

My Laws, My Courts, My Maryland

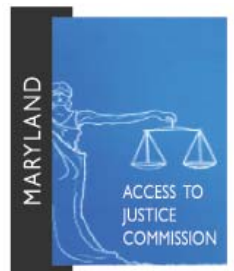
Promoting Equal Justice for All

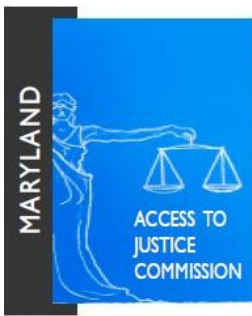
media kit



MARYLAND ACCESS TO JUSTICE COMMISSION

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Maryland Access to Justice Commission

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MARYLAND ACCESS TO JUSTICE MEDIA KIT

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LEGAL SERVICES OVERVIEW

How Do Low-Income Marylanders Get Legal Help?

Where do low-income Marylanders turn for help when they have a legal problem or question? There are about a substantial number of organizations in our State that provide basic information, legal advice or legal representation to qualifying individuals. Some programs provide general legal assistance. Others serve particular jurisdictions or regions of the State. Still others may provide help to those with specific types of legal problems.

Maryland's legal services delivery system is a *triage-based* system. There are not enough legal services programs or providers to serve the needs of the many thousands of individuals in our state who need legal help but cannot afford to hire their own attorney. Existing programs could serve few individuals if each were assigned an attorney to assist them from beginning to end, so many individuals are first provided basic information. If their case is complex or they require more assistance, they may turn to other programs that provide more specific aid or more in-depth assistance. It may be helpful to think of these programs as falling into one of **four tiers**, each of which provides a different range of services to individuals with general or particularized needs. See the accompanying figure, "*Spectrum of Civil Legal Services Delivery System.*"

First Tier. The first represents those individuals who have a basic question about the law or those who are trying to determine if they have a legal need. This includes the **general public**, and those who may have a question about their rights, responsibilities or remedies. This also includes those who need a referral to a legal provider. These individuals can turn to a range of **online** and **written** resources to determine whether

they need to consult with a lawyer or legal program. Examples of these sources include:

- Maryland People’s Law Library
peoples-law.org
Maryland’s legal information website with substantive information about Maryland law, and a complete directory of legal services providers with links to forms and additional information.
- Maryland Judiciary Legal Help Web Pages
mdcourts.gov/legalhelp/
Information about the Maryland courts, forms, court resources and basic procedural information.
- *Maryland State Bar Association Brochures*
For information and ordering: **msba.org**

Second Tier. The next tier represents a smaller subset of individuals who have a specific legal need that is relatively simple, and who can proceed to address their legal problem on their own, with some basic help. These individuals include the many thousands of **self-represented** persons who appear each day in Maryland courts. These individuals can take advantage of **court-based self-help centers** and **hotlines**. Examples include:

- Circuit Court Family Law Self-Help Centers
mdcourts.gov/family/localcontacts.html
Walk-in assistance in family case types.
- District Court Self-Help Center
mdcourts.gov/legalhelp/districtctselfhelpctr.html
Walk-in assistance in Anne Arundel County.
Telephone, email, and live chat services for users statewide.
- Legal Forms Helpline
1-800-818-9888
- Family Law Hotline
1-800-845-8550
- See **peoples-law.org** for a complete list of Maryland legal hotlines.

Third Tier. The next, still smaller subset of individuals are those who are capable of some level of self-representation, but who may need more in-depth support because their case is more complex, more technical or there is more at stake. One can think of these individuals as “**partially self-represented.**” These individuals would benefit from engaging an attorney or securing a provider who offered **limited scope representation**. Victims of domestic violence are able to obtain a range of services

including representation at a final protective order hearing from the state's **domestic violence legal services** programs:

- Some **private attorneys** offer limited scope representation through which an otherwise self-represented person can engage the attorney to assist them with specific tasks for a predetermined fee.
- The Women's Law Center of Maryland has launched a limited scope pilot project to further test this practice model. For information see **wlcmd.org**.
- For a list of Protective Order Advocacy Representation Projects (POARP) and other legal programs for victims of domestic violence, see **peoples-law.org** and click on "Domestic Violence."

Fourth Tier. Finally, there will also be a small percentage of people with legal needs who will require the full assistance of an attorney. These **fully represented** individuals require more in-depth help because their case is one involving a high level of conflict, technical or complex issues, or because the individual is a person, because of age, ability or infirmity, who is of limited capacity or otherwise unable to proceed on their own. These individuals can seek help from **staff attorney, pro bono** and **reduced fee programs**. Examples include:

- **Maryland Legal Aid**
Staff attorney program.
800-999-8904
- **Maryland Volunteer Lawyers Service**
Pro bono program.
800-510-0050
410-547-6537
Online intake: **www.mvlslaw.org**
- **Civil Justice, Inc.**
Reduced fee program.
410-706-0174



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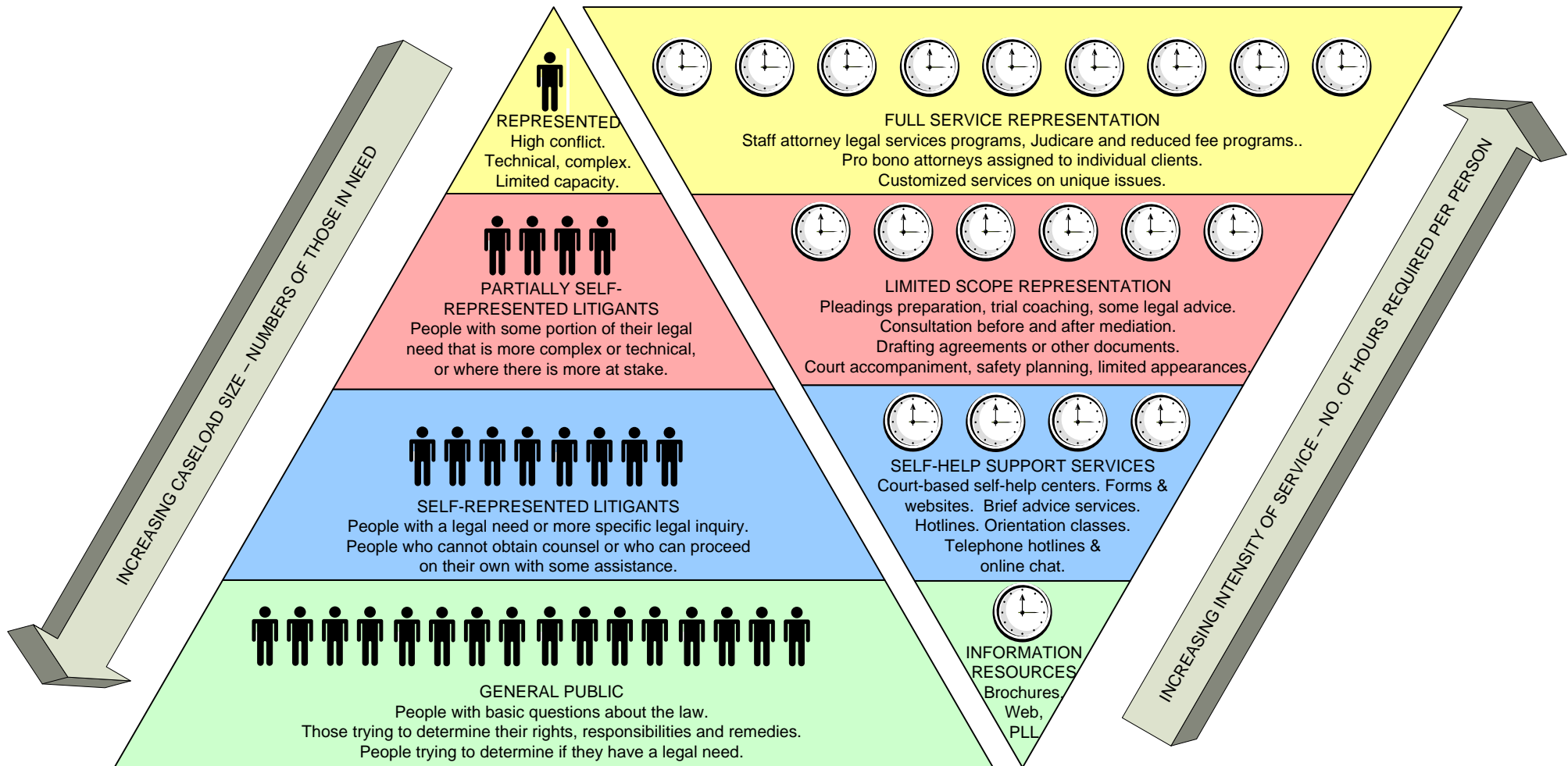
A PICTURE IS WORTH A THOUSAND WORDS: GRAPHICS PORTRAYING THE LEGAL SERVICES DELIVERY SYSTEM

The graphs and charts on the following pages are provided to help convey how the Maryland legal services delivery system works, who is served by that system, and why it is so difficult for Marylanders to get legal help when they need it.

Most of these illustrations appeared in the Commission's 2009 *Interim Report*, available at mdcourts.gov/mdatjc.

The Civil Legal Services Delivery System

LEGAL SERVICE PROVIDERS

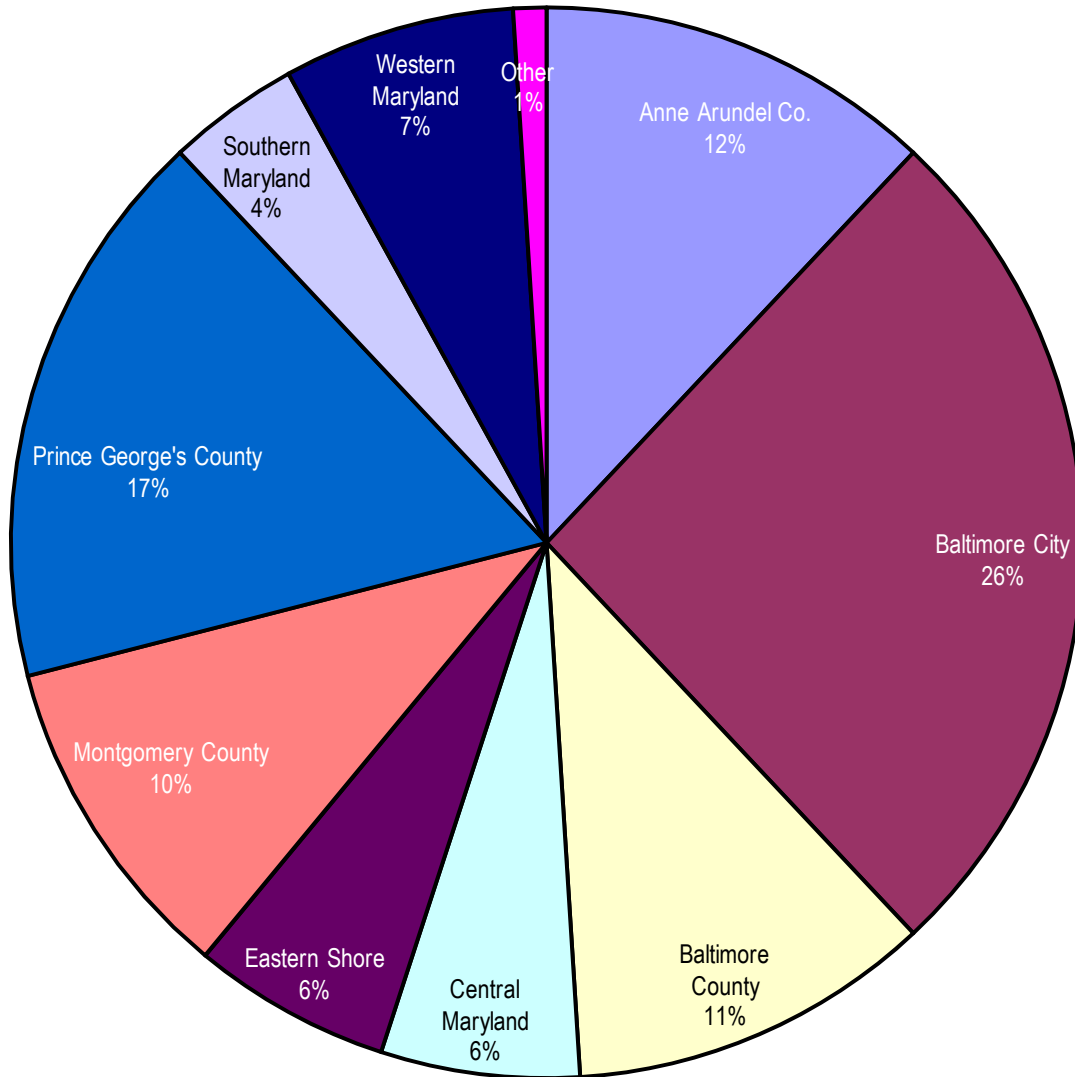


LEGAL CONSUMERS

This illustrates the narrowing effect that happens when individuals seek help for a legal problem. Many individuals begin by seeking general assistance. Most require only brief advice or general information. For some, a higher level of assistance is required. Because only a small percentage of cases actually goes to trial, even fewer will require full representation at trial. The legal services community must offer a range of services appropriate to the needs of those they serve. The intensity of service (and cost) is inversely proportional to the number of persons who need that level of service. An effective delivery system will be one with a range of services so that services can be appropriately, and cost-effectively matched to the need.

**MLSC Funded Legal Services Providers
RESIDENCE OF CLIENTS SERVED**

Where do Legal Services Clients Live in Maryland?

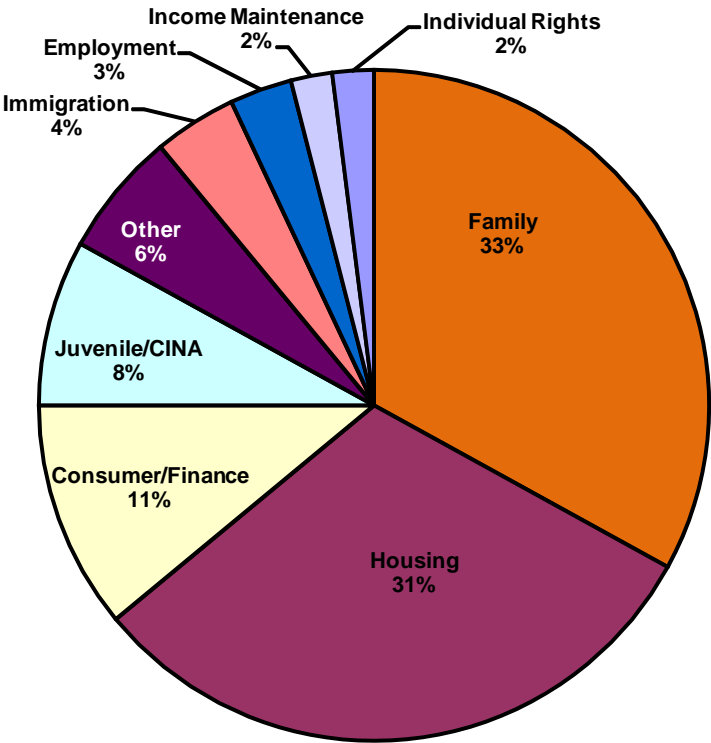


Central Maryland: Carroll, Harford and Howard Counties
Eastern Shore: Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester Counties
Southern Maryland: Calvert, Charles and St. Mary's Counties
Western Maryland: Allegany, Frederick, Garrett and Washington Counties.

SOURCE: Maryland Legal Services Corporation, Fiscal Year 2013.

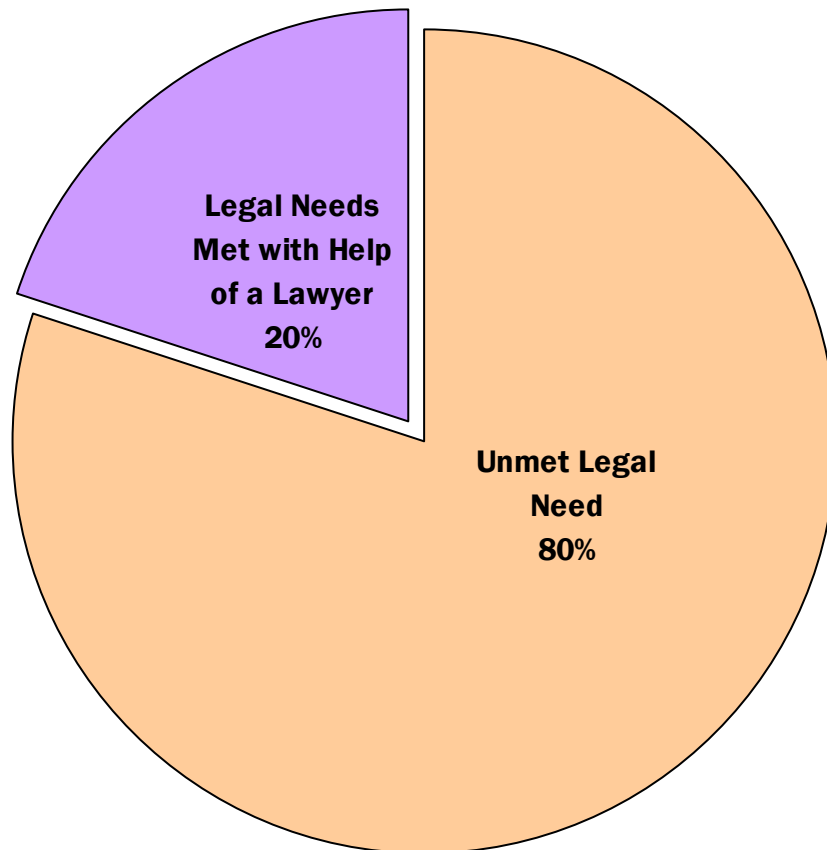
**MLSC Funded Legal Services Providers
TYPES OF CASES CLOSED**

**What Types of Cases do Legal Services Clients Need Help
With in Maryland?**



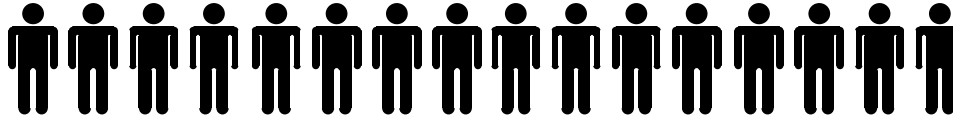
SOURCE: Maryland Legal Services Corporation, Fiscal Year 2013 Annual Report: July 1, 2012 to June 30, 2013.

Percentage of Legal Problems Experienced by Low-Income Persons that are Addressed with the Help of a Lawyer

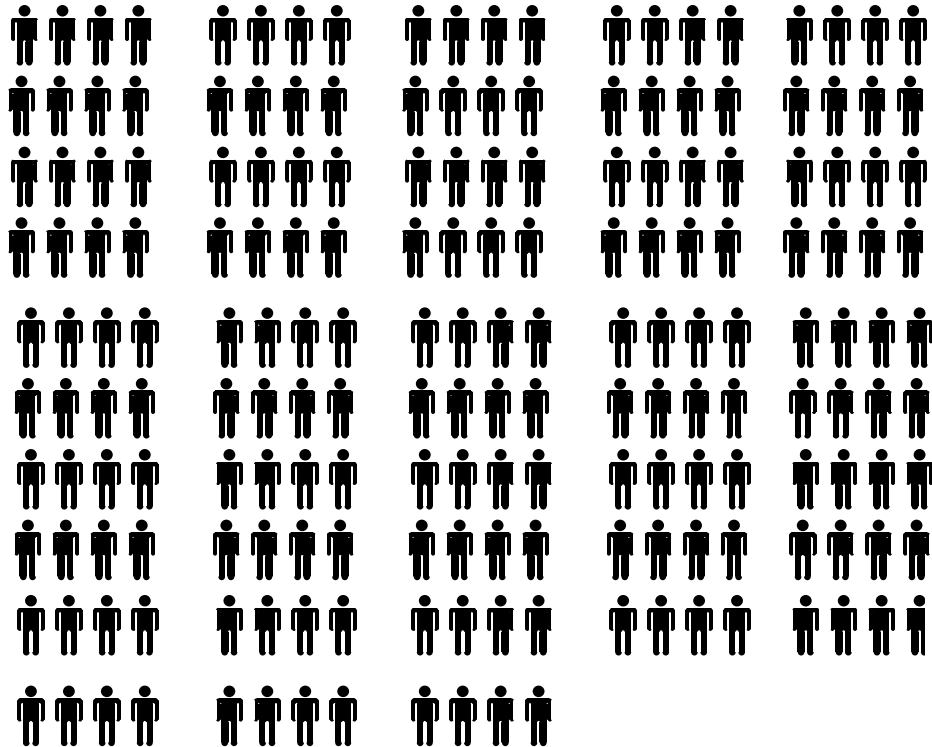


Legal Services Corporation, *Documenting the Justice Gap in America* (June 2007).

Why Is It So Hard for Low-Income Persons to Get Legal Help in Civil Matters When They Need It?




No. of persons per lawyer in Maryland: 159



No. of poor persons per legal services lawyer in Maryland: 1,918

Maryland Population (2012 Estimate): **5,884,563**
 No. of Active Full-Time Lawyers in Maryland (2012): **37,032**
 Percent of Marylander's below poverty (2007 - 2011): **9.0%**
 Percent of Lawyers Employed in Legal Services Positions (FY2013): **0.7%** of all lawyers (**276** lawyers)

 = 10 people

Sources:

Administrative Office of the Courts, Current Status of Pro Bono Service Among Maryland Lawyers, Year 2012 (November 13, 2013).

U.S. Census Bureau (<http://quickfacts.census.gov/qfd/states/24000.html>) (last visited: 11/26/13)



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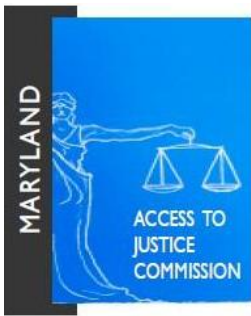
LEGAL SERVICES FUNDING

How Are Legal Services Organizations Funded in Maryland?

Sources of Funding. Civil legal services organizations have several key sources of funding in our State.

- **Federal Funding from LSC – A Mixed Blessing.** The federal Legal Services Corporation provides federal funding to legal services providers. In Maryland there is **one** organization only that receives LSC funds, Maryland Legal Aid. All LSC grantees are limited in the way they can use those funds. Funds may not be used for: class action lawsuits, suits against the government, redistricting cases, lobbying, representation of incarcerated individuals or the undocumented. LSC grantees are also subject to a provision that precludes them from undertaking these types of actions, even with funds they receive from other sources. As long as Maryland Legal Aid receives LSC funds at all, it cannot do any of this type of work, regardless of how that other work is funded.
- **Other Federal Funds.** Legal services providers in Maryland receive some funding from other federal government agencies, generally in the form of grants. These may include Violence Against Women Act funds, other funds administered by the Department of Justice or other Executive Branch agencies.
- **Interest on Lawyers' Trust Accounts (IOLTA).** All attorneys are required to deposit client funds in special trust accounts. The interest from those accounts is forwarded to the Maryland Legal Services Corporation which makes grants from those funds. Interest rates have remained historically low recently and, as a result, the revenue generated from these IOLTA accounts has plummeted.

- **Filing Fee Surcharge.** Court users pay a filing fee when they initiate a court case. A surcharge applied to that fee is collected by the State and the funds are provided to the Maryland Legal Services Corporation which makes grants from those funds. In 2010, the Maryland General Assembly increased the filing fee surcharge to make up for a decline in interest revenue from IOLTA accounts. The surcharges were renewed by legislation passed in 2013 and are set to expire in 2018.
- **State Appropriations.** While many states provide a substantial appropriation to support civil legal services, in Maryland, this has not historically been a significant source of funding. However, in 2013 legislation passed to increase the statutory appropriation for legal services. The Maryland Legal Services Corporation will now receive \$1.5 million from the Abandoned Property Fund, which it will use to make grants to legal services providers serving the indigent.
- **Private Funding.** A number of providers enhance grant funds by raising private donations. Maryland Legal Aid, for example, has established an Equal Justice Council through which it raises private funds to support its activities.



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ACCESS TO JUSTICE STATISTICS

- In Maryland, approximately 529,610 individuals (9%) are living below the federal poverty level.¹
- Over 88,000 Maryland families (6.1%) live in poverty.²
- Of those over age 5, 16.5% of Marylanders speak a language other than English at home.³
- To qualify for help from Maryland Legal Aid, a person with a family of 4 must make less than \$29,438 (125% of federal poverty guidelines). An individual with a household size of 1 must make less than \$14,363.⁴
- To qualify for help from most other MLSC-funded organizations, a person with a family of 4 must make less than \$52,674 (50% of Maryland median income). An individual must make less than \$27,390.⁵
- Approximately 1,000,000 Marylanders qualify for legal assistance from organizations funded by the Maryland Legal Services Corporation.⁶
- In Maryland, it is estimated that only about 22% of the civil legal needs of low-income and poor residents are being met.⁷
- 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.⁸
- In 2012, Maryland lawyers provided 1,162,231 hours of *pro bono* service.⁹
- During that same year, Maryland lawyers donated over \$4.1 million dollars to organizations that provide legal services to people of limited means.¹⁰

¹ U.S. CENSUS BUREAU, STATE & COUNTY QUICKFACTS: MARYLAND, <http://quickfacts.census.gov>.

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

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

⁴ LEGAL SERVICES CORPORATION 2013 INCOME GUIDELINES, 45 C.F.R PART 1611, APP. A (2013); LEGAL SERVS. CORP., CLIENT INCOME ELIGIBILITY STANDARDS UPDATED FOR 2013 (2013), <http://www.lsc.gov/media/news-items/2013/client-income-eligibility-standards-updated-2013>.

⁵ MD. LEGAL SERVS. CORP., CLIENT INCOME ELIGIBILITY GUIDELINES (FY2014), <http://mlsc.org/wp-content/uploads/2010/08/2014-MLSC-incgud.pdf>.

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

⁷ *Id.*

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

⁹ MD. ADMIN. OFFICE OF THE COURTS, CURRENT STATUS OF PRO BONO SERVICE AMONG MARYLAND LAWYERS, YEAR 2012 (Nov. 13, 2013), (publication pending).

¹⁰ *Id.*



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

	CIVIL CASES	CRIMINAL CASES
Who brings the case?	In civil matters, you or another 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 custody of a child, your home or other possession , you might lose money , or in some instances (e.g., civil contempt) you could be temporarily incarcerated until you follow the orders of the court.	If you lose this criminal case, you might lose your physical liberty (i.e., you might go to jail). You could also lose money 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 stressful experiences you can have.	Being involved in a criminal court case, whether civil or criminal, can be one of the scariest and most stressful experiences you can have.
Am I always entitled to a free lawyer if I cannot afford to hire one myself?	No. 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.	Yes. 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: www.peoples-law.org .	For a criminal case, contact the Office of the Public Defender: 877-430-5187 (toll free) or www.opd.state.md.us .