

HB744.Dumais.Sponsor.pdf

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Position: FAV

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March 23, 2021

Testimony in Support of House Bill 744 – Courts – Counsel Appearance Fees – Domestic Violence

Good afternoon Mr. Chairman and members of the Committee. Thank you for the opportunity to speak to you on behalf of **House Bill 744 – Courts – Counsel Appearance Fees – Domestic Violence**.

This bill stipulates that a fee may not be collected for docketing the appearance of a petitioner's or a respondent's counsel in a domestic violence case. House Bill 744 merely clarifies how counsel appearance fees are already handled in these cases. There have been a few reports of these fees being charged in one or two jurisdictions. This measure would assure that the fees are not collected going forward.

I respectfully request a favorable report for House Bill 744.

MD Judiciary Testimony - HB 744

Uploaded by: Judiciary, Maryland

Position: FAV

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 744
Courts – Counsel Appearance Fees – Domestic Violence
DATE: March 11, 2021
(3/23)
POSITION: Support

The Maryland Judiciary supports House Bill 744. This bill prohibits the clerk of a circuit court from collecting fees for docketing the appearance of counsel in certain domestic violence cases.

This bill will clarify the ambiguity on whether circuit court clerks are to collect appearance fees from counsel in certain domestic violence cases.

In addition, pursuant to Stop Violence Against Women Act (STOP VAWA) federal grant eligibility conditions, states are required to certify that there is no fee or cost involved when a protective order is requested. This applies to both the petitioner and petitioner's counsel. House Bill 744 will codify the federal law, which prohibits any Maryland court from charging a fee to a person seeking a Protective Order, or a person who acts as counsel for a person seeking a Protective Order. To do otherwise is to fall out of compliance with STOP VAWA, with significant consequences regarding federal funding.

cc. Hon. Kathleen Dumais
Judicial Council
Legislative Committee
Kelley O'Connor

HB 744 FAV House of Ruth crossover.pdf

Uploaded by: Lennig, Dorothy

Position: FAV



Marjorie Cook Foundation
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TESTIMONY IN SUPPORT OF HOUSE BILL 744
March 23, 2021
DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR

The House of Ruth Maryland is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House Bill 744 would prohibit the clerk of a circuit court from collecting fees for docketing the appearance of a petitioner's counsel in protective order cases. **We urge the Senate Judicial Proceedings Committee to issue a favorable report on House Bill 744.**

The Violence Against Women Act (VAWA) prohibits jurisdictions that receive funding under the STOP (Services * Training * Officers* Prosecutors) Violence Against Women Formula Grant Program and the Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence and Stalking Grant (ICJR) Program from charging a victim costs associated with civil and criminal domestic violence, dating violence, sexual assault and stalking cases.¹ This includes collecting a fee for docketing the appearance of petitioner's counsel in a protective order case. The State of Maryland receives a significant amount of funding from these various VAWA funding sources. If the State wants to continue to receive funding, it must prohibit the collection of petitioner's counsel fees in protective order cases.

The House of Ruth urges the Senate Judicial Proceeding Committee to issue a favorable report on House Bill 744.

¹ See, 42 U.S.C. § 3796gg-5; 42 U.S.C. § 3796hh(c)(1)(D).

HB 744 - Courts – Counsel Appearance Fees – Domest

Uploaded by: Ruth, Laure

Position: FAV

BILL NO: House Bill 744
TITLE: Courts – Counsel Appearance Fees – Domestic Violence
COMMITTEE: Judicial Proceedings
HEARING DATE: March 23, 2021
POSITION: **SUPPORT**

House Bill 744 would make it clear that courts cannot charge attorney appearance fees for domestic violence cases. The Women's Law Center (WLC) supports House Bill 744 to make clear that in domestic violence cases an attorney appearance fee should not be charged to parties.

The Women's Law Center had such a case in September of 2020. We asked for information from the (then) Administrative Judge of the Baltimore County Circuit Court and received this information in reply:

The Major Projects Committee (MPC) recently discussed concerns regarding an attorney appearance fee that was charged in a Domestic Violence Protection Order case. This issue arises only in the circuit courts as the District Court does not collect attorney appearance fees. The MPC examined this issue and determined that there are conflicting statutes regarding the duty of the clerk to impose appearance fees for domestic violence cases. On the one hand, Family Law Article §4-504 prohibits costs to petitioners for protective order cases. It is silent as to attorney appearance fees. On the other hand, Courts and Judicial Proceedings Article §7-204 outlines the duties of the clerks to collect attorney appearance fees and contains no exception for protective order cases. While the law is unclear, the MPC has determined that circuit court clerks should not collect attorney appearance fees in protective order cases. JIS will send a communication once the File & Serve configuration changes have been completed.

HB 744 would make it clear that in no circumstance may a court charge a petitioner an attorney appearance fee in a protection order case. We think that courts have now received this information but HB 744 would clarify the above conflicting laws.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on House Bill 744.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change. WLC operates three Protection Order projects, in Baltimore City, Baltimore County, and Carroll County and has a statewide project that also represents survivors in Protection Order and other collateral cases.

HB744_JPR_MNADV_FAV.pdf

Uploaded by: Shapiro, Melanie

Position: FAV



BILL NO: House Bill 744
TITLE: Courts – Counsel Appearance Fees – Domestic Violence
COMMITTEE: Judicial Proceedings
HEARING DATE: March 23, 2021
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on HB 744.**

House Bill 744 would codify in law that courts cannot charge a fee for docketing the appearance of a petitioner's counsel in domestic violence cases. Attorney appearance fees collected pursuant to Courts and Judicial Proceedings Article §7-204 go to the library fund of the county in which the fee was assessed. While it is the general practice in courts in Maryland to not charge petitioner attorney appearance fees for domestic violence cases, the law is not clear in this regard. Family Law Article §4-504 prohibits costs to petitioners for protective order cases. It is silent as to attorney appearance fees. On the other hand, Courts and Judicial Proceedings Article §7-204 outlines the duties of the clerks to collect attorney appearance fees and contains no exception for protective order cases. We do not want any economic barrier to survivors of domestic violence seeking protection from abuse. HB 744 would clarify that petitioner's attorney appearance fees shall not be assessed in any domestic violence cases.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on HB 744.**

Vote UNfavorable for HB744.pdf

Uploaded by: mcavoy, vince

Position: UNF

Vote UNfavorable for HB0744

vince mcavoy po box 41075 baltimore md

I strongly urge an unfavorable on HB744.

As I've testified several times in the past, House of Ruth & other local domestic violence industry fronts/officials ABUSE District Court processes & exert woman-privilege on issues involving Maryland's domestic violence cases. For instance, they have tried to file at initial hearings without a plaintiff present. Thankfully, the bench denied these cases until the plaintiff appeared for the cases I was present at. The lawyers I saw that day were lazy & attempted to abuse a system that kowtows to their inadequacies.

Apparently, the fee these domestic violence "lawyers" are concerned about is a \$10 fee.

[This is not to disparage those individuals who have been harmed physically & provide such evidence of that physical harm due to their very poor partner and lifestyle choices. However...] The preponderance of these cases are mere **allegations** of domestic violence, abusing the tangled matrix of laws allowing the malicious to aggravate, weaponize and harass.

See this testimony detailing same::

House Bill HB1115 – March 2020 – Delegate Nick Charles

"...Talk about these **false protective orders**....something that is on your record for a LIFETIME. We get stories everyday of men comin' in sayin',
" Nicole -- what are we gonna do about people filing false protective orders just because they got upset with me?! "

We call them '**Calvert Street [the word I can't use on record]**'

People who can literally go to Calvert Street 24 hours a day and file a false report. And they will either get a warrant for their arrest or a summons-to-appear. This is a reaaalll problem across the state...you have citizens who are going through the Court system because of a false allegation

And at what point are we going to MAKE THEM PAY for what they've done to somebody ?? "

<http://mgahouse.maryland.gov/mga/play/5c3a89e2-8725-485f-8905-eff6acf81cbd/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=13351543>

Why do I present this anecdotal testimony? Because 2 years ago, both I and another fathers' rights advocate (who you've met) happened into the Courthouse at 111 N. Calvert Street, First floor. We WATCHED a court employee try to prompt filing of—THREE TIMES --

she tried to prompt a single mother to file a domestic violence charge on the man who was the father of this lady's (a rather large woman...linebacker large) child, when the single mother stated twice she just wanted to initiate a child custody petition.

We stood amazed at what we saw & how blatantly it was done in front of us.

We considered what options, what standing we had (other than informing Sue German about her employee0. In the end, the single mom opted not to file a false report. We felt there was no further action we could take.

It should be a reminder that these women – and they're always women – filing these domestic violence allegations (often falsely) of abuse – are lawyers.

They have the same women-privileges as other lawyers in the feminist law network. They make or are capable of making 6-figure salaries.

Nicole:: And at what point are we going to MAKE THEM PAY for what they've done to somebody ??

The answer to Nicole's question is “**Making them pay, just like everybody else does**”.

Do not waive appearance fees for these perpetrators of lies. In fact, repeal any provisions which allow such waivers.

I urge an UNfavorable on HB744.

Thank you.