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HB556

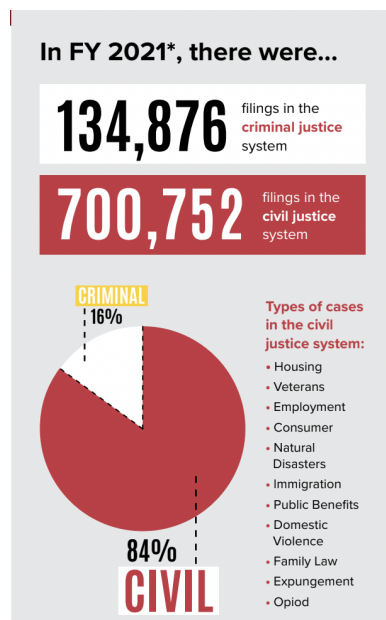
Cannabis Reform

SUPPORT with AMENDMENT

The Maryland Access to Justice Commission (A2JC) is an independent entity powered by the Maryland State Bar Association (MSBA). We unite leaders to drive reforms and innovations to make the civil justice system accessible, equitable and fair for all Marylanders. Prominent leaders from different segments of the legal community in Maryland – including the deans of the two law schools, law firm partners, heads of the legal services providers and funders, corporate counsel, academics, legislators, the state bar and judiciary comprise the A2JC.

A2JC has found that one of the most impactful ways to make the civil justice system accessible, equitable and fair for all Marylanders is to ensure that Marylanders who become entangled in the civil justice system have an ability to access civil legal aid and receive the level of legal help they need to resolve their civil legal issue. This help ranges from legal information, brief advice, limited scope representation to full legal representation.

Maryland's civil justice system accounts for approximately 84% of the total number of cases in the state civil and criminal justice systems combined, if we exclude motor vehicle cases. That means that in FY2021, of the 835,628 total cases in District and Circuit Courts in Maryland, over 700,000 were civil legal cases.



The civil justice system is a complex maze, sprawling in state and federal courts and government agencies that has an outsized impact on the most vulnerable Marylanders. The civil justice system covers all noncriminal areas of law and deals with the legal aspects of many life-altering issues like housing, employment, consumer protection, immigration, natural disasters, family law, domestic violence, public benefits and veteran's benefits and expungement.

The Legal Services Corporation, the largest funder of civil legal aid in the nation, released a [Justice](#)

[Gap Report in 2022](#) that highlighted that a whopping 74% of the low-income American households experienced at least one civil legal problem in the past year. Yet, the persons and families experiencing these life-altering problems do not get any legal help or not enough legal help for 92% of the civil legal problems that have an impact on them.

The main reason that so many people have to go it alone is that there is no right to counsel if a person cannot afford an attorney in most areas of the civil legal system, compared to the criminal legal system. Thus, 80% of Marylanders receive no help with their civil legal problem.

Maryland's civil legal aid organizations are the primary resource for ensuring vulnerable populations have equal access to civil justice in the civil justice system. Civil legal aid attorneys provide free civil legal services to low-income individuals throughout the state, and regularly handle a variety of civil matters, including housing disputes, domestic violence cases, immigration issues, expungements, public benefits claims, consumer law, bankruptcies, debt collection matters, and child custody cases. The services civil legal aid attorneys provide are life-changing; without their assistance many people would face homelessness, lose custody of their children, have to endure domestic violence, face deportation, and be unable to obtain jobs or housing due to criminal records.

Yet, Maryland's civil legal aid community is chronically underfunded. Funding for this important work comes from different sources, including foundation funding, state and local funding and individual donors; however, there is not a line item in our state budget for civil legal aid funding.

As the state considers cannabis reform, it is thus important for the state to consider funding for civil legal aid as a mechanism to right many of the harms that impacted communities most served by civil legal aid.

We support the friendly amendment to dedicate 10% of the cannabis tax revenue to an existing Special Fund administered by the Maryland Legal Services Corporation (MLSC), whose grantees (the civil legal aid providers) provide vital legal services to the residents of communities most impacted by the war on drugs and the disproportionate enforcement of cannabis prohibition.

Investing part of the cannabis tax revenue for this purpose, will serve as an effective anti-poverty strategy and will help with social equity. Studies have shown that civil legal aid provides \$6 of benefit for every \$1 dollar spent. While cannabis may be legal now, tens of thousands of Marylanders still face legal peril because of the cannabis related policies and enforcement. Those harms manifest themselves in civil legal issues such as:

- Higher rates of eviction and/or foreclosure and higher instances of unsafe, unhealthy, and unstable housing
- Predatory lending and illegal consumer practices that drain intergenerational wealth
- Disproportionate school discipline fueling the school-to-prison pipeline
- Complex family law issues, including child custody and increased state involvement

The Maryland Access to Justice Commission is an independent entity and does not endorse or oppose any political party or candidate for elected office.

- Expungement assistance
- Wage theft
- Need to access basic services and supports like unemployment insurance, social security benefits, veterans' benefits and food stamps

Research shows that the provision of legal services not only helps an individual with their legal case, it leads to more long-term solutions and helps to address systemic social ills. Expungement assistance alone, while important, doesn't fix all the missed economic, educational, wealth-building, and social opportunities of a criminal record. Nor does it address the legal issues and harms residents of disinvested communities face.

Funding for legal services is essential to assure that there are legal advocates available and ready to provide critical legal help. However, MLSC grantees are, on average, the lowest paid publicly funded, public interest lawyers in our state, hampering efforts to attract and retain lawyers and advocates.

Nonprofit legal services provider organizations have not been able to keep pace with other publicly funded, public interest lawyers such as those in the Office of the Public Defender or the Office of the Attorney General. Parity with these other publicly funded, public interest lawyers is essential to assure MLSC grantees can meet the legal needs of people living in impacted communities. We fully support the salary increases our state partners have and will receive; our client populations overlap significantly, and our work is complementary. But that means there should be consistent, equitable access to representation when our clients, sadly, move between their criminal, civil, and other challenges.

Parity also means equity in hiring. Low pay means that talented advocates are excluded because they can't afford to do this important work, whether because they may have student loan debt, lack inter-generational wealth or don't have a second income in their household. That also can mean that our lawyers don't look like our communities, which harms our ability to connect with and represent them.

Maryland Access to Justice Commission Urges Support of HB556 with Amendment

For the reasons stated, the Maryland Access to Justice Commission requests the House Judiciary Committee to issue a FAVORABLE with Amendments report HB556. For more information, please contact Reena K. Shah, Executive Director of the Maryland Access to Justice Commission, at reena@msba.org.