



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

The Honorable Senator William C. Smith Jr.,
Senate Judicial Proceedings Committee
Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

**Re: Testimony of Maryland Legal Aid in Support of SB (351) Maryland
Legal Services Corporation – Affordable Life, Wills, and Estate Planning
for Seniors Program**

Dear Chairman Smith and Members of the Committee:

Thank you for the opportunity to write in support of SB 351. This bill establishes an Affordable Life, Wills and Estate Planning for Seniors Program in the Maryland Legal Services Corporation to provide eligible clients with legal services concerning (1) last will and testaments; (2) powers of attorney; (3) special needs trusts; and (4) advance health care directives.

Affordable access to estate planning services for seniors is essential to preserving generational wealth for low- and moderate-income communities, particularly communities of color that have historically had less access to these services. In Baltimore County, a community with established access to legal resources, nearly two thirds of all estates opened qualify as a small estate,¹ and about the same percentage are probated as intestate estates, meaning the deceased died without a valid will.²

Maryland Legal Aid (MLA) is Maryland's largest civil non-profit law firm that provides free legal services to indigent Maryland residents. MLA assists individuals and families in every Maryland County with a wide array of civil legal issues, including these matters. Despite our best efforts, as well as the

¹ A small estate is established to have a value of \$50,000 or less (\$100,000 or less if the spouse is the sole heir).

² Information courtesy of the Office of the Register of Wills for Baltimore County.

approximately 50 civil legal aid organizations operating in the state, 80% of Marylanders with a civil legal problem do not get the help that they need.³

MLA and other civil legal services providers are forced to prioritize limited resources to focus on case types that have an immediate impact on our client population such as landlord/tenant, public benefits, and consumer/bankruptcy issues, to name a few. Unfortunately, longer term but equally important civil legal issues such as affordable life, wills, and estate planning for seniors are limited by the availability of resources.

During 2020, MLA began to notice a significant increase in clients seeking assistance with drafting simple wills, power of attorney documents, and advance health care directives. By utilizing our Pro Bono Program to connect with volunteer attorneys, MLA was able to provide some assistance. However, because we are working volunteers, we have had to prioritize our lowest income clients⁴ and the process can take several months to complete. Far too many are left out.

The average client seeking assistance for an estate planning matter is a senior who is no longer working and whose sole income is a social security benefit or small pension. They often own their home which they have lived in most of their life and are looking to pass the asset on to their loved ones. While Maryland has an intestacy statute the statute does not consider the complex makeup of modern families and has intricacies that can lead to outcomes the client did not intend. The only way to ensure that an asset is passed to the intended recipient is to have a valid last will and testament.

In 2022, MLA was only able to assist 22% of the otherwise qualified individuals who contacted the organization for assistance with preparation of estate planning

³ Statistic compiled as of 2020 by the Maryland Access to Justice Commission <https://www.mdaccessstojustice.org/storymap>.

⁴ MLA has two income qualifications LSC and MLSC. LSC qualified individuals in a single household have maximum household income of \$1,415 a month. MLSC qualified individuals in a household of 1 have a monthly income of \$2,704. Because of limited resources MLA has only been able to provide estate planning services to LSC qualified individuals.

documents.⁵ Additionally, in 2022 the Maryland Center for Legal Assistance, a wholly owned subsidiary of MLA whose focuses is brief advice and limited assistance, received 1,113 requests for assistance with estate planning matters with the largest jurisdictions being Prince George’s County and Baltimore City which accounted for 35% of the contacts.⁶

In addition to the need for direct legal services there is a significant need to increase outreach to underserved communities. MLA was privileged to have the opportunity in 2022 to join the Office of the Register of Wills for Baltimore County in an outreach tour of local senior centers. Over approximately 20 presentations it was clear that there is a strong need for education about estate planning, the importance of having a will and the availability of resources. What we observed was the turnout was especially high in communities that were largely African American.

MLA supports initiatives that increase civil access to justice for underserved communities. We believe SB351 will establish a high impact program that will fill a void in legal services for a vulnerable client community and therefore urge the Committee to issue a favorable report on its passage.

Sincerely,

/s/ Angus W. Derbyshire Esq.

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⁵ In 2022 261 clients contacted MLA for assistance wit wills and estates and a total of 58 clients were able to receive services.

⁶ Prince George’s County saw 239 requests for assistance and Baltimore County saw 152.