

MEMORANDUM

To: Members of the House Judiciary Committee

From: Maryland State Bar Association (MSBA)
Shaoli Katana, Esq., Director

Subject: House Bill 1038 - Foreclosure Proceedings – Residential Mortgagors and Grantors – Access to Counsel

Date: February 28, 2022

Position: Support

The Maryland State Bar Association (MSBA) joins its partner, the Maryland Access to Justice Commission, and supports **House Bill 1038 - Foreclosure Proceedings – Residential Mortgagors and Grantors – Access to Counsel**. House Bill 1038 requires that certain individuals have access to legal representation in certain foreclosure proceedings; establishes the Access to Counsel in Foreclosure Proceedings Program; requires the Maryland Legal Services Corporation, under the Program, to provide access to legal representation to certain individuals in certain foreclosure proceedings under certain circumstances; alters a certain filing fee in a foreclosure action and directing a portion of that filing fee to a certain special fund; etc.

MSBA represents more attorneys than any other organization across the State in all practice areas. MSBA serves as the voice of Maryland’s legal profession. Through its Laws Committee and various practice-specific sections, MSBA monitors and takes positions on legislation of importance to the legal profession.

MSBA supports access to justice for Marylanders and funding of the civil justice system. Attorneys make an enormous difference in the civil justice system and case outcomes, as many pro se litigants are unaware of their rights, appropriate defenses, and the judicial process. With over 40,000 attorneys in Maryland, the state has an incredible opportunity to help those most in need through staff and volunteer attorneys, as it did last year with the passage of access to counsel in eviction matters.

MSBA has been a strong advocate for the Maryland Legal Services Corporation (MLSC), an entity that provides a significant resource for legal services in Maryland. HB 1038 will ensure that Marylanders facing foreclosure will have access to counsel during proceedings, through

MLSC's programming, and MSBA supports this initiative. The bill would allow organizations across the state to represent Marylanders facing foreclosure in a cost-effective manner. Last year, MSBA joined partners including the Maryland Judiciary, Maryland Access to Justice Commission, Maryland Attorney General, Pro Bono Resource Center, and Maryland Volunteer Lawyers Service to deliver an urgent call to action for pro bono, urging every attorney in Maryland to take at least one pro bono case or provide a designated number of pro bono service hours over the next year in response to the health, economic, and civil justice crisis created by Covid-19. MSBA will work to help implement the call to action and connect the tens of thousands of Maryland attorneys to Marylanders facing foreclosure.

While this bill is a positive step in ensuring representation for Maryland's most vulnerable, significant funding will be required for the program to be successfully implemented, and MSBA hopes to see these funding initiatives in further legislation. MSBA looks forward to participating in the Access to Counsel in Foreclosure Proceedings Task Force to help implement the program, identify and study additional funding sources, and provide recommendations to further the goals of this legislation.

For the reasons stated above, MSBA **supports** HB 1038 and respectfully requests a **favorable report**. For additional information, please feel free to contact Shaoli Katana at MSBA at shaoli@msba.org.