and its justice system partners.

1. Ensure stable and sufficient funding to support the civil legal services delivery system through which low-income Marylanders receive legal help.
2. Create innovative legal practices, court processes and services to enhance the ability of all persons, including the self-represented, to use the courts or solve legal problems.
3. Operate courts and services to address the special needs of vulnerable populations, ensuring that facilities and services are safe, convenient and accessible.

The Commission's mandate is to make recommendations to expand access to the state's civil justice system, which includes landlord-tenant cases, divorce, child custody issues, small claims and debt collection, domestic violence and other non-criminal case types.

The Commission was created in 2008 by Court of Appeals Chief Judge Robert M. Bell to develop, coordinate and implement policy initiatives to expand access to the state's civil justice system. The Commission has brought together a wide variety of professionals who represent groups with special concerns and needs, leaders and stakeholders from the Maryland Judiciary and its justice system partners, members of the legal services delivery system, the Maryland State Bar Association, the Executive and Legislative branches, and the Governor's Office. The Commission is chaired by retired Judge Irma S. Raker of the Maryland Court of Appeals. Chief Judge Ben C. Clyburn of the District Court of Maryland serves as the Commission's vice-chair.

Maryland, like many states, faces a critical shortage of funding for civil legal services, due, in part, to the current economic downturn. In this report, the Commission examines the range of funding options used by other states to address this critical need, and makes some recommendations for strategies that might be adopted in Maryland to stabilize and

support the civil legal services delivery system. “Before we can provide civil justice to all Marylanders, we need to ensure that individuals can obtain legal representation when they need it. Adequate funding will help ensure Maryland has a robust civil legal services delivery system.” (*Interim Report*, p. 2).

According to the report, Marylanders appear without counsel in the courts in record numbers. The Commission makes a number of recommendations to enhance the ability of the self-represented to navigate the court system. Other recommendations address the barriers faced by critical populations in Maryland, or are designed to enhance the public understanding of the civil justice system and legal services.

The Commission has been holding a series of public “listening events” to hear from people who have faced difficulties as they interact with the courts. Additional listening events have been scheduled for the remainder of 2009 and through the spring of 2010.

“In order to identify areas for improvement, we need to hear from the public what it feels like to come to court, or to seek legal assistance,” said Judge Raker. “The Commission’s goal is to improve the ability of all Marylanders to use the courts effectively and to obtain legal help when they need it.”

Each year, the state’s courts handle more than two million cases. The Commission is working to enhance the quality of justice for people who encounter barriers when they are dealing with the courts. Other barriers include language or literacy issues, challenges due to varying physical abilities, not being able to afford to hire legal help or take time off work to attend to legal issues, or a lack of understanding of the civil justice system in Maryland and the resources available.

“Many Marylanders are forfeiting critical rights because they do not have access to representation or because they face critical barriers in exercising their rights,” said Chief Judge Ben C. Clyburn of the District Court of Maryland, vice chair of the Commission.

The full report is available on the Maryland Judiciary’s Web site, www.mdcourts.gov/mdatjc. Additional information about the Commission and its activities can also be found on the site.

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Editor’s note: A video message from retired Court of Appeals Judge Irma S. Raker, chair of the Maryland Access to Justice Commission, is available online: www.mdcourts.gov/mdatjc.

For more information, contact the Office of Communications and Public Affairs, (410) 260-1488.