



January 29, 2021

Senate Bill 327

Civil Actions – Financial Exploitation of Vulnerable Adults (Maryland SAFE Act)

Position: Support

I am writing to express the support of Civil Justice, Inc. (CJ) for Senate Bill 327, which will provide a much-needed mechanism for financially exploited vulnerable adults to obtain redress. CJ is a Maryland non-profit committed to increasing the delivery of legal services to low- and modest-income Marylanders through a unique combination of in-house staff and a statewide network of attorneys. CJ has consistently maintained a robust practice focusing on matters that undermine the economic security of Maryland families, including unlawful debt collection practices and violations of consumer protection laws.

Financial abuse of older adults is pervasive issue. One study found that up to 1,000,000 older Americans may be targeted for financial abuse.¹ The related costs of this exploitation, including health care, social services, investigations, legal fees, prosecution, and lost income and assets, can reach tens of millions of dollars annually. However, due to the lack of access to affordable representation, studies have shown that low-income families are forced to tackle eighty-six percent of their civil legal problems with inadequate or no legal help.² Under Maryland's current laws, vulnerable adults who have experienced financial exploitation will struggle to find attorneys willing and able to champion their cause.

By providing a civil cause of action with enhanced remedies, the Maryland SAFE Act will give older adults a means to obtain restitution for their harms. According to the Maryland Access to Justice Commission:

Fee-shifting...connects the individuals who may have been harmed with counsel who can aid them in seeking to enforce their rights under the law. The action of these private individuals provides a significant public benefit by enforcing the law, deterring future misconduct and promoting compliance with the law. Fee-shifting

¹ MetLife and VPI Mature Market Institute, the National Committee for the Prevention of Elder Abuse (NCPEA) and Virginia Polytechnic Institute and State University entitled *Broken Trust: Elders, Family and Finances*.

² Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans* 29 (2017); National Center for Access to Justice, *The Justice Index* (2016), available at <https://justiceindex.org/> (find that there are only 1.49 civil legal aid attorneys for every 10,000 people living in poverty).

also reduces the need for government resources for enforcement of critical remedial laws.³

Including enhanced penalties and an attorneys' fee shifting provision in the Maryland SAFE Act will expand access to legal representation for those who may be least able to represent themselves. For these reasons, CJ urges the Judicial Proceedings Committee to give Senate Bill 327 a favorable report. If you have any questions, you can reach me at 410-706-5650 or abertinelli@civiljusticenetwork.org.

Sincerely,



Alexa Bertinelli
Senior Staff Attorney

³ The Maryland Access to Justice Commission, *Fee-Shifting to Promote the Public Interest in Maryland*, 42 U. BALT. L.F. 38, 38 (2011).