

**2014 International Forum on Legal Aid**  
**Organizational Report**  
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Human rights are rights that every single person has by virtue of being human. Human rights reflect the minimum standards necessary for people to live with dignity. They belong to all people equally regardless of status and are considered essential to the full development of individuals and communities. Human rights also guarantee people the means necessary to satisfy their basic needs so that they can take full advantage of all opportunities. Maryland Legal Aid adopted the human rights framework to uphold these principles in the provision of legal services to the poor. Simultaneously, the pivot to a human rights frame seems to have reinforced a growing consensus about the role access to justice plays in actualizing poor people’s human rights and lifting them out of poverty. In a recent report, the United Nations (U.N.) Special Rapporteur on extreme poverty and human rights stated that access to justice is not only a fundamental human right in itself, but it is an essential prerequisite for the protection and promotion of all other civil, cultural, economic, political and social rights.<sup>1</sup> Mary Robinson, the former High Commissioner for Human Rights, is a key leader in the push to include access to justice in the U.N.’s post-2015 Development Goals, which recognize the “lack of legal protection as a form of repression and an affront to human dignity.”<sup>2</sup> Both sources recognize that achieving access to justice for the poor necessitates legal services for the poor, underscoring the import of our collective work.

**1. Please provide the following organization information:**

Country	The United States of America
State	Maryland
Legal Aid Organization Name	Legal Aid Bureau, Inc. (Maryland Legal Aid)
Date of Establishment	1911
Poverty Line (for a family of 4) in Maryland	\$23,501
Percentage of Population in Poverty in Maryland	9.4% (57,308)
Total No. of Practicing Lawyers at Maryland Legal Aid (including in-house and private practice)	145 attorneys 50 paralegals
Population of Maryland	5,928,814
GDP of Maryland; Per Capita GDP	\$268.7 billion; \$46,720
Total # of Applications Received in FY13	84,573
Total # of Applications Approved in FY13	78,461
Total # of Applications Refused in FY13	6,112

**2. Please describe the main provider(s) of legal aid services in your state:**

Maryland Legal Aid is the largest provider of free *civil* legal services<sup>3</sup> to low-income citizens in the state of Maryland. A private non-profit law firm, the organization was founded over a hundred years ago and operates out of 13 offices across the state. In FY13, Maryland Legal Aid continued its century-old tradition of providing high-quality civil legal services and responded to more than 84,000 requests for assistance. Its services range from providing information and referrals to representation

\* Reena Shah, Esq., Director Maryland Legal Aid’s Human Rights Project was a principal collaborator on this report.

<sup>1</sup> Report of the Special Rapporteur on extreme poverty and human rights, A/67/278, August 9, 2012.

<sup>2</sup> See, Justice 2015 at <http://www.opensocietyfoundations.org/sites/default/files/justice2015-statement-06122014.pdf>

<sup>3</sup> To clarify at the outset: the terms “legal aid,” “legal services,” and “legal aid services” are used interchangeably in this report and carry the same meaning of the provision of legal assistance to those that cannot afford such services.

in federal and state trial and appellate courts. Maryland Legal Aid provides legal services in the family, juvenile rights, public benefits, housing, consumer, employment, elder, health care, and education areas. In addition to providing services to individuals, it also works to address systemic issues affecting clients and their communities. The priority areas for representation for Maryland Legal Aid are preservation of housing, income maintenance (public benefits and employment), access to health care, consumer rights, domestic violence, custody and access to education.

Maryland Legal Aid's ability to span such a wide spectrum of substantive areas enables it to address the often intertwined and multiple challenges that low-income individuals and families face and to help those individuals and families achieve stability and address the barriers that keep them in poverty. Many of the clients who contact Maryland Legal Aid do so after a major family crisis or economic hardship such as a death in the family, serious illness, or loss of a job or other source of income. Maryland Legal Aid provides assistance that directly addresses the most basic and essential needs of individuals and families. This includes helping parents maintain custody, obtaining needed healthcare and disability benefits and unemployment insurance coverage, recovering unpaid wages as well as housing advocacy. Without Maryland Legal Aid, thousands of Maryland citizens would effectively be denied access to our system of civil justice resulting in potentially life and death situations.

Maryland Legal Aid also partners with many other civil legal services providers as well as *pro-bono* attorneys in Maryland to enhance client services. Other providers for civil legal services include the Public Justice Center, Maryland Disability Law Center, The Homeless Persons Representation Project, Pro Bono Resource Center and Maryland Volunteer Lawyers Service.

Maryland Legal Aid does not work on criminal matters. The Office of the Public Defender is an independent government agency that provides indigent criminal defense in Maryland, making it the largest legal services provider in the state. The Public Defender's Office was created after the passage of a statute by the Maryland legislature, following a finding of a right to counsel in criminal matters in the landmark U.S. Supreme Court case of *Gideon v. Wainwright*.<sup>4</sup> For cases in which the Public Defender is unable to provide representation due to a conflict of interest, the state retains and contracts with "panel attorneys" – private attorneys selected by the local Public Defenders offices for their trial experience.<sup>5</sup>

**(a) What is the nature of the provider's organization (i.e. a government department, an independent statutory body or association):**

Maryland Legal Aid operates as a private non-profit organization that is governed by a twenty-one member board of directors. The composition of the board of directors is dictated by federal law, which requires that 60% of the board consist of attorneys admitted to practice law in Maryland. These attorneys are selected by the board of governors of the Maryland State Bar Association after consultation with local and minority bar associations. At least one-third of the board is made up of client members – persons who are, when selected, eligible for Maryland Legal Aid services. The composition of the board reflects the range of interests and needs of eligible clients with attention to racial, gender and geographic diversity. The board exercises oversight of the organization and its activities. Maryland Legal Aid employs top professionals to manage its work, including staff in charge of finances, human resources, information technology, resource development, communications, and, of course, direct delivery of legal services.

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<sup>4</sup> 372 U.S. 335 (1963).

**(b) If supervised by another authority, how does the provider maintain independence in decision making and carrying out its duties and responsibilities?**

Maryland Legal Aid is an independent non-profit organization. It is not supervised by another entity. It can make its own decisions and carry out its duties and responsibilities. Maryland Legal Aid is, however, regulated by many grantor entities that attach conditions to the organization as a precursor to receiving funding. One such grantor entity is the Legal Services Corporation (LSC). LSC provides federal funding to legal services organizations, such as Maryland Legal Aid, who provide free legal services to the poor. It is Maryland Legal Aid’s third largest funder. As an LSC grantee, Maryland Legal Aid may not file class actions; initiate legislative advocacy; organize; or attempt to influence government policy or law. Maryland Legal Aid is also restricted from representing special classes of vulnerable populations, including undocumented (and even some documented) immigrants and the incarcerated. The restrictions do not only apply to the amount of funding received by LSC, but rather extend to each of the organizations’ funding sources. For example, LSC comprises only 13.4% of Maryland Legal Aid’s funding, but the restrictions extend to the whole of its \$27 million dollar budget.

**3. Please describe the legal aid organization and the recent business figures:**

**(a) Organizational structure:**

Maryland Legal Aid is lead by a three person executive unit, which is housed in the central office in Baltimore City. The executive unit oversees all 13 offices across the state. The executive unit is composed of the Executive Director, the Chief Operating Officer and the Chief Counsel, each of whom supervises different functions of the organization. Maryland Legal Aid employs professionals and has departments of communication, resource development, finance, administrative services, human resources, intake services and IT, in addition to administrative support and legal staff. Each of the 13 offices is lead by Chief Attorneys who report directly to the Chief Counsel. Maryland Legal Aid also has a Statewide Advocacy and Support Unit whose function is to direct advocacy on a state-wide level and support the work of attorneys in all offices. For more information, please see the attached organizational chart.

**(b) Analysis of the matter types aided in the past year.**

Below, please find a chart of the matter types aided by Maryland Legal Aid in FY13:

<b>Legal Problem Category</b>	<b>Cases Closed</b>
Child in Need of Assistance (CINA)	12355
Consumer/ Finance	13264
Education	120
Employment	1213
Family	22494
Juvenile (other than CINA)	68
Health	596
Housing	15782
Immigration	0
Income maintenance	1855
Individual rights (other than immigration)	1690
Wills/ Power of Attorney/ Trusts	197
Miscellaneous	5971
Total cases closed	75585

**(c) What is the number and percentage of cases conducted by in-house/ staff attorneys and legal aid lawyers in private practice?**

Below, please find a breakdown of the cases conducted by staff attorneys v. those in private practice:

	<b>Closed In-House (staff/ contractual)</b>	<b>Closed <i>Pro Bono</i></b>	<b>Closed Reduced Fee</b>	<b>All Funds</b>
Brief Advice, Information and Referral	59390	161	168	59719
Counseling	1557	25	1	1583
Negotiations	252	12		264
Representation in Administrative Proceedings	301			301
Representation in Judicial Litigation	13310	46		13356
Other Appropriate Remedies **	353	9		362
<b>Total Cases Closed</b>	<b>75163 (99.44%)</b>	<b>253 (0.33%)</b>	<b>169 (0.22%)</b>	<b>75585</b>

**4. Please describe your organization’s funding arrangements:**

**(a) What are the sources and amount of legal aid funding? Are there caps on annual spending?**

Maryland Legal Aid prides itself on its diverse funding stream, which includes funds from government entities, private foundations and private donations from individuals, businesses or other organizations. There are no caps on annual spending.

The operating income budget for FY13 was \$27,417,236 dollars. The overwhelming majority of that funding was derived from government sources, including federal, local and state grants and contracts. Maryland Legal Aid’s primary funder is the Maryland Legal Services Corporation (MLSC). In FY13, MLSC provided \$10,497,107. LSC, MLSC’s federal counter-part, provided \$3,725,631.

Maryland Legal Aid also receives grant support from foundations, businesses and organizations including: American University Washington College of Law, BJ's Charitable Foundation, Community Foundation of Frederick County-Justice for all Fund, Frank M. Ewing Foundation, Inc., The Fund for Change, Freddie Mac Foundation, LaVerna Hahn Charitable Trust, David and Barbara B. Hirschhorn Foundation, Johns Hopkins Children’s Center - Project Heal, Zanvyl and Isabelle Krieger Fund, The John J. Leidy Foundation, Inc., Eugene and Agnes E. Meyer Foundation, Samuel Rubin Foundation, George L. Shields Foundation, The Jean & Sidney Silber Foundation, Inc., Leonard and Helen R. Stulman Charitable Foundation, Alvin and Fanny Thalheimer Foundation, United Way of Cecil County, United Way of Central Maryland, and The Harry and Jeanette Weinberg Foundation.

Further, a volunteer fundraising entity comprised of leading attorneys in Maryland called the Equal Justice Council spearheads an annual fundraising campaign on behalf of Maryland Legal Aid. Council members work together to increase Maryland Legal Aid's financial resources by securing contributions from the private bar. The Council averages 500 individual donors and 100 law firm donors annually. As with any donor base, many are loyal donors who donate yearly. Others donate on a more sporadic basis.

**(b) Has your organization experienced large-scale funding cuts? If so, what were the strategies for responding to such situation?**

As noted, Maryland Legal Aid operates with a diverse revenue base as its funding is derived from numerous financial streams, which include local, state and federal government agencies, foundations and private donors. In addition, Maryland Legal Aid has a full-time Resource Development unit, which pursues additional revenue opportunities with various fundraising activities. Regardless of the diversity of funding sources, in these difficult economic times, Maryland Legal Aid has faced tremendous challenges in maintaining its funding streams. In fact, it has successfully averted several very serious challenges that may have resulted in large-scale funding cuts.

Maryland Legal Aid’s top funder is the Maryland Legal Services Corporation (MLSC). MLSC is an entity established by the Maryland General Assembly to raise funds and make grants for the provision of civil legal assistance to low income persons in Maryland. MLSC’s principal funding sources are the Interest on Lawyer Trust Account (IOLTA) program<sup>6</sup>, surcharges on court filing fees and the Abandoned Property Fund. All three programs were created through state legislation and some periodically require going to the legislature for renewal. During the economic downturn, due to low interest rates, funding from the IOLTA program steadily declined. At the beginning of the Recession in 2008, IOLTA was providing approximately \$7 million in funding to MLSC; by 2013, that was down to approximately \$2 million. To close the funding gap, MLSC, along with a team of legal services partners, fought first increase the surcharge on filing fees in 2010 and then to ensure in 2013 that the increases would continue and not sunset. Similarly in 2012, Maryland Legal Aid averted another large-scale funding cut when it successfully challenged the decision by its second largest funder, the State of Maryland, to terminate a contract with this organization for the provision of advocates for Children in Need of Assistance (CINA).

**(c) What is the percentage of funding spent on paying lawyers’ fees and costs, and on administration expenses respectively?**

Please find the breakdown of Maryland Legal Aid’s expenditures in the chart below:

<b>Activity</b>	<b>Percent of Total Budget</b>
Fundraising	1%
Administrative costs	14%
Program services, including lawyer fees and costs	85%

**(d) Does assistance extend to covering costs such as court costs, government charges, and costs awarded against the legal aid recipient?**

Maryland Legal Aid’s assistance does not cover the costs incurred by the legal aid recipient. However, Maryland Legal Services Corporation (MLSC) has successfully advocated for the waiver of service fees and court costs for clients of Maryland Legal Aid. The fee schedule promulgated pursuant to Section 7-202 of the Courts and Judicial Proceedings article in the Maryland Code says that “a clerk shall not collect a filing fee, surcharge for the Maryland Legal Services Corporation or other court cost in advance” ... “in a case in which the representation is being provided by Maryland Legal Aid.” A similar

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<sup>6</sup> IOLTA is a fund where attorneys place nominal or short-term funds into a commingled interest-bearing account, where the interest generated accrues to MLSC to provide grants for civil legal services for the poor. Attorneys would place moneys in IOLTA where the amount of money that needs to be held on behalf of a client is small or for a short period of time and it would be impractical to establish separate interest-bearing accounts for individual clients.

exemption is provided for plaintiffs represented by a *pro-bono* or other legal services providers recognized by MLSC. There are also exemptions for specific types of cases.

**5. How does your organization evaluate performance? What are the effective tools or methods of evaluation? If your organization has established branch offices, how are their performances evaluated?**

Maryland Legal Aid evaluates performance based on a few metrics. Maryland Legal Aid seeks to maintain high quality work product by imposing quality control measures through the entire life-cycle of the case. At the outset, cases are “staffed,” for merit at the office or unit level. At these staffings, advocates have an opportunity to discuss case theory, case strategy and receive feedback. Thereafter, chiefs and supervisors conduct official case reviews with all staff on a quarterly basis. Informal case reviews occur on an as-needed basis. If staff is interested in appealing a case to the Court of Special Appeals or the Court of Appeals, the case must be staffed again with the whole organization. At this point, pleadings and briefs associated with the case are shared within the organization and the case is dissected at the staffing to determine if the appeal should move forward. If the case is approved for appeal, attorneys are provided support from Directors of Advocacy in the Statewide Advocacy and Support Unit and the final briefs must be reviewed and approved by the Directors before they are submitted to ensure quality work-product.

Maryland Legal Aid does have 13 offices across the state. To evaluate performance between offices, Maryland Legal Aid employs a comparative analysis to ensure parity. It evaluates the number of cases handled by each office according to substantive area; does a comparison of caseloads of attorneys across different offices; and engages in an economic analysis of the monetary impact of our casework by office. Results of these evaluations are discussed and analyzed at meetings between the Chief Counsel and the Chief Attorneys of each office.

**6. Please describe the methods of service delivery in your organization:**

**(a) Are the bulk of the approved cases conducted by in-house/staff attorneys or by lawyers in private practice?**

Over 99% of Maryland Legal Aid’s cases are handled by staff attorneys. A very small number, approximately 0.56% are handled by outside private attorneys (see detailed chart in Question 3, above).

**(b) What are the conditions of registering as a legal aid lawyer?**

Attorneys at Maryland Legal Aid have to have attended law school and passed a bar exam, preferably the Maryland Bar Exam. Those barred in other states may join the Maryland Legal Aid team, but subsequently will be required to become barred in Maryland.

**(c) What are the rules and procedures of assigning approved cases to legal aid lawyers?**

Maryland Legal Aid operates 13 offices across the state, each headed by a Chief Attorney. In addition, its main office in Baltimore City houses several substantive area units that are also headed by Chief Attorneys. Offices and units use a combination of methods to assign work and base their decisions upon a variety of factors, including the workload of the advocate, the advocate’s expertise and experience level, the advocate’s interest, the allocation of cases among the advocates in the office, and the resources available to support the case. Depending upon the size of the office or unit, assignments of non-emergency cases may await a weekly meeting or “staffing” at which staff

collectively discusses the merits of an application for service. Support staff is generally assigned work as determined by the chief/supervising attorney and the office manager of the office or unit. All of these methods are subject to adjustment where determined necessary for quality control by supervisors.

**(d) How do the salaries and fees paid to legal aid lawyers compare with the general market rate?**

According to a 2010 National Association for Law Placement (NALP) study, civil legal aid lawyers are still the lowest paid members of the entire legal profession, earning less than public defenders, many other public interest lawyers and in most instances far less than their counterparts in the private sector. The statistics from NALP's 2010 Public Sector and Public Interest Salary Report showed that entry-level civil legal aid lawyers earn a median salary of \$42,000 a year—less than local prosecutors, public defenders and lawyers at public interest organizations. By comparison, the median starting salary of a first-year lawyer at a private law firm is \$115,000. The starting salary at Maryland Legal Aid is \$50,425. The study showed that the salary situation for legal aid lawyers does not improve over time. If a legal aid lawyer stays with a legal aid program for 11 to 15 years, he or she can expect to earn about \$63,000 a year, still less than all other public and private sector lawyers with similar experience. These findings are consistent with the LSC's salary statistics, which show that first-year staff attorneys at LSC grantees earn an average of \$43,000 a year and can expect to earn about \$59,000 a year after 10 to 14 years of experience.

Maryland Legal Aid understands that one of its most critical needs is attaining comparability in attorney salaries. Maryland Legal Aid's salaries are still significantly behind those of the offices of the public defender, the state's attorney, and the attorney general, particularly for attorneys with three to seven years of experience. Furthermore, Maryland Legal Aid has not been able to increase its salaries for at least the last two years because of the financial impact of the nation's economic downturn. Maryland Legal Aid loses some of its best attorneys to the agencies named above and to others (e.g., federal agencies, trade associations, and public interest organizations) in the Washington D.C. area because of their higher salaries. Moreover, even with enhancements to federal education loan repayment programs, Maryland Legal Aid attorneys still face substantial challenges in meeting the repayment requirements of their law school and college debts. In order to retain high-quality staff and remain competitive, Maryland Legal Aid recognizes the need to increase salaries as budgets allow.

**7. Please describe the types of legal aid services provided in your organization and the types of matters aided.**

With an organizational vision to protect and advance human rights so as to effect lasting social change, Maryland Legal Aid achieves its clients' goals through a broad continuum of services ranging from brief advice and service, *pro se* assistance and targeted referrals, *pro bono* coordination and referrals, community education, policy and impact advocacy, transactional work, collaborative endeavors with other organizations, and litigation in state and federal trial-level and appellate courts. The priority areas for representation are family/domestic, housing, income maintenance (public benefits and employment), consumer, and education law.

**8. Please describe application procedures and the criteria for granting legal aid.**

Maryland Legal Aid provides legal services in civil matters to individuals and families in Maryland with incomes below 125% of the federal poverty level, and, in some instances, to those whose income is less than one-half of Maryland's median income. Maryland Legal Aid also screens applicants to make sure that assistance to the individual will not create a conflict with a current or former client and is within the scope of legal assistance that Maryland Legal Aid can provide.

Maryland Legal Aid sets priorities for service delivery based on the expressed and assessed needs of potential clients. To date, demand for services has been highest on issues related to family/domestic law, housing, consumer and income maintenance (both employment and public benefits) law. Maryland Legal Aid's 2007 comprehensive assessment of client community needs indicated that affordable housing, employment that provides a living wage and access to health care were the highest priority needs identified among the poor in all Maryland counties. These findings continue to be relevant based upon issues presented by clients at intake and through feedback from community forums and outreach activities. In addition, Maryland Legal Aid has increased its focus on serving the needs of limited English-proficient populations in Maryland, to the ethnic and cultural diversity of Maryland's low-income population and to veterans. Maryland Legal Aid attempts to strategically coordinate advocacy and resources to meet these needs statewide.

**9. In order to satisfy demand:**

**(a) Are there services or standards specifically designed to help disadvantaged groups, such as women, children, indigenous people, labor and residents living in remote areas?**

Targeted service delivery both guides the legal assistance provided to clients and permits Maryland Legal Aid to continually assess the needs of the populations it serves. Maryland Legal Aid has dedicated resources to address the needs of these populations with special projects. Experience also has enhanced our awareness of the legal needs of senior citizens, long-term and assisted-care residents, migrant farmworkers, and neglected and abused children. Senior citizens are challenged primarily by debt arising from health care expenses and Medicaid (Medical Assistance) eligibility; farmworkers by substandard housing and exploitative employer practices; and children and youth by family and community environments, which are unsafe and hinder healthy development. Service is provided through the use of telephone hotlines (including the Senior Helpline, the Sixty Plus Legal Program, and the Telephone Intake Unit, which assists clients over age 60 and non-seniors within MLSC income guidelines); through outreach to, and intake of, senior citizens are served without regard to income through the Senior Legal Helpline and Title III-B of the Older Americans Act (low-income seniors receive priority under this funding source); through outreach to community service providers and to other vulnerable populations such as migrant farm-workers and persons living with HIV and AIDS; and by the provision of legal representation to children in child protection, foster care, and termination of parental rights proceedings. These programs are also funded through dedicated resources that are made available through federal and state grants.

**(b) Are there special standards or rules for deciding whether (and how much) legal aid resources should be allocated to assist complex cases (e.g. environmental lawsuits or other class action lawsuits)?**

Maryland Legal Aid assesses resource allocation to assist with complex cases on an as-needed and case by case basis. Maryland Legal Aid reviews each case individually to assess the potential impact of the complex case, personnel and resource constraints within the individual offices, competing demands and expected time allocation to the complex case. For example, since 2012, Maryland Legal Aid decided to redirect a senior attorney's time away from the handling individual cases to focus on a large-scale administrative complaint that sought relief for all poor tenants with a specific type of housing subsidy in a county in Maryland. The Complaint alleged that the county as a whole was failing in its obligation under federal law to provide options for affordable housing for the poor. Work on this Complaint and the resulting negotiations consumed the bulk of the senior attorney's time over the last year. In this case, Maryland Legal Aid assessed that the benefit to poor residents of the entire county out-weighed the reduction in individual representation of clients.



## **10. How does your organization monitor the quality of legal aid lawyers' services?**

Maryland Legal Aid monitors the quality of legal aid lawyers' services through client satisfaction surveys as well as through case reviews and evaluations. Applicants and clients are also given copies of the brochure, *Welcome To Legal Aid* (also translated into Spanish), which outlines the grievance procedure for dissatisfied clients. Maryland Legal Aid has a progressive client grievance process, with grievances reviewed by the Chief Attorney of local offices and units, and by the Chief Counsel if the grievance cannot be resolved locally. In addition, clients often write thank you letters to advocates in appreciation of their efforts on behalf of clients and Maryland Legal Aid promotes those within the organization to reinforce the mission and set the expectation for high quality.

Typically, Maryland Legal Aid sends out client satisfaction questionnaires to some clients upon closing of cases. Certain specialty programs within Maryland Legal Aid, however, have also conducted more thorough client surveys. For example, a program targeted to the elderly implemented a post-closing telephone survey six months after their cases were closed to gain more information about the measurable outcomes achieved from the program. After surveying more than 100 clients, it was determined that clients had obtained increased security in achieving and protecting their basic needs and human rights, including food, shelter, health care, personal safety, and family relationships. The majority of survey participants were able to obtain legal resolutions to their problem and reported that they were better off having received legal assistance. More than 70% reported that Maryland Legal Aid made a difference in their lives. The clients also learned what options were available to solve their legal problems. Over 70% of participants stated that they understood their options, and over 60% said that Maryland Legal Aid helped them have their voices heard in the legal system. Overall, the survey participants were satisfied with the services they received; with over two-thirds of the participants reporting that the services were excellent or very good. In another program, Maryland Legal Aid developed a Client Satisfaction Survey for clients receiving services with its Ryan White Part A funded program. The overwhelming majority of the survey participants (90%) reported that they were satisfied with the level and quality of services received, and that they would recommend Maryland Legal Aid to a friend or family member.

In addition to client surveys, Maryland Legal Aid utilizes staff development protocols to guide evaluation and professional growth to ensure staff competency and to help staff realize their full potential. Each office or unit at Maryland Legal Aid is managed by a chief or supervising attorney. Chief Attorneys are responsible for office staff supervision. Chiefs are assisted by supervising attorneys in Legal Aid's largest offices, including those in Baltimore City, Prince George's/Howard County, Baltimore County, Montgomery County, and Anne Arundel County. Chiefs are supervised by Legal Aid's Chief Counsel. During an initial probationary period, the activities of new case handlers are monitored by their respective chiefs/supervisors. Subsequently, the supervision of advocates includes quarterly, face-to-face case reviews, which are supplemented by monthly reviews of case reports generated by the case-management system. Daily informal interaction between chiefs/supervisors and advocates also provides oversight to staff work. All staff are subject to annual evaluations. Prior to filing any major litigation or appeal, a statewide staffing is held where issues are reviewed and analyzed, and a decision is made on whether and how to proceed. The Statewide Advocacy Support Unit oversees all major litigation, appeals and policy advocacy, and provides substantive support for the casework of all legal advocates.

**11. How does your organization inform potential applicants (particularly residents living in remote locations) of the availability of legal aid services?**

Maryland Legal Aid employs a mix of different strategies to inform potential clients of the availability of legal services. Foremost, the fact that Maryland Legal Aid has a state-wide presence, through 13 physical offices in different geographic areas of the state (including the Western mountainous region, the Eastern shore region and the Southern rural region) allow it to work on a local level to inform potential applicants of the existence of legal services. Further, partnerships on the local level with other community service entities, government agencies and the courts allow for partner organizations to serve as a referral mechanism to Maryland Legal Aid. Additionally, Maryland Legal Aid engages in continuous outreach into vulnerable communities that may require legal services, such as to communities of older adults, veterans, farm-workers and HIV-positive individuals.

Maryland Legal Aid also uses technology to inform potential applicants of services offered by the organization. Maryland Legal Aid revamped its website in the last year and added online intake as a means to allow flexibility to applicants seeking our services. Maryland Legal Aid also continues to offer telephone advice and referral services. Telephone intake is done at all of Legal Aid's offices throughout the state.

Once applicants become clients, for those that may have physical disabilities, accessible interview and appointment space is available, and when necessary, staff will visit clients at home, in nursing homes, hospitals or other facilities. Where absolutely necessary and if the client agrees, the client may designate a representative to assist with the case. Clients who lack transportation are provided with a home visit or are met at a mutually acceptable and accessible location with confidential meeting space. Clients who are institutionalized are seen at their facilities. In addition, clients with physical disabilities and transportation difficulties are accommodated by the aforementioned telephone advice, referral services and self-help services. Services offered through the Senior Legal Helpline, Baltimore City Telephone Intake Unit, Sixty Plus Legal Program, the Family Law Hotline and the District Court Self-Help Center often reduce or eliminate the need for face-to-face contact with clients.

**12. How does your organization help to reduce the amount of disputes, which resort to the courts? Does your organization participate in law reform or offer legal education to the public? If so, please describe these activities or services.**

Maryland Legal Aid is actively engaged in the community and works with a range of partners to achieve results beneficial to clients and the poor in Maryland inside and outside the courtroom. The main avenue to interact with the public and offer information and advice occurs at outreach events. More in-depth education is offered through classes and clinics in different substantive areas. Maryland Legal Aid is also currently exploring a partnership with the Administrative Office of the Courts whereby cases in which Maryland Legal Aid cannot provide representation can be referred to alternative dispute resolution modalities for resolution.

An example of legal education provided by Maryland Legal Aid is the organization's elder law work, which includes significant emphasis on community legal education. In FY14, Maryland Legal Aid staff conducted 30 educational presentations to older adults, their families, caregivers, and the professionals who serve them, serving more than 900 participants. Highlighting the needs of the poorest and most vulnerable populations in Maryland, the educational sessions included programming on consumer issues, public benefits, and access to long-term services and supports. Prior to this in 2013, Maryland Legal Aid participated in more than 20 outreach events for older adults, providing legal information, answering questions, and distributing brochures. Staff speaking engagements and participation in community fairs and events reached over 67,960 individuals. It also distributed more than 53,500 brochures and

newsletters on substantive topics. In addition, radio and television interviews, as well as articles in legal publications, newspapers, and community newsletters, reached hundreds of thousands of elderly and low-income individuals.

Four of Maryland Legal Aid's offices conduct *pro se* bankruptcy classes. Participants receive instruction and education in filing a Chapter 7 bankruptcy. The class provides comprehensive training in the basics of bankruptcy law, practical instruction in preparing a petition and schedules, and what to expect after filing at each step in the process toward discharge of debts. Maryland Legal Aid staff are available to answer questions and provide information and advice along the way. For those individuals who encounter complex issues in their cases that make it impossible for them to continue representing themselves, Maryland Legal Aid provides either referrals to low-cost or free attorneys, or enters an appearance and represents the debtors before the bankruptcy court. In addition, staff at Maryland Legal Aid's Lower Shore office have completed a *pro se* bankruptcy video, which can be used *in lieu* of an actual live class to reach broader audiences more frequently. The video is now available at the Wicomico County Public Library. Statewide, more than 340 people participated in Maryland Legal Aid's *pro se* bankruptcy classes in FY13.

Another one of Maryland Legal Aid's offices is working with the Business and Employment Center in their local jurisdiction to conduct monthly criminal expungement clinics. Many low-income people are denied housing or employment due to the existence of a criminal record. At these clinics, clients are taught about the expungement process and are provided assistance in completing Petitions for Expungement of Records. The Housing/ Consumer Unit of another one of Maryland Legal Aid's offices provides Tax Sale Education Seminars to local seniors. These classes focus on tax sale lien certificates and how to avoid losing one's home in a tax sale. Offered in conjunction with other legal services providers, nonprofit organizations, and government officials, these classes have been well received by homeowners and communities suffering from the impact of tax sale foreclosures.

**13. Please describe recent initiatives, which made services accessible with technology. If self-help services are available, please comment on the effectiveness of these services. –**

Last year, Maryland Legal Aid revamped its website. The upgrade provided an exciting new option to access legal assistance through an online intake form. Since November 2013, Marylanders have been able to complete an application for services from their own home, local library, or anywhere they can access the internet. Since being deployed, the online intake process has generated 2,438 requests for services. (Maryland Legal Aid has conducted intake and provided information, referral and advice to clients by phone for many years.)

Further, Maryland Legal Aid maintains an outreach presence to clients and the community via MDJustice.org<sup>7</sup>, Facebook, Twitter, YouTube, custody interview materials on the People's Library website, and a Google+ page. Last year, Maryland Legal Aid reached 27,437 people via Facebook, 15,691 people via Twitter, 163 via Google+ and 3006 via YouTube (where two public videos have been posted, both on human rights issues). In addition, MDJustice.org currently has 522 members and 3250 pages of materials.

As for self-help services, Maryland Legal Aid operates two family law *pro se* centers in the circuit courts for Anne Arundel and Cecil Counties and a District Court Self-Help Center (DCSHC) in Anne Arundel County with funding from the Administrative Office of the Courts (AOC). These collaborations provide

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<sup>7</sup> MDJustice is an online tool established to promote information-sharing between all the civil legal services organizations in Maryland. MDJustice is organized by substantive issue areas and advocates can post articles and legal developments, have discussions, schedule meetings, etc. through MDJustice.

opportunities for staff to work with court personnel on improving services to self-represented litigants, including the revisions of procedures and the refinement of court forms. During FY14, more than 10,200 self-represented litigants were assisted by the Family Law Self-Help Center in Anne Arundel County, which has one staff attorney and 1.2 FTE paralegals working five days a week. More than 1,000 people were assisted in Cecil County, which has one attorney working two half-days a week.

The DCSHC, a pilot project launched by the District Court of Maryland with the assistance of the Maryland Access to Justice Commission, opened to the public on December 1, 2009. The DCSHC provides assistance statewide to self-represented individuals with civil cases pending in the District Courts of Maryland. In 2011, the DCSHC expanded from walk-in assistance to provide assistance via phone and live chat. This expansion resulted in a dramatic increase in the number of unrepresented litigants assisted, from approximately 5,700 per year to more than 22,000 for the last reporting period. Of this number, 8,617 visitors were assisted in consumer and small claims cases, 8,425 visitors were assisted in housing matters and 694 were assisted in peace and protective order cases. The Center is currently staffed by one supervising attorney, five staff attorneys, a full-time administrative assistant and a part-time administrative assistant. Due to its success, there are plans to expand DCSHC into two new counties that present high volume dockets.

**14. Please describe the difficulties encountered by your organization in promoting legal aid work in recent years and the strategies for responding to these difficulties.**

Maryland Legal Aid has not encountered difficulties in promoting legal aid work in recent years. In fact, the exact opposite is true. Since the economic downturn of the Great Recession, Maryland Legal Aid has experienced a spike in the demand for services. Maryland Legal Aid has been able to respond to the increased demand by sustained emphasis on maintaining levels of funding. Where some funding streams suffered during the downturn, others were created as demand for certain types of services related specifically to the Recession necessitated expansion. For example, because the lynchpin of the economic downturn in the U.S. was tied to the housing crisis, Marylanders needed legal assistance in stemming the tide of foreclosures. Maryland Legal Aid started the Foreclosure Legal Assistance Project (FLAP) to meet the demand for services in 2010. Thereafter, in 2012, Maryland Legal Aid applied for and received \$3.6 million in funding from an Attorney General's settlement to expand FLAP.

**15. Has your organization established any mechanisms of co-operation with legal aid organizations abroad?**

Maryland Legal Aid's primary mechanism for co-operation with legal aid organizations abroad has been through participation in the Legal Aid Foundation's International Forums on Legal Aid. These Forums have provided invaluable opportunities to engage in dialogue with legal aid organizations from all over the world. With Maryland Legal Aid's official adoption of the Human Rights Framework, however, it is possible that co-operation with foreign legal aid organizations may increase. Through the adoption of the Framework, Maryland Legal Aid has joined an international movement and may have opportunities to engage in international and regional advocacy at the United Nations and the Inter-American Commission to shine a spotlight on entrenched domestic issues. Expanding our reach in this way may well lead to working with legal aids across the world as human rights provides a common language through which to discuss access to justice and poverty alleviation.

**16. How does your organization adopt United Nations legal aid principles and guidelines in policies and services?**

Maryland Legal Aid is the first direct legal services organization in the U.S. to adopt a human rights framework. It adopted the framework after engaging in a thorough needs assessment and strategic

planning process. The needs assessment showed that throughout the state, low-income residents of Maryland identified affordable housing, jobs that pay a living wage and affordable health care as their most pressing needs – needs that if unmet, would not allow them to overcome poverty.

After the completion of the needs assessment, in March 2008, Maryland Legal Aid formed the Strategic Planning Oversight Committee (SPOC) to use results from the needs assessment to develop a strategic plan. SPOC noted that Maryland Legal Aid’s case acceptance guidelines addressed the needs of low-income Marylanders imperfectly because although individuals and groups who had legal problems with housing, employment, and health care were given high priority for representation, their needs could be pursued more vigorously and boldly. SPOC members, after studying international human rights law, recognized that the organization needed to pursue a goal of lasting social change for low-income Marylanders by advancing the vision of human rights for all Marylanders. Maryland Legal Aid’s internal leadership accepted SPOC’s recommendations and secured official approval from its Board to adopt the human rights framework in 2009.

Adopting the human rights framework was a watershed moment for Maryland Legal Aid. While the U.S. government’s track record in creating and promoting human rights norms overseas is well-established, the record at home is less stellar. A movement to Bring Human Rights Home (BHRH) started in the U.S. about a decade ago and is still in its nascent stages. Wade Henderson, the Director of the Leadership Conference on Civil and Human Rights (the organization added “human rights” to its name 2010) and a leader in the BHRH movement has repeatedly said that “civil and human rights must be measured by a single yardstick, both at home and abroad.” Maryland Legal Aid joining the movement has provided an important boost because of the organization’s unique reach into impoverished communities and into state-level trial courts.

Due to its established track record in human rights, Maryland Legal Aid got a chance to propel its human rights advocacy to the next level in 2012. Maryland Legal Aid was selected as one of two legal aid programs in the country to partner with the Local Human Rights Lawyering Project at the Center for Human Rights and Humanitarian Law at American University’s College of Law. The partnership is the first of its kind in U.S. history, connecting a highly respected law school and foremost experts in the field of human rights with legal services attorneys to help them incorporate human rights arguments, strategies and methodologies into their work. Through the partnership, Maryland Legal Aid hired its first Human Rights Project Director, who was charged with implementing human rights principles within Maryland Legal Aid’s advocacy, client-staff relationship, and office systems.

Since its inception, Maryland Legal Aid’s Human Rights Project has engaged in creative and groundbreaking advocacy, becoming a national leader in the movement to apply human rights principles in the U.S. and a model for creativity and innovation for other legal services organizations. Several factors have aided the normalization of human rights within Maryland Legal Aid. Foremost, having the leadership of the organization invest in a dedicated person within the organization with the sole charge of building the Human Rights Project has been invaluable. This has allowed the Project Director to be the ambassador for human rights within the organization and outside of it among the legal services and client communities. Within the organization, a Human Rights Workgroup led by the Project Director functions as a mechanism to share information, garner feedback and get guidance for the work of the Project.

The Project has focused on several areas in order to integrate human rights into all parts of the organization’s services and policies, including capacity building to use human rights in day to day casework, human rights day events, impact projects, international advocacy and the staff-client relationship. Each is described below in more detail.

### Capacity Building to use Human Rights in Day to Day Case-work:

Human rights is not part of the regular public discourse in the U.S., leading to a lack of knowledge and familiarity with human rights law and language, both among attorneys and advocates as well as applicants and clients. Therefore, from the outset, the Human Rights Project emphasized training and building capacity among staff and clients about human rights. Since its inception in June, 2012, the Project, in partnership with American University, has offered over 20 educational webinars and in-person trainings to build staff capacity in human rights law and in how best to strategically use it in judicial or administrative advocacy. Training topics have included housing, HIV/AIDS, domestic violence, international legal research, workers' rights, legal ethics, the Inter-American Commission, disability rights, immigration, child abduction, healthy environment and right to counsel. Further, the Project has also focused on providing specialized training for supervisors and advocacy directors to elevate the use of human rights frames in day-to-day case work. By using knowledge from these trainings and employing the Human Rights Handbook, a resource created for legal aid attorneys by American University's Local Human Rights Lawyering Project, Maryland Legal Aid advocates have incorporated human rights language in trial advocacy, administrative proceedings, appellate briefs and amicus briefs.

Many attorneys remain hesitant to include human rights arguments in their cases, however, citing as impediments, the judiciary's lack of knowledge about human rights. In response, the Project has also focused on interacting and engaging with the bench to raise awareness of human rights law. In 2013, for the first time, a human rights training was offered to judges at the Maryland Judicial Institute, the annual training for judges. Another concern the attorneys have expressed is that they are already overburdened and lack the time to research and learn a new set of laws that may or may not impact the outcome of their case. To address this issue, the Project is now focusing on creating resources for attorneys that will provide maximum ease of use of human rights law and language. The Project is in the process of creating two resources: 1. one-pagers on common case-types that will provide all pertinent human rights law and language and demonstrate to the attorney how to build the human rights argument for that case-type; and 2. model pleadings where the Project will insert human rights language into pleadings that are commonly used by staff to promote their use.

### Human Rights Day Special Event:

Since adopting the human rights framework, Maryland Legal Aid has established a tradition of conducting all-staff, mandatory trainings focusing on human rights as a way to celebrate Human Rights Day, which occurs on December 10 every year. The first such training took place in 2010 and focused on providing a human rights "toolkit" for our staff that spelled out human rights law, discussed human rights framing and spoke of the larger movement for human rights. In 2011, the training focused on highlighting how staff from around the state had incorporated human rights into their work, especially in casework. In 2012, the focus of the training shifted from human rights in advocacy to human rights in the staff-client relationship. The purpose of the training was to explore how human rights principles could be layered onto the rules of professional conduct that govern the lawyer-client relationship. The 2013 training focused on the Convention on the Elimination of All Forms of Racial Discrimination (CERD). All staff was educated about this ratified treaty, which imposes obligations on the U.S. and subjects it to treaty compliance review before the UN CERD Committee. During the training, all staff explored ways to utilize the treaty review process to highlight local injustices on a global stage and learned from other legal services organizations on how to incorporate issues of structural racism into daily practice. The 2014 will focus on issues related to language access and ensuring that our staff is well-versed in how best to serve clients with Limited English Proficiency (LEP).

### Impact Projects:

Another way the Project has aimed to normalize the use of human rights in Maryland Legal Aid advocacy is by developing and implementing three impact projects in the areas of children's rights, disability rights, and housing rights. Respectively, the projects aim to develop and publish a graphic novel to educate and empower foster youth about their rights; develop resource lists and training to strengthen staff capacity to improve interactions and relationships with clients that present with mental or behavioral health issues; and conduct state-wide monitoring and documentation of abuses of rent court processes and procedures across Maryland.

The children's rights project focuses on raising awareness about human rights among all foster youth in Maryland (Maryland Legal Aid has a contract with the state to be children's advocates for the bulk of, but not all foster youth in Maryland). To appeal to the sensitivities of young children, the project decided to create a graphic novel that educated foster youth about their human rights and modeled how human rights could empower youth to better advocate for themselves within the foster care, judicial and medical systems with which they regularly interact. After the project committee researched and created scripts exploring eight substantive children's human rights, the committee solicited *pro-bono* partners to assist with the design of the graphic novel. The Project partnered with an Arts and Advocacy Program at Harford Community College to bring the graphic novel to fruition. A set of students from the Program were assigned the design of the first chapter of the novel as their semester-long class project. Committee members are also in the process of re-purposing the scripts to create a play for children on human rights.

The second impact project was created by advocates specializing in public benefits and elder law. This committee observed that more and more of Maryland Legal Aid's clients presented with mental or behavioral health conditions and sought to build staff capacity on how best to uphold the human rights of this population. The committee was sensitive to the fact that historically, people with mental or behavioral health issues have suffered the gravest of human rights violations and that human rights law also had only recently started paying attention to the plight of this population. Therefore, the committee designed the training from the clients' perspective, which was different for Maryland Legal Aid. Past Maryland Legal Aid trainings were generally law related, where the perspective of the advocate dominated. This training centered around understanding the struggles of our clients, building empathy, exploring respectful ways to communicate – essentially, developing a dignity-oriented approach to service.

This project delivered two end products: first, the committee developed geographic-specific resource lists to aid staff in identifying services in different categories for clients with mental and behavioral health issues; second, the committee designed and implemented a state-wide all staff training. The purpose of the training was to strengthen staff capacity and learn how best to uphold the human rights of clients with mental and behavioral health issues. The committee partnered with the Mental Health Association of Maryland, who developed and conducted 10 separate 6 hour customized trainings for Maryland Legal Aid staff in every part of the state. Approximately 200 staff members (ranging from administrative assistants to office chiefs) were trained. The training topics included mental/ behavioral health illnesses and symptoms; effective communication strategies for a dignity-oriented approach to service; expectation and boundary-setting; de-escalation; and self-care. Feedback from the trainings was exceptionally positive – many people commented that this was the “best training they have ever received at Legal Aid.” The committee then evaluated the trainings to find that the resource lists and training had a positive impact on staff's interactions and practice with behaviorally and mentally ill clients.

The third impact project focuses on housing – specifically conducting the first-ever statistical study monitoring human rights abuses and violations of process and procedure in rent courts across the state of Maryland. Maryland Legal Aid attorneys have a long history of representing low-income Marylanders in

housing cases and have deep concern about the fair application of the law in rent court. Maryland Legal Aid chose to focus on rent court because although courts may treat rent cases as mundane proceedings, the process is the lynchpin of upholding the human right to housing. In practical terms, rent court is the speediest and most informal forum through which landlords can regain almost immediate possession of their rented property from a tenant. Rent court dockets are large; trials usually do not last more than a minute or two; due process and evidentiary requirements are minimal; and tenants can be evicted from their property within weeks of the proceeding, possibly rendering them homeless.

Taking these factors into account, the project seeks to study rent court processes and procedures to gauge impact on users of rent court. The study includes data collection from 1,380 cases from all 24 jurisdictions across the state. Maryland Legal Aid partnered with the Administrative Office of the Courts and the Chief Judge of the District Courts to access information from the rent courts to conduct this study and to lay the foundation for a mutually beneficial approach to reviewing and responding to the data findings. The housing project further collaborated with the Human Rights Clinic at Columbia University to help prepare the written report, with plans to share it with the Maryland judiciary by the end of 2014. The housing project is also receiving *pro-bono* assistance from an expert statistician through the American Association for the Advancement of Sciences' Scientific Responsibility, Human Rights and the Law Program. The housing project designed the survey instrument, created the random sample, received the bulk of the data from the courts and at present, is wrapping up data collection with 2,459 out of 2,760 data points collected (each case in the random sample has to be collected by two distinct data collectors). The next phase of the housing project is data analysis and report writing. Presentation of the report is expected to coincide with Human Rights Day, December 10, 2014. Ultimately, the hope is to strengthen mechanisms to uphold the right to housing.

#### International Advocacy:

Maryland Legal Aid, through the Human Rights Project, was also among the first legal services organizations to engage with international human rights mechanisms to shine an international spotlight on entrenched local issues. Maryland Legal Aid has raised issues about access to migrant farm-worker labor camps; the use of psychotropic medication in foster youth; and the restrictions imposed on LSC-funded legal services organizations as violations of the three treaties that the U.S. has signed and ratified – the International Convention on Civil and Political Rights (ICCPR); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention Against Torture (CAT).

#### Staff-Client Relationships:

Another sustained area of work for the Human Rights Project has been to explore ways to infuse human rights norms into Maryland Legal Aid's service delivery model. The 2012 Human Rights Day training served as the kick-off for the work on human rights in staff-client relationships. Following this training, a committee formed to develop Maryland Legal Aid's own Principles for Staff-Client Relationships and then determine how those Principles would guide the organization's system of Intake. In order to create Maryland Legal Aid's Principles, the committee applied human rights principles from the Universal Declaration of Human Rights (UDHR) directly to Maryland Legal Aid's practice. Posters of the Principles titled "Our Commitment to You" were distributed to all 13 offices at the 2013 Human Rights Day training to be displayed in areas most visible to the public. On the charge of exploring the application of the Principles to Maryland Legal Aid's Intake process, the committee started with designing and conducting a thorough survey of the Intake process in all 13 offices (it is not uniform). The committee is now in the process of analyzing the responses to formulate recommendations to improve service delivery to clients.



The Project also fostered the work of committees working on Lesbian, Gay, Bi-sexual, Transgender (LGBT) issues and Language Access issues. Work on both committees focuses on ensuring that services to these vulnerable populations align with the Principles. The LGBT committee prepared and analyzed a survey about LGBT issues within the organization and conducted an all staff sensitivity and skills training on the topic. The committee is now in the process of finalizing recommendations to strengthen internal policies and practices to provide the highest level of services for this client population. The Language Access Initiative sought to train staff on how best to serve LEP individuals. Maryland Legal Aid had already developed a policy of language access, but the mandatory training component of the policy had yet to be realized, until now. Through the work of the committee, the 2014 Human Rights Day training will focus on aligning Language Access policies and practices with human rights norms.