
BILL NO: House Bill 31
TITLE: Civil Cases - Surcharges
COMMITTEE: Judiciary
HEARING DATE: February 17, 2021
POSITION: **Favorable with Amendments**

The Women's Law Center of Maryland (WLC) is a statewide, non-profit legal services provider, dedicated to ensuring the physical safety, the economic security, and the bodily autonomy of women across Maryland. Our direct legal services include representing survivors of domestic violence in protective order hearings, family law matters, and immigration proceedings. The WLC advances its work not only through direct legal representation, but also through statewide educational hotlines and advocacy.

The WLS urges a favorable report on House Bill 31 with a small amendment. HB 31 allows for a modest increase in court filing fees that would be distributed equally to the Maryland Legal Services Corporation (MLSC) and rental assistance programs in the State. The WLC fully supports the surcharge, but also supports the technical amendment proposed by MLSC, which would separate the MLSC surcharge increase from the proposed surcharge for rental assistance programs.

The surcharge increase is necessary to avert further reductions in funding to the MLSC, which provides essential funding for the provision of civil legal services to low-income Marylanders after the Maryland General Assembly created it in 1982 to be the state's primary funder of civil legal aid. This increase would allow MLSC to continue its important work, while still keeping the average costs for filing fees in Maryland below the national average.

The WLC receives a significant portion of its income from MLSC. Without this funding, we would be unable to answer the calls of nearly 5,000 Marylanders per year on our Family Law and Employment Law Hotlines. Without the funding our Legal Director and other staff would be unable to support the direct representation of survivors of domestic violence as they seek protective orders and divorces against their abusers, or seek to obtain custody of their children or legal status in this country. This is the work we do, free of charge, every day for survivors of domestic violence and it would not be possible without the financial support of MLSC.

Representation in protective order proceedings, as well as divorce and custody hearings, is a significant component of addressing the needs of victims and leads to a greater likelihood of positive outcomes.¹ Studies have found that having an attorney's assistance with legal matters not only helps victims of intimate partner violence achieve greater economic self-sufficiency, but also makes leaving their violent relationships more feasible. In other words, access to legal

¹ Farmer, Amy and Tiefenthaler, Jill (2003). *Explaining the Recent Decline in Domestic Violence*, 21CONTEMP. EC. POL'Y 158, 13 and *Longitudinal Patterns of Intimate Partner Violence, Risk, Well-Being, and Employment: Preliminary Findings* (with Dutton, Goodman, and Lennig) National Institute of Judicial Proceedings. (2001).

services has a greater impact on preventing a woman from experiencing continued abuse than emergency services such as hotlines, shelters, and counseling programs². This is because access to affordable legal services is a determining factor in whether a woman even chooses to file a petition for a protective order—as well as whether her petition is successful³. Most victims lack a basic understanding of the legal system and are therefore unable to competently represent themselves in protective order hearings. Victims may not fully understand all the available remedies and the positive impact of obtaining them. Access to legal services is essential in keeping domestic violence safe, housed, employed, and independent – regardless of their ability to pay or their country of birth. Legal representation at protective order hearings help create economic, housing, and job security for victims and their families.

It is vitally important to secure additional funding for MLSC. MLSC's two major funding sources – the Interest on Lawyer Trust Accounts (IOLTA) program and these surcharges – were significantly reduced by the COVID-19 pandemic due to near zero interest rates and a dramatic decrease in court filings. MLSC currently projects fiscal year 2022 revenue to come in at least \$6 million lower than pre- pandemic levels. The Federal Reserve has indicated they will keep interest rates near zero for several more years, meaning that MLSC cannot rely on IOLTA as a significant source of funding for civil legal aid into the foreseeable future. This in turn creates uncertainty and instability for organizations such as the WLC; without the funding survivors of domestic violence would be forced to face their abusers alone without access to legal services they so desperately need.

For these reasons, the WLC supports HB31 and urges a favorable report with the noted amendment.

The Women's Law Center of Maryland is a private, non-profit, legal services 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, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.

² Supporting Survivors, The Economic Benefits of Providing Legal Assistance to Survivors of Domestic Violence (Rosenberg, Jennifer S., June 2015). <http://policyintegrity.org/documents/SupportingSurvivors.pdf>, last viewed June 20, 2019.

³ *Id.*