

**DELIVERY OF LEGAL SERVICES**  
**SECTION COUNCIL**  
**MINUTES**

**April 27, 2004**

Members In Attendance:

Tracy Brown  
Ayn Crawley  
John Eidelman  
Susan Erlichman  
Lauren Kallins  
Francine Krumholz  
Dennis Murphy  
John Price

Guest:

Rob Rubinson, UB Law Clinic

The meeting was held at the Maryland Bar Center and was called to order at 6:10 pm.

**A. Section Award**

Lauren received a letter from an individual who wanted to recognize the pro bono effort of an attorney named Patricia McCarthy. At the same time, Janet Eveleth, from MSBA, encouraged sections to create their own section awards. Currently, 6 other sections have individual awards. **Action: It was agreed that the Delivery committee should have an award and Susan Ehrlichman agreed to chair a subcommittee to develop the issue.**

**B. Report on the Rodowsky Committee-- Rob Rubinson**

Rob Rubinson came from Legal Aid in New York and will presently be promoted to Clinical Director at the University of Baltimore Law School. Rob served as the Reporter for the Rodowsky Committee (hereinafter "the committee") that was created by Judge Bell to review the ABAs model rules on unbundled legal services and evaluate what changes, if any, make sense for Maryland. The Rodowsky Committee created a proposal that was sent to the local bar associations and legal organizations for feedback. Mike Millemann submitted a long list of suggestions including adoption of Rule 6.5.

The committee considered the feedback and developed a 400 page report that was submitted to the Court of Appeals. It is not clear when the Court will take action. The report recommends a number of changes (most of which are highly technical) consistent with the model rules while also recommending that other rules not be changed. The report is available on the judiciary's website and will not be published in the MD Register because the report is not a product of the Rules Committee.

The Rodowsky committee recommended that Rule 6.5 be adopted verbatim from the ABA model rules which were developed for the traditional practice of law. Without 6.5, it is more difficult to represent low-income people. The committee did not believe that all of the issues surrounding unbundled service are ethical in nature, but rather that some issues are procedural (ie: ghost writing, limited entry of appearance). Rob advised that the committee believes another group ought to examine the whole picture for unbundled—the ethical and the procedural.

Rob suggested that the Section Council work with other sections to request that Judge Bell appoint a committee on unbundled and ask that the Section Council be designated a seat. He suggested that perhaps that Section Council could take on an education/outreach role and ask Judge Bell to pursue the formal approach.

**Next Steps: Rob agreed to follow up with us on what the Court might be planning to do with the Rodowsky report and when. He also suggested that we contact Rachel Wohl on how she went about pursuing the mediation project with Judge Bell. Wait on outcome of Rodowsky report and do outreach efforts. Ayn to update Mike Millemann on our efforts.**

**C. Filing Fee**

Susan reported that the bill had not yet been scheduled for signing (at the time of this writing, the bill had been signed). The final version of the bill will generate \$4.9 million—the largest amount of money ever raised in Maryland for legal services to low income people. The money will become the primary funding source for MLSC and will effective on June 1, 2004. Grantees are being asked to submit supplemental budgets and MSLC hopes to make new allocations by January 2005.

**D. MD Statute on Loan Forgiveness**

Susan advised that a colleague informed her that there have been a few law firms who believe that the income from Maryland's loan forgiveness program is currently taxable and should not be. John Eidleman noted that no program has asked the IRS for an opinion on this issue. **Next steps: John will follow up with Susan's colleague to confirm the practice in MD.**

**E. Lamp Committee**

The ABA's LAMP committee has model rules and video training films available for use by state committees. Charles Blomquist is doing outreach to others in the Reserves and in the army to ascertain the need for LAMP services.

*The meeting was adjourned at 8:10pm.*