

DELIVERY OF LEGAL SERVICES
SECTION COUNCIL
MINUTES

February 25, 2004

Members In Attendance:

Charles Blomquist
Winnie Borden
Tracy Brown
Ayn Crawley
John Eidelman
Susan Erlichman
Ed Friedman
Sharon Goldsmith
Lauren Kallins
Amelia Lazarus
Dennis Murphy
John Price
Victoria Robinson
Mark Scurti
Debra Weimer
Gina Zawitoski

The meeting was held at the Maryland Bar Center and was called to order at 6:10 pm. John Price introduced Charles Blomquist, an assistant state's attorney for Baltimore City who is interested in working on the LAMP effort. Charles' membership to the section was approved by a unanimous voice vote.

A. Legislative Update on Filing Fees Bill

Lauren Kallins, Tracy Brown and others testified in support of the Senate bill. Opponents are lobbyists representing the landlords/property owners and are working the bill to reduce the amount of the fees. Susan and Buzz are encouraging each of us to continue to contact legislators to support the fee as drafted. It is anticipated that the bill will pass out of the Senate and we should then focus our efforts on the House.

B. Update on Budget Request

Mark Scurti presented the Section budget to the MSBA budget committee. He was advised that the Board had previously listened to a presentation on unbundled and had decided not to move forward with it. All requests for funding related to unbundled were thus denied. In a follow-up conversation with Lauren, Paul advised that our Section was free to make a new presentation to the Board. All other budget requests were approved.

C. Revenue Enhancement

1. Filing Fees Bill

Lauren reported that the Senate hearing had gone very well and that the opponents were lobbyists representing the landlords. Opponents were working behind the scenes to reduce the amount of the fees. It is expected that the bill will move out of committee and on to the Senate floor. We should all contact our senators to encourage their support. Assuming the bill passes the full senate, we will then need to communicate with the House Judiciary committee.

2. Bankruptcy Trustee Accounts

Mark advised that trustee funds (which represent millions of dollars) are not currently required to be held in MD IOLTA accounts. They generate substantial amounts of interest that is used to pay for 4th Circuit administrative costs. It was pointed out the filing cost already includes a 10% administrative fee. Federal legislative action would be required to change these accounts.

Next Steps: Dennis Murphy suggested we write to the IOLTA commission. Susan will follow up. Pending the outcome of Susan's inquiries, John Price noted that the Section may wish to recommend to MSBA that they make a request to MD's congressional delegation. Mark will ask the newly created Consumer Bankruptcy section to join us in that request.

3. MD Statute on Loan Forgiveness

Next Steps: Deb Weimer will write a letter to the administrators with the Section's recommended changes (see Minutes from prior meeting for details).

D. US Trustees Office

Mark reported that he met with Judge Schneider of the bankruptcy court who advised that the court is monitoring claimants who might be eligible for free legal services. Pro se filers (who comprise 25% of the docket) are typically referred to "bankruptcy preparers" who are not attorneys and are not supposed to give advice. Mark is a member of the newly created Consumer Bankruptcy Section of MSBA that will try to recruit pro bono attorneys for pro se filers.

Winnie noted that although MVLS has a program with the bankruptcy bar, the majority of the participating attorneys are with large firms who often have conflicts with filers and thus cases are not easy to place. MVLS places ~20/month and must turn many away.

E. Annual Meeting

The Section has been allotted the 11:30am slot on Thursday, June 17, 2004. For this year's topic, Sharon suggested combining the ideas of pro bono opportunities and "limited representation". She noted that we could use the recently released pro bono reporting results by county and offer ways to increase pro bono participation via unbundled legal services, ie: pilot mediation project, etc. It was agreed that co-sponsorship of the program with other sections would be an idea worth pursuing. Ayn will contact the Solo Practitioners; Mark will contact the Young Lawyers and John Price will contact Government Lawyers.

Next Steps: Sharon to work with committee to plan program: Susan, Ayn, Lauren, John Price and Gina.

F. Unbundled Legal Services

Ayn noted that the states have handled unbundled legal services in a variety of ways with some making changes to their ethics rules and/or others making changes to their rules of civil procedure. At our last meeting, Mike Millemann shared his view that MD's Code of Professional Conduct, as written, is sufficient to cover unbundled legal services. However, as a matter of perception, the private bar might be more likely to provide unbundled legal services if the rules were to expressly include provision of unbundled legal services. Ayn pointed out that the more controversial rule change would be to amend the Rules of Civil Procedure to permit a limited entry of appearance. Winnie pointed out that this is the most significant issue for attorneys regarding unbundled legal services. Opposition is likely to come from some judges and the Family Law Section.

Ayn's recommendation is that we tackle the least controversial of the rule changes first—that is begin with changes to the Rules of Professional Conduct. The Rodowsky Committee recently reviewed the rules and considered ABA Rule 6.5 on Professional Conduct.

Next Steps:

Ascertain **status of Rodowsky report** and plans for public hearings: Michelle Gilman to contact Rob Rubinson, reporter for the Committee.

Committee to undertake outreach to other Sections. Ask to be put on agenda for Young Lawyers and Small/Solos. Winnie pointed out that Family Law Section likely to be biggest opponents: Ayn to Chair, Lauren Kallins, Tracy Brown, John Idleman, Ed Friedman.

Article for the Bar Journal on national trends and what is happening in MD—Ayn Crawly and Ed Friedman to write.

G. Bar Brief Tip

MSBA has asked each Section to provide a useful tip relevant to the section to be included in the Bar Brief that would not only be useful information, but also might encourage attorneys to join the section. It was suggested that our Section's first tip might be that active membership on our Section will count towards pro bono reporting hours. The tip could also refer attorneys to the Bar Bulletin where it was suggested we could include a description of a pro bono opportunity each month. We might also add links to pro bono opportunities on our Section's webpage.

Next Steps: Winnie agreed to contact Janet Eveleth at MSBA about the Bar Brief and the Bar Bulletin. Lauren will contact Jon Anderson at MSBA regarding the website.

H. Lamp Committee

John Price advised that there are 7000 National Guardsman in MD and 2000 Reservists. John then moved to reactivate the LAMP committee and his motion was seconded and approved by unanimous voice vote. Charles Blomquist noted that he has already spoken to a number of attorneys who are interested in assisting this population.

Next Steps: Charles will chair the committee. Winnie will work with Charles on recruitment and training of attorneys.

The meeting was adjourned at 8:10pm

Next Meeting

The next meeting is scheduled for April 27th at the Maryland Bar Center.