



DELIVERY OF **LEGAL SERVICES COMMITTEE**

POWERED BY MARYLAND ACCESS TO JUSTICE COMMISSION & MARYLAND STATE BAR ASSOCIATION

BILL NO: Senate Bill 312
TITLE: Tax Clinics for Low-Income Marylanders - Funding - Repeal of Sunset
COMMITTEE: Budget & Taxation
HEARING DATE: February 8, 2023
POSITION: **Favorable**

The Delivery of Legal Services Committee (DLS) of the Maryland Access to Justice Commission was formed to promote the fair administration of justice in the State of Maryland. The Committee 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 Committee 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.

Senate Bill 312 seeks to repeal a sunset provision regarding funding for tax clinics for low-income Marylanders. In 2022, this legislative body passed legislation that established the Tax Clinics for Low-Income Marylanders Fund (the "Fund") and provided \$250,000 to the fund to be distributed via grants to both the University of Maryland and the University of Baltimore Schools of Law, as well as the Maryland Volunteer Lawyers Service, to operate the tax clinic.

Tax collection is a unique legal process, as it is a civil matter brought by the government to collect taxes where the litigant, who often bears the burden of proof, is not entitled to an attorney. Low-income taxpayers who cannot afford representation often find themselves in catastrophic situations, with significant economic consequences, unable to navigate the complex tax system. While the IRS provides funding for a tax clinic related to federal tax claims, no funding was provided for the significant state matters, until the creation of the Fund. As originally passed, however, the legislation sunsets the funding for the clinic in 2023. SB312 would repeal that sunset and continue the funding for this critically important clinic to continue providing this necessary public service.

Approximately 71% of low-income households experience a civil legal problem every year, and yet only about 20% of those individuals are able to obtain the legal representation they need. For all the reasons contained herein, the Delivery of Legal Services Committee urges a favorable report on SB312.