



The Delivery of Legal Services Section Council

BILL NO: House Bill 750
TITLE: Office of the Attorney General – Right to Counsel in
Immigration Proceedings Coordinator
COMMITTEE: Judiciary
HEARING DATE: March 3, 2021
POSITION: **SUPPORT**

The Delivery of Legal Services Section (DLS) is a section of the Maryland State Bar Association formed to promote the fair administration of justice in the State of Maryland. The Section supports and encourages free or low cost legal services for people of limited means through legal services programs for the indigent, public interest legal organizations, *pro bono publico*, reduced fee, and other alternatives to traditional fee-for-service representation to provide access to the courts, and court alternatives for the resolution of disputes. The areas include legal practice and legal reform for the indigent and persons of modest means, for example, civil rights, consumer advocacy, civil and criminal legal services, and lawyer referral services. The Section Council is comprised of a mix of practicing attorneys, including those working for civil legal aid organizations, private practitioners, and government attorneys, who all share a common goal: increasing access to justice.

The DLS strongly urges a favorable bill on House Bill 750. Legal representation is fundamental to safeguarding fair, equal, and meaningful access to the legal system. Yet, in the United States, millions of people who are poor or low-income are unable to obtain legal representation. The United Nations has identified the importance of a right to counsel in civil cases for protecting the rights of racial minorities, women, and immigrants¹. According to the Maryland Access to Justice Commission, there are only 1.49 lawyers available to help every 10,000 low-income individuals in Maryland².

Yet, there is no right to appointed counsel in civil matters, including in immigration proceedings. Nonetheless, we know that immigrants *with* representation are nearly six times more likely to have a successful outcome than those without representation. According to the Immigrant Justice Corp, in Maryland, as many as 81% of detained immigrants proceed unrepresented in immigration court³. While many legal services organizations in Maryland work to bridge the representation gap for immigration services, these organizations are under-funded and under-staffed; the need for quality, affordable representation is still incredibly large and acute. Of the 6,868 total immigration cases closed by Maryland Legal Services Corporation grantees, only five were closed with the major benefit of “Obtained release from ICE custody.” This demonstrates the stark need for increased representation.

¹ Access to Justice: Ensuring Meaningful Access to Counsel in Civil Cases, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_NGO_USA_15241_E.pdf

² Maryland Access to Justice Commission, Strategic Vision Report, 2020, <https://www.mdaccesstojustice.org/reports>

³ <https://www.caircoalition.org/20200218/immigrant-justice-corps-and-cair-coalition-launch-access-counsel-initiative-immigrants>



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House Bill 750 creates a Right to Counsel in Immigration Proceedings Coordinator, who would be tasked with organizing and directing services and resources in order to provide all covered individuals with access to legal representation in removal proceedings. This in turn would ensure a right to counsel in immigration proceedings where the individual is subject to removal from the United States. This coordinator, housed within the Maryland Attorney General's office, would serve as a touch point with community groups, advocates, and detained individuals. A coordinated response such as this would provide much needed support in these life-altering proceedings.

Because we strongly support a civil right to counsel, particularly in areas of the law where fundamental human rights are at stake, the DLS strongly supports HB 750 and urges a favorable report.