

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 129

(Chair, Judiciary Committee)(By Request - Maryland
Judicial Conference)

Judiciary

Judicial Proceedings

Task Force to Study Implementing a Civil Right to Counsel in Maryland

This bill establishes the Task Force to Study Implementing a Civil Right to Counsel in Maryland. The Maryland Access to Justice Commission must provide staff support for the task force. The task force must report its findings and recommendations to the Governor, the Chief Judge of the Court of Appeals, the Presiding Officers, and specified committees of the General Assembly by October 1, 2014.

The bill takes effect October 1, 2013, and terminates September 30, 2014.

Fiscal Summary

State Effect: None. Any expense reimbursements for task force members and staffing costs for the Judiciary are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The task force must:

- study the current resources available to assist in providing counsel to low-income individuals in the State compared to the depth of the unmet need, including the resulting burden on the court system and other public resources;

- study whether low-income individuals should have the right to counsel at public expense in basic human needs cases, such as those involving shelter, sustenance, safety, health, or child custody, including review and analysis of a specified report from the Maryland Access to Justice Commission and any other related reports;
- study alternatives regarding the currently underserved citizens of the State and the operation of the court system;
- study how the right to counsel might be implemented in the State;
- study the costs to provide meaningful access to counsel and the savings to the court system and other public resources;
- study the possible revenue sources; and
- make recommendations regarding the above matters.

A member of the task force may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

Current Law/Background: Although some exceptions are provided in statute, such as in cases involving the termination of parental rights, State law does not generally provide for a right to counsel in civil cases.

The Maryland Access to Justice Commission was created by Chief Judge Robert M. Bell in 2008 to develop, consolidate, coordinate, and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to the State's civil justice system. The commission's work and recommendations are intended to ensure that individuals can benefit from the protections and rights the law provides by ensuring access to the courts and legal services. In addition to representatives from the Judicial Branch, commission members include representatives from the legal services delivery system, the State Bar Association, the Executive and Legislative branches, and the Governor's Office. The Judiciary provides staff for the commission.

In 2011, the commission published a report entitled *Implementing a Civil Right to Counsel in Maryland*. The report made recommendations on implementation strategies, such as specifying the types of cases for which the right to civil counsel should attach and approximated the costs associated with implementation.

Additional Information

Prior Introductions: HB 265 of 2012 received a hearing in the House Judiciary Committee but was subsequently withdrawn. Its cross file, Senate Bill 280, received an unfavorable report from the Senate Judicial Proceedings Committee.

Cross File: SB 262 (Chair, Judicial Proceedings Committee)(By Request - Maryland Judicial Conference) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2013
mlm/kdm

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510