

DELIVERY OF LEGAL SERVICES
SECTION COUNCIL

Minutes,
May 18, 2010

Participants: Suzanne Sangree, Chair; Yoanna Moises, Vice-Chair; Marianne Hendricks, Secretary/Treasurer; Tracy Brown; J. Alan Cohen; Henry Dugan; Ed Fee; Ulani Gulstone; Lauren Kallins; Pooja Regmi; Harriet Robinson; Teresa Schmiedeler; Bonnie Sullivan

I. Guardianship Handbook

- A. Handbook: Lauren Kallins reported that Virginia Rowthorne at UM Law hopes to circulate a draft in June; Darius Gray, the UM Law student working on it, is in the midst of final exams. The older Handbook as it exists is outdated in terms of its overemphasis on guardianship. So the new Handbook will focus on the different options people have when facing the issue of possible guardianship and will treat guardianship as an option of last resort. It will be available online and published in hard copy. We have money for mailings in our budget for next year.
- B. Bar Foundation Grant Application: Yoanna Moises reported that our Grant funding of \$4,000 does not need to be used by the end of this Bar year, which is a relief, but we will be mindful of time regardless.

II. New group of Executive Directors of legal services organizations: Tracy Brown reported that Executive Directors of local legal services organizations have started meeting to address special issues that they face. The goal of their first subgroup is to develop a strategy to educate and inform the legislature about legal services organizations. The idea is based on the DC consortium of legal services providers.

III. PBRC proposal to form Advisory Council: Suzanne Sangree, who serves on the PBRC Board as the Chair of this Section Council, reported on this issue. Executive Directors of HPRP, LAB and MDLC are currently on the PBRC Board as *ex officio* members to inform the Board about the needs of legal services organizations. Apparently over time there have been concerns that the *ex officio* members have not been afforded sufficient time for input at the meetings. Last night they discussed developing an Advisory Council to include, among others, more Executive Directors and the current *ex officio* members that would meet separately from the Board. Some of the *ex officio* members expressed concern that this was not the best way to get more direct input from the legal services providers. It was suggested that the legal services organizations' needs were not being sufficiently addressed by PBRC and that they may explore developing their own pro bono groups. The proposal was tabled. They are in the process of discussing the best way to get input from the legal services providers.

IV. Funding for Legal Services: Harriet Robinson brought copies of the final bill, SB 248. It is a great accomplishment. Some items that were added are a sunset provision after three years and reporting requirements for MLSC.

V. MLSC Awards Nominations: Harriet reminded us about these yearly awards. We have a wonderful track record with nominations, as our past nominees have always been selected. **We decided to nominate Wilhelm Joseph for the Cardin Award. Yoanna will write up the nomination. We will nominate Ed Fee for the Machen Award. We will nominate Michelle Swift from MVLS for the Marbury Award and Bonnie Sullivan will write the nomination. As for organizations, J. Allan Cohen brought up CHANA for the Garten Award and will draft the nomination. The deadline for nominations is June 15 and the nomination writers will submit drafts to the Section Council by June 10.**

- VI. Budget: Suzanne advised that we will have some extra money after this meeting for the remainder of the Bar year, which will must use by June 30. Suzanne suggested that Lauren take Professor Rowthorne and Darius Gray to lunch to meet with them about the Guardianship Handbook and thank them for their work. As for next year, Marianne Hendricks reported that we do not have the actual line item budget, but Nicole Earl from MSBA advised that we were approved for \$11,013. We had requested \$11,300. We will have funds for meals, the mailing of the Guardianship Handbook, the Partners for Justice Conference and the Lawyer Referral Conference.
- VI. People's Law Library Update: Harriet reported on this. The test site is up and available for us to access at peopleslaw.urbaninsight.com (contact Harriet for login information). The MD Justice site, which Legal Aid is administering, is up and running and available to other legal services providers, too.
- VII. Outreach Project: Suzanne distributed a list of Section members who are also members of MSBA Section Councils and Committees. Our goal with this project is to increase representation of legal services providers and friends in the MSBA. Henry Dugan suggested that we try to get representation on the Board of Governors. Some business lawyers in Baltimore were successful last year when they put out their own slate of nominees versus the Baltimore City Bar Association nominees. There are actually open positions for this coming year in Howard and Prince George's Counties.
- VIII. Partners for Justice Conference: **Suzanne encouraged us to register, the Conference is on May 27.**
- IX. Next issue of online newsletter: **Harriet will write up a blurb about our efforts to get SB 248 passed and will post a link to an online version of the Bill.**
- X. Ideas to Increase Funding for Legal Services: Henry Dugan addressed this issue. He suggested that we put together a diagram of what each and every legal services organization does for the legislature. The filing fee surcharge Bill is a short-term measure, but we need a self-fulfilling funding that cannot be limited, like IOLTA and the filing fee surcharge. We should not depend on the legislature for funding. He would like to see legal services funded by the tortfeasors. The law regarding punitive damages was changed years ago to add a malice intent as opposed to reckless disregard. The law was changed to prevent windfalls by plaintiffs. If we change the law back to the reckless disregard standard and craft the law to benefit legal services providers, this could be a permanent source for money. The understanding is that other states do this, but he has not yet done any research into other jurisdictions. It will certainly be an uphill battle, but he encourages us to look into this. **We will do the appropriate research and further consider this issue.**
- XI. Next year's Chair will be Suzanne and the Vice-Chair will be Yoanna. Ulani Gulstone will serve as the Secretary/Treasurer.
- XII. **Next meeting: Wednesday, September 15, 2010 at 6 pm at location TBD.**