

DELIVERY OF LEGAL SERVICES
SECTION COUNCIL
MINUTES

September 28, 2004

Members In Attendance:

Winnie Borden
John Eidleman
Debra Gardner
Michelle Gilman
Lauren Kallins
Denis Murphy
John Price
Sally Stanfield
Gina Zawitoski

This was the first meeting of the 2004-2005 year and was held at The Maryland Bar Foundation. The meeting was called to order at 6:10 pm.

- A. LAMP Presentation by Judge Norman E. Johnson, Jr., District Court**
Returning reservists/guardsmen often return home from service and are faced with multiple problems including loss of business or job, consumer credit problems, loss of home, etc. Many of these issues are potentially fee generating cases and thus are not eligible for many legal services programs. Judge Johnson sought assistance from the Section Council on establishing a pro bono panel of attorneys who would assist returning guardsmen/reservists with these legal issues. Judge Johnson shared a short video on a program called Employer Support of the Guard and Reserve (ESGR) which is a program thru the Department of Defense that educates employers and guardsmen/reservists about their employment rights while on duty. Under the *Uniformed Services Employment and Reemployment Rights Act* (USERRA), employees are entitled to a leave of absence from their civilian jobs and the preservation of their status and salary on their return from military duty. Judge Johnson clarified that the Judge Advocates General (JAG) provides legal representation while guardsmen/reservists are on duty, but not when they return. Judge Johnson also advised that ESGR would carefully screen for guardsmen/reservists whose legal issues arise out of their absence due to military service.

Judge Johnson anticipates that there may be 11 callers/week. Lauren advised that Paul Carlin has a list of attorneys who have volunteered to provide pro bono legal representation to this population. Winnie advised that MVLS would be willing to help by serving as a clearinghouse. Callers would need to identify themselves as part of ESGR. If they meet MVLS' income guidelines, they would be referred to an MVLS attorney as any other caller. If they are above the guidelines they could

be referred to one of the attorneys who have already volunteered with MSBA. However, referrals made to the MSBA list would not be covered by MVLS' malpractice coverage.

Next steps: Lauren will email Paul Carlin and ask that he forward the list of attorneys to MVLS. Judge Johnson and Winnie will be in contact regarding further details

B. Maryland Statute on Loan Forgiveness

In response to a question from a prior meeting about the taxable status of loan forgiveness grants, John Eidleman reviewed two opinions from law firms that concluded that loan forgiveness is not a taxable event.

Michelle Gilman advised that the Loan Repayment Assistance Network is beginning at the University of Baltimore (UB) and they concur with these opinions.

C. Legal Service Awards

Although it was agreed at the last meeting of 2003-2004 that the Section Council would not create its own award, we did nominate Bob Rhudy for MLSC's Arthur W. Machen award which will be presented at an upcoming event. Many thanks to Tracy Brown and Susan Erlichman for working on the nomination.

D. Membership

Judge Johnson will join the Section Council. Non-attorney members of the Council will continue to be included on the listserve, however, MSBA has removed any attorney who has not paid MSBA dues.

E. Bar Brief Tip

The Section is looking for submissions of a brief Bar Brief Tip. Please contact Winnie with any suggestions. It is a great opportunity to showcase legal services and pro bono work. Please contact Winnie Borden with any ideas.

F. MSBA Annual Meeting Educational Program

The Section is looking for new ideas for the 2005 Annual Meeting program. Winnie advised that she would be attending a program on Women, Work and Poverty that might provide ideas for a program on policy/legal issues affecting women who are poor. It was also suggested that we keep the issue of unbundled legal services on the agenda as well as consider the legal issues of clients with limited English proficiency. **Next Steps: continued discussion of fresh topics and creative formats. Lauren will talk to Sharon Goldsmith about her interest in remaining as program chair.**

G. Civil Rights Issues

The Section considered 2 letters requesting that MSBA create (or reconstitute) a committee to work on civil liberties issues including issues regarding the Patriot

Act, *Brown v. Board of Education*, etc. The Section agreed that such work was currently beyond the scope of the Section Council but that pro bono work encompasses a broad array of issues. **Next steps: Lauren will contact Carl Gold, former chair of the Civil Liberties Subcommittee of the Section Council to see if he feels as if there is momentum to reconstitute the subcommittee. Lauren will also contact MSBA's Constitutional Law Section and the Anti-Discrimination Committee to see if they would be interested in following up on either of these letters.**

H. Civil Gideon

Deb Gardner advised that the Maryland Court of Appeals did not reach the issue of an indigent litigant's right to counsel in a civil matter in the first case that the Section Council urged MSBA to write an amicus brief on. However, the Public Justice Center (PJC) is looking for another type of case—perhaps contested custody or divorce. Please contact PJC with any suggestions.

I. Toys for Tots

The Young Lawyer's Section has teamed up with the Marine's Toys for Tots program and has asked all Sections to contribute new, unwrapped toys. Please bring a gift(s) to the next meeting as it will be the last meeting before the winter holiday season.

The meeting was adjourned at 8:10pm.