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MEMORANDUM

To: Members of the Senate Judicial Proceedings Committee
From: Maryland State Bar Association, Shaoli Katana, Esq., Advocacy Director
Subject: Senate Bill 904 - Foreclosure Proceedings – Residential Mortgages and Grantors – Access to Counsel
Date: March 21, 2023
Position: Support

The Maryland State Bar Association (MSBA) supports **Senate Bill 904 - Foreclosure Proceedings – Residential Mortgages and Grantors – Access to Counsel**. Senate Bill 904 requires that individuals have access to legal representation in certain foreclosure proceedings; establishing the Access to Counsel in Foreclosure Proceedings Program and Special Fund; requiring the Maryland Legal Services Corporation to provide access to legal representation under the Program; requiring the Comptroller to collect a fee on residential property sales to be paid to the 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 42,000 attorneys in Maryland, the state has an incredible opportunity to help those most in need through staff and volunteer attorneys, as it did

during the pandemic 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. SB904 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.

Two years ago, 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.

For the reasons stated above, MSBA **supports** SB904 and respectfully requests a **favorable report**. For additional information, please feel free to contact Shaoli Katana at MSBA at shaoli@msba.org.