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**Facilitating Successful Reentry and  
Removing Barriers to Employment**

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# **WORKFORCE DEVELOPMENT & COMMUNITY LAWYERING INITIATIVE**

## **AT A GLANCE:**

- **HOST CLINICS IN LIBRARIES, WORKFORCE DEVELOPMENT CENTERS, DRUG TREATMENT CENTERS, HOUSING COMPLEXES, AND PLACES OF WORSHIP**
- **FUNDED THROUGH A MIX OF FEDERAL, STATE, LOCAL, AND FOUNDATION SOURCES**

In November 2019, NLADA's Project to Advance Civil Legal Aid Collaborations (PACC) held the inaugural convening of a new leadership cohort that will utilize a peer learning model to support emerging civil legal aid leaders' efforts to strategically organize the delivery of their services to be collaborative and holistic. Seven equal justice leaders from West Virginia, Oklahoma, Maryland, Vermont, and Illinois gathered from across the country to learn about and share best practices in partnership building, monitoring and evaluation, and replication.

We believe that each cohort member represents an idea and project poised to change the landscape of justice in America. And we are committed to scaling the very best of these projects nationwide.

To that end, we have drafted case studies, like this one, for each of the leaders that describe how they build their partnerships and funded their work. Each case study also includes supporting documents, ranging from training materials for partnering staff to grant details and MOUs.

To contact PACC or to receive individualized technical assistance about specific funding for your practice, email [resourcedesk@nlada.org](mailto:resourcedesk@nlada.org). PACC is staffed by Casey Chiappetta and Radhika Singh.

PACC is generously funded by the Kresge Foundation.



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In 2015, the Maryland Legal Services Corporation (MLSC), Maryland Legal Aid's (MLA) largest funder, began directly funding civil legal services at workforce development centers in Baltimore City. This effort was part of a larger city-wide initiative to streamline job placement services for a target audience of primarily young, African-American males. MLA was one of three civil legal services programs to receive funding for a workforce development attorney. That attorney spent the first year of the project at five workforce sites throughout Baltimore City. While on site, the attorney conducted "Know Your Rights" presentations, completed legal checkups, met with clients individually for intake interviews and brief advice, and provided extended representation in certain matters. The attorney visited each workforce partner once a week.

Based on the great success of this initial effort, MLSC continued to expand its workforce funding. MLSC now supports five workforce development attorneys through two separate grants; one in Baltimore City and Baltimore County, and the other in Prince George's and Alleghany counties. The model remains largely the same as in 2015: the MLA staff attorneys are embedded in each job training or workforce provider site, and meet clients on site weekly. The attorneys spend at least one day a week at their local offices for supervisory support and case staffing.

These workforce attorneys are part of a broader effort underway at MLA to bring civil legal services into communities through the use of technology and innovative service delivery models. The Lawyer in the Schools and Lawyer in the Library programs, and frequent legal clinics at drug treatment centers, places of worship, and community centers are all part of this broader effort, referred to at MLA as the "Community Lawyering Initiative" (CLI). The aim of both workforce development staff and CLI staff is to establish relationships of trust with service providers and their clients and to tailor legal services to meet the specific needs of clients in the communities in which they live.

## MLA'S WORK BY THE NUMBERS



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### CLIENTS

# 680



MLA has served 680 clients since 2017 in just two of their partnering workforce development centers

# 19

### WORKFORCE DEVELOPMENT CENTERS

17 centers are in Baltimore City and Baltimore County. In 2017, MLA received funding to expand this work in Prince George's County and Allegany County



### PARTNERING LOCATIONS

# 250+



MLA gives presentations, hosts clinics, and offers legal services in over 250 locations, many of which provide workforce development services to clients

# \$4.9M

Maryland Legal Services Corporation partnered with Baltimore City and through its own funding sources awarded grants to MLA and two other legal service organizations

### AMOUNT BALTIMORE CITY RECEIVED FOR WORKFORCE DEVELOPMENT THROUGH DEPT. OF LABOR



## WORKFORCE DEVELOPMENT PARTNERSHIPS

Several key events inspired and informed Maryland Legal Aid's (MLA) workforce development and community engagement work. These events included the civil unrest in West Baltimore in the spring of 2015, sparked by the death of Freddie Gray, who died while in police custody; comprehensive changes in the expungement laws which dramatically increased the number of individuals eligible for expungements; and, the U.S. Department of Labor (DOL) inviting the Baltimore Mayor's Office of Employment Development (MOED) and Maryland's Department of Labor, Licensing, and Regulation to apply for up to five million dollars in demonstration funds. These funds were to be used to support youth and young adults, mainly African-American males, through skills training and career placement opportunities. The City received \$4.9 million to do this work.

With this funding, MOED launched One Baltimore For Jobs (1B4J), a comprehensive and wraparound job training program for low-income Baltimoreans. The Maryland Legal Services Corporation (MLSC), MLA's largest funder, approached MOED about the prospect of adding civil legal services to the mix of services to be provided through the City's program and offered to fund these services through its own special funding sources. MOED agreed. With these funds, MLSC awarded grants to MLA and two other legal services organizations to each hire one full-time workforce development attorney. Each attorney was to work with five workforce site partners throughout the City whose clients were in need of civil legal services to address a wide range of legal issues. While on site once a week, the attorney was to conduct "Know Your Rights" presentations, complete legal checkups, meet with clients one-on-one for intake interviews and brief advice, and provide extended representation in certain matters.

The inclusion of legal services as a component of workforce development proved to be a successful venture. In fact, the provision of legal services was deemed to be so important that MOED credited legal services partnerships as the driving force behind the 1B4J program becoming a national model for workforce development services. Since its inception, the 1B4J program has served 1,250 clients.

Based on the success of this initial effort, MLSC continued to expand its workforce development funding. MLSC now supports, through two separate grants, three attorneys in Baltimore City and one attorney each in Prince George's and Allegany counties. Today, the three MLA attorneys dedicated to workforce development in Baltimore are in 17 workforce development centers throughout the City and Baltimore County.

The expansion to sites outside of Baltimore City began in 2017. Based largely on the success of the 1B4J model, in the spring of 2017, MLA proposed to MLSC that MLA be allowed to expand its workforce development programming to two additional sites outside of Baltimore City, known as "One Stop Centers": the Prince George's County American Job Center and the Western Maryland American Job Center. MLA's proposal included a request for funding for two additional full-time attorneys, one for each center. MLSC agreed to the expansion and awarded MLA the funds necessary to hire the two full-time attorneys. Currently, each attorney reports to the chief of the office in the jurisdiction where the One-Stop Center is located. The Prince George's County center is suburban and the Allegany County center is rural. This expanded workforce development program has been operative since July 2017 and has served more 680 clients.

The staff attorneys provide legal wellness checks as well as “Know Your Rights” sessions for all One-Stop Center participants. The checks and information sessions address a wide range of topics including child support, consumer rights, tenant rights, domestic violence, expungement eligibility, pardons, probation, and employment discrimination issues. Eligible applicants receive brief advice and counsel in areas of substantive law within MLA’s priorities, representation for criminal record expungements, or appropriate referrals for extended legal representation to MLA’s full-service offices or other legal services providers. Ineligible applicants are referred to other service providers as appropriate.

The staff attorneys also train One-Stop Center staff on identifying legal issues and making appropriate referrals, and building relationships within the communities to ensure the program's visibility. Like the three Baltimore City workforce development attorneys, each attorney based at the One-Stop Centers has a private office in each center and holds office hours that range between four to six hours each week. The attorneys generally have between 40-80 cases at a time and spend at least one day a week, generally Fridays, at their local MLA offices for supervisory support and case staffing. Their supervisors are available by phone throughout the week. In addition to criminal record expungement work, MLA attorneys assist with a wide range of issues that serve as barriers to employment including child support modifications, licensing, and housing.

MLA workforce development staff also deliver “Know Your Rights” presentations to staff of the workforce sites to give them an idea of how MLA can help serve those in the centers and what information is being provided. Each site has its own referral process. At some sites, MLA attorneys do a “Know Your Rights” presentation every other week, and at others, it is more frequent. Quite often, a social worker or a community health worker will identify an individual who could benefit from legal services and then refers that individual to the MLA attorney.

## **THE COMMUNITY LAWYERING INITIATIVE**

These specialized project attorneys are part of a broader effort underway at MLA to bring civil legal services into communities through the use of technology and innovative service delivery models. This umbrella approach, referred to as the “Community Lawyering Initiative” (CLI), is designed to foster relationships of trust between service providers and their clients, and to tailor legal services to meet the specific needs of clients within the communities in which they live. Lack of dependable transportation or child care or a lack of awareness about MLA and one’s legal rights can prevent people from receiving critical legal assistance. MLA makes the law accessible to people by bringing it to the places where they live, work, and socialize, and by sharing information about the law in ways that are easy to understand. Through CLI, MLA increases opportunities for people to gain valuable knowledge and legal services that can change the trajectory of their lives and the lives of their children. Helping families obtain or maintain stability strengthens communities.

During the above noted civil unrest in 2015, Gusty Taler, MLA’s Chief Operating Officer, saw a news story about the Enoch Pratt Free Library’s Pennsylvania Avenue branch in West Baltimore, located at the epicenter of the turmoil. In the midst of the chaos, the branch manager kept the library open to serve as a safe haven for neighborhood residents, particularly children. Inspired by the branch manager’s dedication to the community, Taler and other members of MLA’s executive staff leveraged existing partnerships to create MLA’s Lawyer in the Library program.

Once a week for two hours each week and once a month on Saturdays, MLA staff from MLA's Baltimore City office would go to the West Baltimore library to meet with library patrons about their civil legal needs. First a handful of residents came. Then a few more. Soon they were coming by the hundreds. What started as a small community outreach program to address the civil legal needs of a particularly hard-hit community quickly became a statewide program with dedicated staff and legal clinics scheduled in not only libraries, but also places of worship, community centers, medical facilities, and non-profit organizations of all types. Today, MLA has lawyers on workforce development buses sponsored by Baltimore City and the Enoch Pratt Free Library system, in schools, drug treatment centers, and housing complexes.

To more accurately reflect the breadth of services offered and the locations where those services were offered, MLA decided to categorize the Lawyer in the Library program and its complementary programming under CLI. The program is managed by Director of Advocacy for Pro Bono & Training, Amy Petkovsek, and Supervising Attorney Meaghan McDermott. In addition to the three Baltimore-focused workforce development attorneys described above, CLI includes three full-time attorneys, three full-time paralegals, and an administrative assistant, along with a growing number of pro bono attorneys, law students, and volunteers.

CLI now includes a number of weekly and monthly expungement clinics coordinated and hosted in partnership with community organizations from around the state. In addition, the Lawyer in the Library program has expanded to other locations in Baltimore City, and Allegany, Anne Arundel, Baltimore, Calvert, Carroll, Charles, Dorchester, Frederick, Garrett, Howard, Montgomery, Prince George's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester counties. At most clinics, CLI provides a full range of civil legal services, from brief advice and counsel to extended representation in matters such as expungement, housing, family law, and public benefits.

The frequency of MLA attorneys visiting partner sites varies based on community need. For example, in Cecil County, a rural area of the state, an attorney makes quarterly visits; whereas in Prince George's County, which borders Washington, D.C., staff make more frequent visits.

A critical component to the success of CLI is mobile technology. Every CLI advocate carries a mobile office with them to different locations in red wagons. Laptops, printers, internet hotspots, and other equipment that an advocate may need to deliver services are loaded into the wagons. In the fall of 2016, in order to meet the increasing demand for help with expungements, MLA leveraged its internal resources and talents to develop a web app for expunging criminal records.

[ExpungeltMD.org](https://expungeltmd.org) is a free, user-friendly website that enables legal professionals to easily search Maryland criminal records and prepare expungement petitions for filing with the Maryland Courts on behalf of low-income clients. Central to the app's development was MLA's Program Manager & Senior Full Stack Developer, Russ Bloomquist, who undertook the task of creating [ExpungeltMD.org](https://expungeltmd.org) in just five weeks.

A confluence of factors continue to shape this program. Changes in the law related to expungements went into effect in 2017 and again in 2018, thereby expanding record clearance opportunities for individuals. As those changes in the law occurred, MLA broadened its network of partners. MLA now gives presentations, hosts clinics, and offers legal services in over 250 locations across the state, many of which provide workforce development services to clients. These partners



range from established non-profit organizations, to food pantries, to drug treatment centers, to housing facilities, and shelters for women recovering from substance abuse.

## **FUNDING CHALLENGES**

For sites that are not included in the MLSC-funded workforce development grants, MLA is able to partially fund its work through foundation funding and through Baltimore City's Community Development Block Grant (CDBG) funding. MLA continues to identify and apply for funding to support this critical work.

MLA is also part of a DOL sub-grant with Living Classrooms' Project SERVE (Service-Empowerment-Revitalization-Validation-Employment Training). Living Classrooms is a private, non-profit organization based in Baltimore City that provides workforce development, health and wellness, education, and violence prevention programming. While Living Classrooms is one of the 17 Baltimore sites under MLA's workforce development grant, MLA also runs an additional clinic based out of Living Classrooms to those involved in Project SERVE.

## **EVALUATING SUCCESS AND COLLECTING DATA**

MLA uses the case management software LegalServer to track factors such as the number of clients seen, the number of cases handled, the level of service provided, and the topics/areas of cases. MLA is also focused on going beyond facts and figures and telling clients' stories to current and potential funders.

MLA shares its data with MLSC and other funders and partners. One workforce development partner, City Life Community Builders, conducted a program evaluation and found that of all the services being provided, only the provision of legal services could reliably be deemed successful (<https://www.aecf.org/m/resourcedoc/kingslow-evaluationofonebaltimoreforjobs-2018.pdf>). While data sharing has largely been beneficial for both MLA and its partners, it has not come without challenges and, as such, MLA has had to adjust some partnerships in order to maintain the integrity of its program.





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# Leveraging Legal Partnerships

Mariel W. Shutinya



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# Who We Are - MLA

- Maryland Legal Aid is a private, non-profit law firm that provides free civil legal services to low-income and vulnerable individuals in need across the state.
- Legal Aid services are completely **FREE** if the person is financially eligible
- Check out [www.mdlab.org](http://www.mdlab.org) for more information



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# Examples of Civil Legal Issues

- Consumer Rights
- Elder Rights
- Employment
- Family
- Farmworkers Rights
- Government Benefits
- Health Care
- Housing
- Veterans Benefits
- Expungements



# Legal Partnership Overview

- Providing clients access to attorneys at your workforce development location
- Eliminating legal barriers to employment for clients
- Developing lasting relationships between your office and your legal services provider



# Current Partnerships

Since 2017, Maryland Legal Aid has established lasting partnerships with...

- American Job Centers
  - Baltimore County, Prince George's County, and Western MD
- Community Colleges
  - Baltimore County and Baltimore City
- Goodwill Industries
- Vehicles for Change
- Maryland New Directions
- And many more....



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# How can this help your clients?

- Improve job placement outcomes for clients by breaking down legal barriers to employment.

Examples include:

- Expunging Criminal Records
- Obtaining State Identification
- Reinstating Suspended Driver's Licenses
- Appealing Denial of Benefits



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# How can this help your clients?

- Eliminating Other Legal Stressors

Examples include:

- Housing Instability
  - Eviction
  - Foreclosure
  - Security Deposits
- Familial Instability
  - Child Support
  - Custody
  - Divorce
- Debt Management



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# How can this help your clients?

- Other Benefits for clients include:
  - Referrals
  - Brief Advice on other Legal Issues
  - Legal Education
    - Know Your Rights Presentations
  - Opportunity for Clients to be Heard



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# How can this help you?

- Increased Client Outcomes
- Increased Client Satisfaction
- Increased Comprehensiveness of Services
- Expand network and visibility
- Increased Client Traffic



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# Partnership Opportunities

Potential Options for Legal Providers include:

- Maryland Legal Aid
- Other Non-Profit Law Firms
- Pro Bono Attorneys
- Private Attorneys
- Law Schools



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# Funding Opportunities

- Grant Funding
- Donated Services
- Internal Funding Options
- Referrals Only (no funding needed)



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# Assessing Your Needs

- Think about your existing model
  - How often are clients at your site?
  - Are clients required to attend classes?
  - What type of services do you already provide?
- Think about your client base
  - Who are your clients?
  - What legal issues have they had before?
  - How old are your clients?
  - What is the income level of your clients?
  - Do your clients routinely miss scheduled appointments?



# Logistics - Service Options

- Scheduled Times
  - Walk-ins
  - Scheduled Appointments
- Legal Education Presentations
- One-time Legal Clinics
- Special Appointments Only
- Referrals Only



# Logistics - Frequency

Whatever works best for you and your legal partner!

Options includes:

- Daily
- Weekly
- Bi-Weekly
- Monthly
- Quarterly
- One Time Clinic

How long do you want the legal provider to be on site each visit?



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# Logistics - Scheduling

## Appointments

- Duration?
  - 30-minute blocks? 60-minute blocks?
- Who schedules the appointments?
- Who makes Reminder Calls?
- Are your clients likely to show up?

**OR**

## Walk-ins (first-come, first-served)

- Duration legal provider is on-site?
  - Full-day (factor in lunch breaks)
  - Half-day
  - Few hours



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# Logistics - Space

Where is the attorney going to work?

- Need private space or office if possible
  - Confidentiality and Privilege
  - Comfort of Client and Legal Professional

Where are clients going to wait?

Who is checking them in?

Who is responsible for flow of clients?



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# Logistics – Equipment/Supplies

## Who will supply.....

- Computer?
- Printer?
- Internet?
- Paper?
- Pens?



# Logistics – Advertising Services

- Staff Referrals
- Organizational Website
- Handouts
- Social Media
- Radio or tv advertisements

Who is responsible for advertising the services?



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# Logistics – Measuring Outcomes

- Important to track outcomes for you, your legal partner, and/or funders
- Who is tracking what? You or your legal partner?
  - Have a discussion about this during implementation stages
- Deliverables vary by site and funding source
  - Examples include:
    - How many clients seen?
    - How many clients received representation?
    - What legal issues?
    - Correlation between services and employment?
    - Client satisfaction?



# Setting Expectations with Partners

- Outline who is responsible for what at the onset of partnership
- Facilitate an open discussion about your client base and their needs
- Understand what services your legal partner can provide
- Set up open lines of communication



# Setting Expectations for Clients

- Fully explain to clients the available legal services
  - Income requirements?
  - Brief advice only or full representation available?
  - Civil or criminal legal assistance?
  - Potential legal conflicts
- If a client misses an appointment, are there repercussions?
  - From your site or the legal partners
- Travel logistics for follow-up appointments





# Lessons Learned

- Communication is vital
- Flexibility is key
  - From your site and the legal service providers
- It takes time...
  - to set up successful partnership
  - to implement an effective routine
  - to build trust with certain clients



# Lessons Learned

- Appointment model does not work for all clients
- Fully understand what services legal partner can provide
- Have multiple points of contact



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# QUESTIONS?



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## MEMORANDUM OF UNDERSTANDING

### **Johns Hopkins University and Legal Aid**

This Memorandum of Understanding ("MOU"), effective on this first (1<sup>st</sup>) day of October 2017 ("Effective Date"), is entered into by and between Johns Hopkins University ("JHU"), having an address at 3400 N. Charles St., Baltimore, MD 21218, and Legal Aid Bureau, Inc. ("Collaborator"), having its principal address at 500 East Lexington Street, Baltimore, Maryland 21202.

### **RECITALS**

**WHEREAS**, JHU is performing a research study evaluating the effectiveness of a comprehensive community-based HIV prevention intervention at a women's drop-in center ("Center") in Baltimore to reduce HIV/STI risks and infections among female sex workers ("Project");

**WHEREAS**, **Legal Aid Bureau, Inc.**, will provide civil legal services on a biweekly basis, including criminal record expungements and brief advice in the areas of family law, public benefits, housing, and consumer law. Civil legal services will be provided to income eligible clients who are not conflicts for the Legal Aid Bureau, Inc.

**WHEREAS**, the parties desire to collaborate in furtherance of the Project, as further described herein.

**NOW, THEREFORE**, in consideration of the mutual covenants set forth herein, and of other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

### **Article 1: Party Obligations**

- 1.1 Collaborator shall perform the services at the Center as indicated in Exhibit A, Scope of Work ("Services"), subject to the terms and conditions of that certain Space Occupancy License Agreement between the parties dated October 18, 2017 ("License").
- 1.2 Collaborator shall be responsible for bringing all supplies and/or materials required for the Services, including documents regarding consent, if applicable. Collaborator shall be solely responsible for (a) maintaining, storing, and securing its files and client charts; (b) any insurance or other claims related to the Services; and (c) billing for its professional services, if applicable, and JHU shall have no right to such proceeds.

- 1.3 JHU shall provide a physical space within the Center for Collaborator to provide the Services, under the terms and conditions of the License.
- 1.4 Emily Clouse (Project Director) and Dr. Susan Sherman (Principal Investigator) will be the principal contacts for JHU. Meaghan McDermott, Legal Aid Bureau's Project Director, will be the principal contact for Collaborator.
- 1.5 The parties shall maintain regular and reasonable communication with one another and other partners regarding the Center activities. The parties shall promptly inform one another if there is any material disruption in the Project and/or the Services.

## **Article 2: Term**

The term of this agreement shall be for a period running concurrently with the term of the License, unless sooner terminated as provided herein. The MOU may be renewed upon mutual agreement of the parties.

## **Article 3: Funding**

- 3.1 Resources from the JHU Bloomberg School of Public Health, Department of Health, Behavior and Society will be utilized to provide the Center space to Collaborator.
- 3.2 Collaborator will be responsible for all other costs associated with the Services, unless otherwise mutually agreed by the parties in writing.
- 3.3 The parties agree that this MOU does not commit them to any specific levels of financial or personnel support and each party will conduct the work and provide support based on the availability of resources and in accordance with its policies and procedures. Notwithstanding the foregoing, the parties agree to use reasonable efforts to obtain funds and other resources to support the Project.
- 3.4 Neither party shall incur any expenses or make any commitments on behalf of the other party.

## **Article 4: Communications**

- 4.1 The parties will communicate and consult with one another on the progress of the Project.

## **Article 5: Confidentiality**

- 5.1 Confidential Information. "Confidential Information" means all non-public, proprietary information that is marked as "Confidential Information" and which is disclosed by one party to the other, including but not limited to software, inventions (whether patentable or not), algorithms, diagrams, drawings, processes, research, product or strategic plans or collaborations or partnerships, financial information, or

business models. Confidential Information, if in tangible or readable form, shall be marked as such at the time of disclosure and if disclosed orally, shall be reduced to writing and marked confidential within ten (10) days after disclosure. All client and patient records and data arising out of individual services provided under this MOU, including eligibility for and engagement in services, participation at the Center, and client referral shall be Confidential Information.

- 5.2 Both parties shall have the right to refuse to accept any Confidential Information proffered to it by the other. If necessary, the parties will exchange Confidential Information only under the provisions set forth herein. The party who receives Confidential Information (the "Receiving Party") shall (i) hold the Confidential Information in confidence using the same care it affords its own confidential information of a similar nature, but not less than a reasonable degree of care; (ii) use the Confidential Information only for the performance of this Agreement; and (iii) restrict disclosure of the Confidential Information to employees whose duties justify the need to know the Confidential Information in furtherance of the performance of this Agreement and who are advised as to the confidential nature of the information and required to comply with the provisions of this Agreement. The Receiving Party shall not provide any third parties with access to the Confidential Information unless such third party has agreed to be bound by confidentiality and nondisclosure obligations in a form of an agreement acceptable to the party disclosing the Confidential Information (the "Disclosing Party").
- 5.3 Confidential Information shall not include any information disclosed that the Receiving Party can demonstrate (i) previously was in its possession, without violation of any obligation of confidentiality; (ii) was received from a third party without violation of any obligation of confidentiality; (iii) was publicly known and made generally available prior to such disclosure; (iv) becomes publicly known and made generally available, through no action or inaction of the Receiving Party, after such disclosure; or (v) was independently developed, as shown by competent evidence, without use of any Confidential Information by employees or consultants of the Receiving Party.
- 5.4 If the Receiving Party is required to disclose Confidential Information by order of a court of competent jurisdiction, administrative agency or governmental body, or by subpoena, summons or other legal process, the Receiving Party shall provide the Disclosing Party with prompt written notice of such required disclosure so that the Disclosing Party may seek a protective order or take other appropriate action, b) to cooperate reasonably with Disclosing Party in connection with Disclosing Party's efforts to seek such relief, and (c) thereafter to disclose only the minimum information required to be disclosed in order to comply.
- 5.5 The obligations of confidentiality under this Section shall continue for a period of three (3) years following conclusion or early termination of this MOU.



## **Article 6: Publication and Use of Name**

- 6.1 Each party shall have the right to publish and disseminate information derived from the performance of work under this MOU. Authorship of any publication resulting from the Project shall be determined in accordance with academic standards for authorship, such as the International Committee of Medical Journal Editors' guidelines for determining authorship.
- 6.2 Neither party shall use, directly or by implication, the names, logos, or trademarks of the other party nor any abbreviations thereof, or of any staff member, faculty member, student, or employee of the other party in connection with any products, publicity, promotion, financing, advertising, or other public disclosure, without the prior written permission of the other party.

## **Article 7: Termination**

- 7.1 Either party may terminate this MOU at any time upon a minimum of sixty (60) days prior written notice.
- 7.2 In the event that JHU does not obtain or loses the funding to support the Center, JHU has the right to immediately terminate this MOU.

## **Article 8: Notices**

Notices that are required to be given under this MOU shall be addressed to the following individuals and sent by first-class mail, postage prepaid; in person, or by facsimile followed by a mailing by first-class mail, postage prepaid. Notices will become effective on receipt.

For JHU:

Johns Hopkins University Research Administration  
1101 E. 33<sup>rd</sup> Street, Suite B001  
Baltimore, MD 21218  
Attn: Ashley Hoover, J.D., Contracts Associate

For Collaborator:

Legal Aid  
500 East Lexington St  
Baltimore MD 21202  
Attn: Meaghan McDermott, Esq.

## **Article 9: Liability and Insurance**

It is understood and agreed that neither party to this MOU shall be liable for any negligent or wrongful acts, either of commission or omission, chargeable to the other. Collaborator represents and warrants that it carries sufficient insurance coverage, including without limitation professional liability coverage in amounts that are reasonable and customary for the services. Collaborator shall indemnify, defend, and hold harmless JHU from and against any and all actions, liabilities, damages, costs (including court costs and attorney's fees), expenses, fees, demands, or claims of any nature whatsoever arising from injury to or death of persons or damage to property arising out of this MOU, except to the extent caused by JHU's negligence or willful misconduct.

#### **Article 10: General**

- 10.1 In the event that a dispute arises under this MOU, the parties agree to make a good faith effort to resolve any differences amicably.
- 10.2 The parties are and shall remain independent contractors and nothing herein shall be construed to create a partnership, agency, joint venture, or teaming agreement between the two organizations. No party has the authority to bind any other party in contract or to incur any debts or obligations on behalf of any other party, and no party (including any employee or other representative of a party with responsibility for program matters) shall take any action that attempts or purports to bind any other party in contract or to incur any debts or obligations on behalf of any other party, without the affected party's prior written approval.
- 10.3 This MOU shall not be assignable by either party, in whole or in part, without the prior written consent of the other party.
- 10.4 This MOU contains the entire agreement between the parties and no statements, promises or inducements made by either party or agent of either party that are not contained in this written MOU shall be valid or binding; and this MOU may not be enlarged, modified or altered except in writing, signed by the parties.
- 10.5 This MOU shall be governed by and construed in accordance with the laws of the State of Maryland (excepting any conflict of laws provisions which would serve to defeat application of Maryland substantive law). Each of the Parties hereto agrees to venue in and submits to the exclusive jurisdiction of the state and/or federal courts located within the State of Maryland for any suit, hearing or other legal proceeding of every nature, kind and description whatsoever in the event of any dispute or controversy arising hereunder or relating hereto, or in the event any ruling, finding or other legal determination is required or desired hereunder. BOTH PARTIES HERETO AGREE TO WAIVE THEIR RESPECTIVE RIGHTS TO A TRIAL BY JURY.

IN WITNESS WHEREOF the respective parties hereto have executed this MOU by their duly authorized officers on the date appearing below their signatures.

JOHNS HOPKINS UNIVERSITY

LEGAL AID

BY: \_\_\_\_\_

Alexandra M. Albinak, MBA, JD  
Name

Associate Vice Provost for Research  
Administration  
Title

\_\_\_\_\_  
Date

BY: Gustave E. Taler

GUSTAVE E. TALER  
Name

CHIEF OPERATING OFFICER  
Title

10/18/17  
Date

## **SPACE OCCUPANCY LICENSE AGREEMENT**

This SPACE OCCUPANCY LICENSE AGREEMENT (this “**Agreement**”) entered as of the first (1<sup>st</sup>) day of October 2017 (“**Effective Date**”), by and between THE JOHNS HOPKINS UNIVERSITY, a Maryland not-for-profit corporation (“**Licensor**”) on behalf of its Bloomberg School of Public Health, and Legal Aid Bureau, Inc. (“**Licensee**”).

### **ARTICLE I**

#### **BASIC TERMS**

1. **Notices to Licensor:**      **SPARC**  
908 Washington Boulevard  
Baltimore, MD 21230  
  
With a copy of legal notices to:  
  
Johns Hopkins University  
3400 N. Charles St.  
Garland 113  
Baltimore, MD 21218  
Attn: General Counsel
2. **Notices to Licensee:**      Legal Aid Bureau, Inc.  
**500 East Lexington St.**  
Baltimore MD 21202  
Attn: Gustava Taler
3. **Landlord:**                      Gina Gargeu and Barry Glazer
4. **Building:**                      Building located at 908 Washington Blvd., Baltimore, MD 21230
5. **Licensed Space:**              Shared office space within the Building
6. **License Fee:**                      None
7. **Term:**                              See Article III(3.1)
8. **Commencement Date:**      October 1, 2017
9. **Termination Date:**              The earlier of (a) the expiration or sooner termination of the term of the Lease (as hereinafter defined) or (b) one (1) year from the Commencement Date; provided, however, in the event that Licensor does not obtain or loses the funding to provide this license, Licensor has the right to immediately terminate this Agreement.

10. **Use:**

See Article IV

11. **Session(s):**

Every other Wednesday 3-6pm, unless otherwise agreed to by the Parties.

## **ARTICLE II** **GRANT OF LICENSE**

2.1 Subject and subordinate to the existing lease between Licensors and Landlord (“**Lease**”) and the terms herein, Licensors hereby grants to Licensee, and Licensee hereby accepts from Licensors, a non-exclusive, revocable license to occupy the Licensed Space for the identified Sessions. Licensee acknowledges and agrees that Licensors will not make any alterations or improvements to the Licensed Space and that the Licensed Space will be made available to Licensee in “AS IS, WITH ALL FAULTS” condition, without warranty or representation by Licensors as to the condition thereof or the fitness thereof for the permitted use. This license includes the reasonable use of ordinary services and utilities provided to the Building and Licensee will not be charged additional costs for such utilities except to the extent that additional charges are imposed on Licensors by Landlord for any extraordinary use by Licensee.

2.2 Licensee shall be solely responsible for (a) maintaining, storing, and securing its files and client charts in compliance with applicable laws, rules, and regulations, including without limitation those pertaining to patient confidentiality, and (b) billing for its professional services, if applicable, and Licensors shall have no obligations in connection therewith.

## **ARTICLE III** **LICENSE TERM**

3.1 **License Term.** So long as the Lease is in full force and effect and so long as Licensors has funding as provided in Article I(9), Licensee may utilize the Licensed Space for a Term of one (1) year, commencing on the Commencement Date and the Term shall be automatically renewed for successive one (1) year periods thereafter; provided, however, either party may terminate this Agreement upon at least sixty (60) days’ prior written notice to the other party. The Term may be extended upon mutual written agreement between the parties. Upon expiration or termination of this Agreement, Licensee shall surrender the Licensed Space “broom clean” and in substantially the condition in which it was in on the Commencement Date, reasonable wear and tear and damage by casualty excepted.

## **ARTICLE IV** **USE**

4.1 **Use of Licensed Space.** Licensee shall use the Licensed Space to provide civil legal services.

4.2 **Compliance with Laws.** Licensee shall be solely responsible for the following: (a) complying with all federal, state, and local laws, ordinances, codes, rules, regulations, orders, permits, licensing conditions, and other governmental requirements that are applicable to

Licensee's operations within the Licensed Space, including, but not limited to, all applicable professional licensing and certification requirements and all environmental (including without limitation those pertaining to biological materials and medical waste), patient confidentiality, and public health laws, rules, and regulations; (b) conducting the activities with high quality skill and professional standards consistent with a first class healthcare provider; and (c) complying with the requirements of applicable insurance policies now or hereafter in force (items (a), (b), and (c) are herein collectively referred to as the "**Requirements**"). Licensee hereby indemnifies and saves Licensor and Landlord harmless from and against any cost, expense, or liability (including court costs and attorney's fees) incurred or penalty imposed because of any violation of any Requirements occasioned by the neglect, omission, or willful act of Licensee or Licensee's officers, employees, agents, customers, patients, invitees, guests, or independent contractors, or any person on the Licensed Space by permission of Licensee (collectively, "**Responsible Parties**"). This indemnification shall survive expiration or earlier termination of the Term.

**4.3 Conduct in Licensed Space.** Licensee agrees to conduct its business in a lawful, good, and orderly manner and to keep the Licensed Space clean and sanitary. Licensee shall not do, or permit anything to be done, in the Licensed Space which in any way will: (a) increase Licensor's or Landlord's rate of casualty or liability insurance or conflict with Licensor's or Landlord's casualty or liability insurance policies; (b) obstruct or interfere with the rights of the Licensor or of other occupants of the Building, if any; (c) subject Licensor to any liability for injury to persons or damage to property; (d) interfere with the good order of the Building; (e) commit waste or damage upon or to the Licensed Space; or (f) conflict with the permitted purpose. Licensee shall (i) surrender the Licensed Premises to Licensor at the expiration of each Session and the Term free and clear of any litter, debris, and personal property; and (ii) pay to Licensor or Landlord, as applicable, the costs incurred by it to remove any such litter, debris, or personal property and repair or replace any part or the entirety of the Licensed Premises or Building which may become damaged, as determined by Licensor or Landlord in its discretion, as the result of Licensee's use of the Licensed Premises. Licensor and Landlord shall have the right to prescribe and amend, at their sole discretion, reasonable rules and regulations governing the use and enjoyment of the Licensed Premises and Building, and Tenant shall adhere to and shall cause Responsible Parties to adhere to the same.

**4.4 Property Loss, Damage.** Neither Licensor nor Landlord shall be liable for injuries to person or damage to property occurring on or about the Licensed Space due to: (a) a loss of property by theft or burglary; (b) damage or injury to person or property on or about the Licensed Space from the use of any utility on the Licensed Space; (c) any damage or injury caused by action of the natural elements or any other event or circumstance beyond the reasonable control of Licensor; or (d) damage or injury resulting from the conduct of Licensee or Responsible Parties, whether negligent or otherwise. Anything contained in this Agreement to the contrary notwithstanding, Licensee shall be obligated to pay the cost and expense of any repairs to the Licensed Space or the Building necessitated by the willful misconduct or negligence of Licensee or Responsible Parties.

## **ARTICLE V**

### **INSURANCE AND INDEMNITY**

**5.1 Insurance.** Licensee shall maintain at its expense, throughout the Term, the

following insurance against loss or liability in connection with injury to persons, death, property damage or destruction, or property occurring within the Building or arising out of the use thereof by Licensee or Responsible Parties

(a) General Liability Insurance with limits no less than Two Million Dollars (\$2,000,000.00) for bodily injury to or death of any one person during any one occurrence; Three Million Dollars (\$3,000,000.00) for bodily injury to or death of all persons in aggregate; One Million Dollars for property damage;

(b) Medical Professional Liability Insurance with limits no less than One Million Dollars (\$1,000,000.00) for bodily injury to or death of any one person due to medical malpractice; (d) One Hundred Thousand Dollars (\$100,000) for fire legal liability;

(c) Property Insurance written on an All Risk coverage or its equivalent form, at replacement cost value covering all of Tenant's equipment, furniture, fixtures, merchandise and other personal property within the Premises;

(d) Workers Compensation Insurance in accordance with the Applicable Laws; and Employers Liability Coverage of at least Five Hundred Thousand Dollars (\$500,000) per bodily injury by accident (per accident), Five Hundred Thousand Dollars (\$500,000) for bodily injury by disease (policy limit), and Five Hundred Thousand Dollars (\$500,000) for bodily injury by disease (each person).

Each such policy (except for Professional Liability and Workers Compensation) shall (i) name Licensor and Landlord each as an additional insured thereunder; (ii) by its terms, be considered primary, and noncontributory, with respect to any other insurance carried by Licensor; (iii) by its terms, be cancelable only on at least thirty (30) days' prior written notice to Licensor; and (iv) be issued by an insurer of recognized responsibility licensed to issue such policy in Maryland. Licensee shall provide Licensor and Landlord with certificates of insurance for the foregoing policies upon request.

**5.2 Indemnity.** Licensee shall indemnify, defend, and hold harmless Landlord and Licensor from and against any and all actions, liabilities, damages, costs (including court costs and attorney's fees), expenses, fees, demands, or claims of any nature whatsoever arising from injury to or death of persons or damage to property on the Licensed Space except to the extent due solely to Landlord's or Licensor's negligence or willful misconduct.

## **ARTICLE VI**

### **DEFAULT**

**6.1 Default.** If Licensee shall default in the performance or observance of any agreement or condition on its part to be performed or observed under this Agreement, and if Licensee shall fail to cure such default within five (5) business days after written notice of default from Licensor, or fail to commence and diligently prosecute cure of any default that is not susceptible to cure in the five (5) business day period, or if the Licensed Space is destroyed by casualty or taken by condemnation, then Licensor may lawfully immediately, or at any time thereafter, and without further notice, terminate this Agreement, and Licensee shall forthwith vacate the Licensed Space, however, Licensee shall remain liable to Licensor for all money or other damages arising from any default of Licensee under this Agreement.

**ARTICLE VII**  
**MISCELLANEOUS**

7.1 Licensee shall utilize the Licensed Space as a licensee only. This Agreement shall not be construed as a lease or sublease of the Licensed Space or as a conveyance of any real property interest in the Licensed Space or the Building. Nothing in this Agreement shall be deemed or construed as creating a partnership, joint venture, or a relationship of landlord and tenant between Licensor and Licensee. The provisions of this Agreement are not intended to create nor shall they be deemed or construed to create any relationship between Licensor and Licensee other than that of independent entities contracting with each other hereunder solely for the purpose of effecting the provisions hereof. Neither the parties hereto, nor any of their respective employees, shall be construed to be the agent, employer, or representative of the other.

7.2 The name "Johns Hopkins University" (or any version thereof, such as "Hopkins" or "JHU"), as well as any if Licensor's logos or trademarks, are the property of Licensor and may not be used without the express prior written permission of Licensor.

7.3 This License Agreement is intended by the parties as a final expression of their agreement concerning the Licensed Space and as a complete and exclusive statement of the terms thereof. This License Agreement can only be assigned, sublicensed, transferred, encumbered, amended, or modified by a writing signed by both parties. This License Agreement shall be governed by and construed in accordance with the laws of the State of Maryland. **THE PARTIES HEREBY WAIVE THEIR RESPECTIVE RIGHT TO A JURY TRIAL IN ANY ACTION ARISING OUT OF OR RELATING IN ANY WAY TO THIS AGREEMENT.**

*(Signatures on the following page)*



IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed under seal as of the day and year first above written.

**LICENSOR**

JOHNS HOPKINS UNIVERSITY

By: \_\_\_\_\_ (SEAL)

Name: Robert McLean

Title: Vice President, Facilities & Real Estate

**LICENSEE**

Legal Aid Bureau, Inc.

By: Gustawa E. Taler (SEAL)

Name: GUSTAWA E. TALER

Title: CHIEF OPERATING OFFICER

Acknowledged and agreed:

**LANDLORD**

By: \_\_\_\_\_ (SEAL)

Name: Gina Gargeu \_\_\_\_\_

Title: Landlord \_\_\_\_\_

By: \_\_\_\_\_ (SEAL)

Name: Barry Glazer \_\_\_\_\_

Title: Landlord \_\_\_\_\_



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# Maryland Legal Aid

*Advancing Human Rights  
and Justice for all in Maryland  
Since 1911*

Rashad L. James, Esq.



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# Who We Are

- Legal Aid is a private, non-profit law firm that provides free civil legal services to low-income and vulnerable people in need across Maryland.
- Legal Aid has offices throughout Maryland.
- Legal Aid services are completely **FREE!!!**
  - But, you must be financially eligible.
  - However, if your not financially eligible, we can still provide you with brief legal advice.
- Check out [www.mdlab.org](http://www.mdlab.org) for more information.



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# Type of Cases We Handle

- Consumer Rights
- Elder Rights
- Employment
- Family
- Farmworkers Rights
- Government Benefits
- Health Care
- Housing
- Veterans Benefits
- Expungements
- Child Abuse & Neglect
- Foreclosure



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# Intake Process for 1B4J Clients

- During the intake process personal information is gathered about you, your case, your household, your children, your current and former spouses and your income and assets.
- This information is taken in order to determine if Legal Aid can assist you or if we have to refer you to someone else who is able to help you instead.





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# Expungements Law

# Why Expunge?

- Any arrest is a public record (even without a conviction).
- Arrests and charges will appear on background checks and public court records.
- Could impact employment, housing applications, child custody determinations.



# Eligible for Expungement

- Criminal charges obtained in Maryland.
  - State Charges, not Federal Charges
- Traffic entries where there is a possible incarceration.
  - Excluding DUI & DWI
- No Pending Criminal Cases
  - Being on probation or parole is not a pending case





# What Can Be Expunged: Outcome of the Case

- **Nolle Prosequi** (Nol Pros): State's Attorney declined to prosecute case
  - After 3 year waiting period; or
  - With a General Waiver and Release
- **Not Guilty or Dismissal**
  - After 3 year waiting period; or
  - With a General Waiver and Release
- **Stet**: Indefinite postponement of a case
  - After 3 year waiting period; or
  - At any time with a motion for good cause exception
- **Probation Before Judgment** (PBJ)
  - After 3 year waiting period or completion of probation, whichever is longer; or
  - At any time with a motion for good cause exception
- **Release without charge**
  - After Oct 1, 2007, automatic expungement 60 days after your release
  - Before Oct 1, 2007, must get manually expunged from the arresting agency. Must request this within 8 years of the incident date.



# What Can Be Expunged: Type of Charge

- **Guilty/Not Criminally Responsible – Nuisance Crimes**
  - Urinating in a public
  - Riding a transit without paying the fare
  - Panhandling: begging for money
  - Sleeping in a park
  - Vagrancy: Wondering around from place to place with no purpose
  - Loitering: hanging out in front of or near a privately owed place without purpose or permission.
  - Drinking alcohol in public
- **Guilty of a crime that is no longer a crime**
  - Marijuana less than 10 grams
- **Unconditional Governor's Pardoned**
  - Only if you were convicted of only one non-violent criminal act.



# What Can Not be Expunged

- General Rule
  - Felony Convictions and unspecified misdemeanor convictions
    - i.e. Driving on a Suspended License
- Unit Rule
  - A unit consists of two or more charges, other than minor traffic violations, arising from the same incident.
  - If any charge in the unit is not expungable, the entire unit is not expungable.
- DUI/DWI
  - PBJ and Guilty
- No subsequent conviction within 3 years of a PBJ
  - Exception for minor traffic violation



# Identifying Criminal Charges

- Maryland Judiciary Case Search
  - <http://www.casesearch.courts.state.md.us/>
  - Public Record Search
  - Not comprehensive and not always accurate.
- Criminal Justice Information System (CJIS)
  - 6776 Reisterstown Road (Reisterstown Plaza), Room 200, Baltimore, MD 21215
  - Cost \$38 (can not be waived)
  - Fingerprint record
  - Complete Record



# New Expungement Law

- Maryland has enacted the “Justice Reinvestment Act”
  - This act will make expungements available for those who have been convicted of eligible misdemeanor offenses.
  - The law will take effect on **October 1, 2017**.
  - Over 100 specified misdemeanor offenses will be eligible for expungements under the new law including, but not limited to:
    - Second degree assault
    - Drug possession
    - Prostitution
    - Theft
    - Disorderly conduct



# New Expungement Law: Waiting Periods

- In General, for the specified misdemeanor offenses, there is a 10 year waiting period before you can petition for expungement.
- Exception for convictions of second degree assault and second degree assault that stem from domestic violence.
  - There is a 15 year waiting period.



# New Expungement Law: What Cannot Be Expunged

- Unit Rule still applies
  - i.e. if you get convicted of a felony or an ineligible misdemeanor arising from the same incident.
  - If any charge in the unit is not expungable, the entire unit is not expungable.
- Subsequent Convictions still applies
  - If you get convicted of a new crime during the waiting period, the original conviction or convictions are not eligible for expungement unless the new conviction become eligible for expungement.
- No Pending Criminal Cases
- Probation, Parole or Mandatory Supervision
  - The waiting period begins at the end of the probation, parole or supervision period.
- DUI & DWI



# Expungement Procedure

- State's Attorney has 30 days to object to the petition
  - If it is an expungement of a convicted offense, the victim will also be given 30 days to object to the petition
- If no objection is filed within 30 days, the court must enter an order for expungement
- If either the State's Attorney or victim object, the court must hold a hearing
- Once an order for expungement is entered, the applicant agencies will have 60 days to expunge the record.





# Effect of Expungement on Eligible Misdemeanor Convictions

- A record that has been expunged may be opened upon court order
  - notice must be sent to the person concerned and a hearing must be held.
  - A court will only open expunged records upon showing good cause.
- Expunged records are kept separately for three years, then destroyed.
- A person may not be required to disclose information about expunged records to an employer, educational institution or government licensing agency.





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# Child Support Law

# Child Support Enforcement

- Maryland law requires both parents to financially support their minor children.
- The Child Support Enforcement Administration (CSEA) is responsible for collecting child support.
- If you fail to pay child support, CSEA can bring a civil contempt proceeding against you. As well as, the State's Attorney office can also bring a criminal contempt proceeding against you.



# Your Remedies

- You have a right to **PURGE!!!**
  - By making a child support payment (as acceptable the CSEA and the Court) or
  - By performing specific acts ordered by the court.
- Child Support Payment Incentive Program
  - Reduces arrears by half if you make full child support payments for one year.
  - Eliminates balance owed if you make full child support payments for two years.



# Defense Against Contempt

- You can't be held in contempt if:
  - You never had the ability to pay the child support; **AND**
  - You made reasonable efforts to become or remained employed or otherwise lawfully acquired funds to make the child support payments; **OR**
  - The time limit expired on the ability to bring a contempt action.



# What CSEA Could Do If You Don't Pay

- Report failure to pay to credit bureaus
- Garnish Wages, Tax Refunds, Bank Accounts, Lottery Winnings, Inmate Earnings, Unemployment, Workers Compensation
- Place a Lien on Property
- Deny Passport Applications
- Suspend your Professional License
- Suspend your Driver's License



# Your Protections

- **Notice Requirement:** CSEA must inform you in advance if they are going to take any adverse actions against you.
- You have 15 days from the receipt of that notice to request an investigation of the amount of arrears or child support obligation.
- **Appeal Rights:** After the investigation occurs and you are not satisfied with the results, you can appeal to the Office of Administrative Hearings
  - 15 days – Lottery and result of investigation regarding enforcement of medical support;
  - 20 days – CSEA notice of action or intended action regarding driver's license suspension; or
  - 30 days – after results of investigation regarding earnings withholding orders, garnishments, notice of action or intended action in any other child support matter from agencies.



# Driver's License

- **Suspension Due to Failure to pay Child Support**
  - If you become 60 days late on child support, CSEA will notify the MVA to suspend your driver's license.
- **Suspension Due to Traffic Offenses**
  - The Court will notify the MVA to suspend your driver's license if you fail to pay fines or you fail to appear in court
  - Access to your citation information
    - <http://www.courts.state.md.us/courts/courtrecords.html>
    - Certified Records through the District Court Traffic processing Center at: 1-800-492-2656
    - Red Light, Speed Monitoring, School Bus Monitoring, and Electronic Toll Citation
      - Contact the police or state agency listed on the citation. These citations are not found on the Judiciary's Case Search.
- **Your Remedies**
  - You can arrange a payment plan with the Insurance Compliance Division (ICD) at any MVA full service branch.
  - You will also need to contact the Central Collections Unit (CCU) and be prepared to make down payment.
  - If you fail to make a payment arrangement, a flag may be placed on your registration, making it illegal for your vehicle to be driven.





# Your Protections

- **Notice Requirement:** before suspending your driver's license, CSEA has to send you written notice of the suspension.
- After you receive the notice, you have 15 days to request an investigation to make the following arguments:
  - Support obligation does not exist;
  - Amount of arrears is incorrect and/or you are less than 60 days out of compliance;
  - The suspension would be an barrier to your current or potential employment;
    - MVA can issue a work restriction license instead
  - The suspension would place an undue hardship on you because of a disability resulting in a verified inability to work;
  - The suspension would place an undue hardship on you because your subsequent inability to comply with the court order.





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# Government Benefits Law

# Fair Wages

## Maryland Minimum Wage Schedule:

- \$9.25, Currently
- \$10.10, Effective 7/1/2018
- Most employees must be paid 1.5 times their usual hourly rate for all work over 40 hours per week.
- Apply for Food Stamps, Medical Assistance, Pharmacy Assistance Temporary Cash Assistance (TCA), Rental Assistance, Energy Assistance at your local Department of Social Service.
- A decision will be made on your application within 30 to 60 days.
- If you are denied, or cut off, and you believe you were wrongfully denied or cut off you have a right to appeal the decision.





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# Housing/Landlord-Tenant Law

# Rent Escrow

- As a tenant, you have the right to live in housing that is not dangerous to the life, health or safety of you or your family.
- You are still paying rent if you file an escrow action, however, your rent is going into an escrow account and the landlord will not receive that money until the landlord makes the repairs.
- Rent escrow can be used to fix conditions in your rental housing that are a serious threat to your life, health or safety.
  - Lack of heat, light, electricity or running water; or
    - Unless this is due to you not paying your utility bill
  - Lack of adequate sewage disposal;
  - Rodent infestation; or
    - If you live in a building with two or more units
  - Structural defects that create a serious and substantial threat to your safety; or
  - Any condition that is a health or fire hazard; or
  - Lead paint



# Before You Can Use Rent Escrow

- Conditions not covered under rent escrow law
  - Lack of fresh paint, rugs or carpeting; and
  - Small cracks in walls, floors or ceilings; and
  - Absence of tile on floors, if floor is otherwise structurally sound; and
  - Lack of air conditioning
- Before you may use rent escrow, your landlord must know about the dangerous condition.
- Once your landlord knows about the dangerous condition, the landlord has a *reasonable* amount of time to make the repairs.
  - In general the landlord is given 30 days to make the repairs.
  - However, a shorter amount of time may be allowed if the conditions are very severe, such as no heat, water or electricity.



# Using the Rent Escrow Law

- Two ways to start rent escrow:
  - You may file a petition for rent escrow in the District Court.
  - You may stop paying your rent when your landlord does not make necessary repairs.
    - Your landlord will take you to court for failure to pay rent, however, you can use rent escrow law to defend yourself in court.
- If the Judge grants you rent escrow, and the landlord has not made any good faith attempts to make repairs, you may request that the money in the escrow be given to you so that you may move out and find another place to live.
- The Court can stop rent escrow for the following:
  - You miss paying rent payments into the rent escrow account; or
  - Your landlord makes all of the repairs that the court decided were necessary; or
  - You ask the court to terminate your lease without penalty because your landlord has failed to make repairs.



# Evictions

- An eviction is only legal if your landlord goes to court and obtains a judgment against you and if a sheriff/constable is present at the time the tenant is put out of the unit.
- An eviction is illegal if your landlord tries to evict you by changing the locks, turning off the utilities or removing your belongings.





# Types of Evictions: Non-Payment of Rent

- Your landlord does not have to give you notice before filing an eviction, unless required by your lease.
  - Your landlord must show that rent was not paid
  - If your landlord wins the court will enter a judgement against you.
- You May win a non-Payment of rent case:
  - You can show you already paid the rent your landlord claims is due, or if you have the rent with you in court, along with any late fees and court cost; or
  - You offered to pay the rent, but your landlord refused to accept it and you have the rent with you in court; or
  - Your landlord is suing you for something other than rent (security deposit, damages, etc.); or
  - You have a rent escrow condition in your home.
- Foreclosure of Right of Redemption
  - You may not be able to stop the eviction by paying the judgment if you have too many judgments for non-payment of rent against you.
  - If your landlord has had 4 judgments entered against you in the last 12 months, on the 5<sup>th</sup> judgment, your landlord may ask the court to foreclose your right of redemption.
  - If the Judge grants your landlord's request to foreclose the right to redeem, your landlord can evict you even if you pay the judgment and court cost.
  - You may avoid having a 5<sup>th</sup> judgment entered against you that forecloses your right to redeem so long as you pay all the rent, late fees, and court cost owed to the landlord at any time before the court enters the judgment at trial.



# Helpful Resources/Referrals

- Child Support Enforcement (CSEA) – 1 (800) 332-6347
- Community Assistance Network (CAN) – (410) 285-4674; [www.canconnects.org](http://www.canconnects.org)
- Consumer Credit Counseling Services – 1 (800) 642-2227; [www.cccs-inc.org](http://www.cccs-inc.org)
- Department of Labor, Licensing & Regulations (DLLR) – (410) 767-2357; [www.dllr.state.md.us](http://www.dllr.state.md.us)
- Department of Social Services (DSS) – (410) 853-3000
- Department of Health and Mental Hygiene (DHMH) – (410) 767-6500; [www.dhmh.maryland.gov](http://www.dhmh.maryland.gov)
- District Court Self Help Center – (410) 260-1392
- Maryland Energy Assistance Program (MEAP) – 1 (800) 352-1446
- Family Law Hotline – 1 (800) 845-8550
- Maryland Volunteer Lawyers Services (MVLS) – (410) 547-6537; [www.mvlslaw.org](http://www.mvlslaw.org)
- Baltimore Neighborhood Landlord-Tenant (BNI) – 1 (800) 487-6007; [www.bni-maryland.org](http://www.bni-maryland.org)
- Homeless Persons Representation Project – 1 (800) 773-4340; [www.hprplaw.org](http://www.hprplaw.org)
- Housing Inspector
  - Section 8 – (410) 887-3351
  - Non-Section 8 – (410) 887-3352
- Joining Forces Veterans Hotline – (443) 863-4040



# My Contact Information

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- Address: 500 East Lexington Street,  
Baltimore, Maryland 21202
- Telephone: (410) 951-7762
- Email: [rjames@mdlab.org](mailto:rjames@mdlab.org)

Please feel free to contact me should you have any questions.



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# Expungement 101

Presented by:

**The Community Lawyering Initiative**

October 2018



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# Presenter: Cindy Ye

Emory Law School graduate

Previously worked as both a state's attorney and a public defender in Illinois

Joined MLA in January 2018

MD Workforce Legal Services Attorney,  
Community Lawyering Initiative



# Notice/Disclaimer

The legal statutes cited in this presentation are current as of October 1, 2018.

Expungement laws change regularly.

Please consult the Maryland Code and the Courts' website for the most accurate information.



# Expungement is...

The removal of  
records from  
**PUBLIC** inspection.



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# Why Expunge?

- Any arrest is a public record (even without a conviction)
- Arrests, charges and convictions will appear on background checks and public court records
- Records have major negative impacts on employment opportunities, housing applications and child custody determinations





# Expungement Law in Maryland

- Relevant statutes: MD Code, Criminal Procedure, § 10-105 and § 10-110
- Maryland charges only
- Includes traffic entries where there is a possibility of incarceration
- Includes civil charges that are a replacement for criminal charges
  - i.e. marijuana under 10grams



# Pending/Active Case is a Bar

- **Ask: Do you have a pending criminal case?**
  - being on probation is not a pending case  
(*Robert B. v. State*, 193 Md. App. 620)
  - “drug court” may show as active on case search but is not active for expungement purposes
  - active incarcerable traffic
- Explain: If client receives a new charge after the clinic, Maryland Legal Aid (MLA ) will withdraw the expungement petitions.



# Expungeable Dispositions

- Nolle Prosequi
- Acquittal/Not Guilty
- Dismissal
- Stet
- Probation Before Judgement (PBJ)
- Not Criminally Responsible (NCR)
- Compromise
- Transfer



# Expungeable Dispositions

- Guilty\*
- Nolo Contendre (or No contest)
- Alfred Plea

\*Some convictions can be expunged



# Immediately Expungeable

- Nolle Prosequi, Acquittal/Not Guilty, Dismissals
- Waiver required if disposition is less than 3 years old



# Stet

- 3 year waiting period
- Subsequent convictions OK



# Stet - 3 Year Waiting Period

This stet charge would be expungable on 9/27/2008

Charge No: 001 Description: ASSAULT-SEC DEGREE  
Statute: CR.3.203 Description: ASSAULT-SEC DEGREE  
Filing Date: CJIS Code: 1 1415 MO/PLL: Probable Cause: X  
Accident Date From: 08/27/2005 To: 08/27/2005 Victim Age:

Disposition

Plea: OTHER PLEA  
Disposition: STET Disposition Date: 09/27/2005  
Fine: \$0.00 Court Costs: \$0.00 CICF: \$0.00  
Not Suspended: Fine: \$0.00 Court Costs: \$0.00 CICF: \$0.00  
Probation End Date: Probation End Date: Restitution Amount: \$0.00  
Prison Term: Yrs: Mos: Days:  
Suspended Term: Yrs: Mos: Days:  
Prison Time Served:

Charge No: 002 Description: DEADLY WEAPON-INT/INJURE  
Statute: CR.4.101.(c)(2) Description: DANGEROUS WEAPON-INT/INJURE  
Filing Date: CJIS Code: 1 5200 MO/PLL: Probable Cause: X  
Accident Date From: 08/27/2005 To: 08/27/2005 Victim Age:

Disposition

Plea: OTHER PLEA  
Disposition: STET Disposition Date: 09/27/2005  
Fine: \$0.00 Court Costs: \$0.00 CICF: \$0.00  
Not Suspended: Fine: \$0.00 Court Costs: \$0.00 CICF: \$0.00  
Probation End Date: Probation End Date: Restitution Amount: \$0.00  
Prison Term: Yrs: Mos: Days:  
Suspended Term: Yrs: Mos: Days:  
Prison Time Served:



# Probation Before Judgment

- 3 year waiting period
  - If probation is longer than 3 years, must wait until end of probation
    - This is rare. Probation period is usually 1 year to 18 months.





# PBJ - Special Rules

- If the client receives a subsequent conviction in the three year period after the PBJ is entered, the PBJ cannot be expunged
  - Subsequent **charges** are OK (i.e. dispositions not resulting in guilty)
- PBJ dispositions for DUIs/DWIs cannot be expunged



# Good Cause

- 10-105(c)(9)
- Sometimes MLA files stets and PBJs early
- Requirements:
  - Only item on record
  - Successful completion of any probation (PBJ) or community service
- Let client know MLA may/may not take this case
  - A staff attorney will call client in the next week to determine if MLA will staff
- Please alert an attorney at the clinic that you have identified a possible good cause case



# Not Criminally Responsible (NCR)

- Rarely seen
- Limited to 3 crimes
  - Trespass
  - Disturbing the peace
  - Telephone Misuse
- 3 year waiting period
- Subsequent convictions OK



# Compromise

- 3 year waiting period
- Subsequent convictions OK
- Rarely seen



# Transferred to Juvenile Court

Charge transferred from adult to juvenile court under 4-202



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# Pardons

- Not automatically expunged
- Nonviolent offense
- 1 criminal offense in lifetime
- Expungement must be filed within 10 years of the pardon



# Traffic Offenses

- Impact of traffic convictions is frequently misunderstood and underestimated by clients
- Incarcerable traffic offenses are listed under Md. Code Trans. 27-101
- An active incarcerable traffic is a bar to any expungement
- A guilty incarcerable traffic may make the client ineligible for otherwise expungeable charges



# Petition A: Non-Convictions



☐ CIRCUIT COURT ☐ DISTRICT COURT OF MARYLAND FOR \_\_\_\_\_  
City/County

Located at \_\_\_\_\_ Case No. \_\_\_\_\_  
Court Address

Tracking # \_\_\_\_\_

STATE OF MARYLAND

VS.

Defendant \_\_\_\_\_  
DOB \_\_\_\_\_

## PETITION FOR EXPUNGEMENT OF RECORDS (ACQUITTAL, DISMISSAL, PROBATION BEFORE JUDGMENT, NOLLE PROSEQUI, STET, OR NOT CRIMINALLY RESPONSIBLE DISPOSITION)

(In this petition, references are to the Annotated Code of Maryland, and references to "crime" and to "criminal action" refer to any criminal offense other than a violation of the vehicle or traffic laws, ordinances, or regulations that does not carry a possible sentence of imprisonment.)

1. (Check one of the following boxes) On or about \_\_\_\_\_, I was ☐ arrested, ☐ served with a summons, or  
Date  
☐ served with a citation by an officer of the \_\_\_\_\_  
Law Enforcement Agency  
at \_\_\_\_\_, Maryland, as a result of the following incident \_\_\_\_\_

2. I was charged with the offense of \_\_\_\_\_

3. On or about \_\_\_\_\_, the charge was disposed of as follows (check all that apply, making sure that each statement is true and correct):  
Date

- ☐ I was **acquitted** of the charge. Either three (3) years have passed since the acquittal, or a General Waiver and Release is attached.
- ☐ the charge was otherwise **dismissed or quashed**. Either three (3) years have passed since that disposition, or a General Waiver and Release is attached.
- ☐ a **probation before judgment** was entered on the charge, but the **conduct on which the charge was based is no longer a crime**.
- ☐ a **probation before judgment** was entered on the charge, and the **conduct on which the charge was based still is a crime**.

The charge did not allege a violation of Transportation Article, § 21-902; Criminal Law Article, §§ 2-503, 2-504, 2-505, or 2-506; Criminal Law Article, § 2-211; or Family Article 27, § 288A or § 288B. Either (a) at least three (3) years have passed since that



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# Presenter: Rashad James

Graduated University of Maryland School  
of Law

Previously worked as professor of  
Sociology, CCBC

Joined Maryland Legal Aid in 2017


MD Workforce Legal Services Attorney,  
Community Lawyering Initiative



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# Petition for Convictions

 ☐ **CIRCUIT COURT** ☐ **DISTRICT COURT OF MARYLAND FOR** \_\_\_\_\_  
City/County

Located at \_\_\_\_\_ Court Address \_\_\_\_\_ Case No. \_\_\_\_\_  
Tracking # \_\_\_\_\_

STATE OF MARYLAND VS. Defendant \_\_\_\_\_ DOB \_\_\_\_\_

**PETITION FOR EXPUNGEMENT OF RECORDS  
(GUILTY DISPOSITION)**

(In this petition, references are to the Annotated Code of Maryland, and references to "crime" and to "criminal action" refer to any criminal offense other than a violation of the vehicle or traffic laws, ordinances, or regulations that does not carry a possible sentence of imprisonment.)

1. (Check one of the following boxes) On or about \_\_\_\_\_ Date, I was ☐ arrested, ☐ served with a summons, or ☐ served with a citation by an officer of the \_\_\_\_\_ Law Enforcement Agency at \_\_\_\_\_, Maryland, as a result of the following incident \_\_\_\_\_

2. I was charged with the offense of \_\_\_\_\_

3. On or about \_\_\_\_\_ Date, I was convicted (found guilty) of (check all that apply, making sure that the statement is true and correct):

- ☐ the charge, but the conduct on which the charge was based is no longer a crime.
- ☐ a crime specified in Criminal Procedure Article, § 10-105(a)(9). Three (3) years have passed since the later of the conviction or satisfactory completion of the sentence, including probation. I am not now a defendant in any pending criminal action.
- ☐ possession of marijuana under Criminal Law Article § 5-601, as specified in Criminal Procedure Article, § 10-105(a)(12). Four (4) years have passed since the later of the conviction or satisfactory completion of the sentence, including probation. I am not now a defendant in any pending criminal action.
- ☐ one criminal act, which is not a crime of violence as defined in Criminal Law Article, § 14-101(a), and on or about \_\_\_\_\_ Date, I was granted a full and unconditional pardon by the Governor with respect to that conviction.

Not more than 10 years have passed since \_\_\_\_\_ Date \_\_\_\_\_ in any pending criminal action.

☐ a crime specified in Criminal Procedure Article, § 10-105(a)(9). Three (3) years have passed since the later of the conviction or satisfactory completion of the sentence, including probation. I am not now a defendant in any pending criminal action.



# Eligible Convictions

- Listed in both 10-105 and 10-110
- Include:
  - Nuisance Crimes
  - Marijuana Possession and Paraphernalia
  - Charges that are no longer crimes
  - Eligible Misdemeanors
  - Eligible Felonies



# Nuisance Crimes: 10-105(a)(9)

- Urination in a public place
- Riding a transit vehicle without paying the fare
- Panhandling
- Sleeping in a park
- Vagrancy
- Loitering
- Drinking alcohol in public
- Obstructing free passage
- Sleeping in public
- Crimes enumerated in 7-705 of the Transportation Article



# Nuisance Crimes: Time for Filing

- Must wait 3 years OR successfully complete probation
  - Whichever is later
- Subsequent convictions OK



# No Longer a Crime

## Generally:

- Marijuana under 10 grams
- Marijuana paraphernalia associated with MJ under 10
- Certain Traffic Offenses
  - 16-303(h) and (i) are no longer incarcerable



# Crimes that are no longer Crimes

- ☐ I was acquitted of the charge. Either three years have passed since the acquittal, or a General Waiver and Release is attached.
- ☐ The charge was otherwise dismissed or quashed. Either three years have passed since that disposition, or a General Waiver and Release is attached.
- ☐ I was convicted of the charge, but the conduct on which the charge was based is no longer a crime.
- ☐ A probation before judgment was entered on the charge, but the conduct on which the charge was based is no longer a crime.
- ☐ A probation before judgment was entered on the charge, and the conduct on which the charge was based still is a crime. The charge did not allege a violation of Code, Transportation Article, §21-902; Code, Criminal Law Article, §§2-503, 2-504, 2-505, or 2-506; Code, Criminal Law Article, §3-211; or former Code, Article 27, §388A or §388B. Either (a) at least three years have passed since that disposition, or (b) I have been discharged from probation, whichever is later. Except for any conviction of a charge where the conduct on which the charge was based is no longer a crime, I was not convicted of any crime during the three-year period immediately following entry of the probation before judgment. I am not now a defendant in any pending criminal action.
- ☐ A Nolle Prosequi was entered. Either three years have passed since that disposition, or a General Waiver and Release is attached. I am not now a defendant in any pending criminal action.
- ☐ The proceeding was stetted. Three years have passed since that disposition. I am not now a defendant in any pending criminal action.
- ☐ I was convicted of a crime specified in Code, Criminal Procedure Article, §10-105 (a)(9). Three years have passed since the later of the conviction or satisfactory completion of the sentence, including probation. I am not now a defendant in any pending criminal action.
- ☐ I was found not criminally responsible for a crime specified in Code, Criminal Procedure Article, §10-105 (a)(9) or (a)(10). Three years have passed since the finding of not criminally responsible. I am not now a defendant in any pending criminal action.



# Marijuana Convictions

- Possession
  - ALL amounts
- Paraphernalia
  - As associated with use, not distribution
- NOT distribution or related charges





# Marijuana Convictions: Time for Filing

- 4 year waiting period
- Subsequent Convictions OK



# Eligible Misdemeanors

- Specific crimes
- Listed in Md. Criminal Procedure 10-110
- Contact MLA for the cheat sheet



# Misdemeanor Convictions: Time for Filing

## Generally:

- 10 years
- ***No subsequent convictions***



# Misdemeanor Convictions: Time for Filing

## **TWO eligible misdemeanors have 15 year waiting period**

- 2<sup>nd</sup> degree assault
  - Sometimes referred to as common law battery
- Domestic Crimes under 6-233

Subsequent convictions **NOT** okay



# Felony Convictions: Now Eligible

Starting October 1, 2018, three felony convictions can be expunged

- Theft
- Possession with Intent to Distribute
- Burglary



# Eligible Felonies: Time for Filing

15 year waiting period without subsequent convictions



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# Convictions: Waiting Period

The 10 or 15 year waiting period begins to run at the completion of the sentence/probation/parole, whichever ends later

If there is no sentence, the waiting period runs from the date of disposition



# Convictions: Subsequent Convictions

There cannot be subsequent convictions during the waiting period **UNLESS**

- Those charges are **ALSO** able to be expunged

Subsequent ***charges*** (i.e. not resulting in a guilty) OK





# Convictions: Subsequent Convictions Outside Waiting Period

Convictions outside the period may be okay, but requires individual analysis based on interests of justice.

Ask:

- what has person been doing with their life since then?
- How long since last conviction?
- Let client know MLA attorney will need to evaluate their specific case.
- Let MLA attorney know about the situation



# Convictions

- Besides those crimes on the list, can include attempt, conspiracy, or a solicitation of any offense listed
- Caution – codes are what the crimes are currently coded as, not 10-30 years ago
  - Example: The threshold for misdemeanor versus felony theft is now higher



# Convictions: Service on Victims

- Once petitioner files the petition, the court will have a copy served on the State's Attorney
- The court shall send written notice of the expungement request to each listed victim in the case at the address listed in the court file, advising the victim of the right to offer additional information relevant to the petition
- The court shall pass an expungement order after 30 days, unless within the 30 days after service, the State's Attorney or victim files an objection



# Convictions: Objections/Hearings

## **To expunge the record at the hearing, the court must find:**

- (1) conviction is eligible
- (2) person is eligible
- (3) giving due regard to the nature of the crime, the history and the character of the person, and the person's success at rehabilitation, the person is not a risk to public safety and
- (4) expungement would be in the interest of justice





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**For Immediate Release**

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## **Maryland Legal Aid and Enoch Pratt Free Library Partner to bring Civil Legal Services to Baltimore City Neighborhoods**

**BALTIMORE, Md. (July 16, 2015)** – Maryland Legal Aid is excited to announce a new partnership with Enoch Pratt Free Library to present *Lawyer in the Library*, a community lawyering initiative.

*Lawyer in the Library* was developed to provide direct civil legal assistance and outreach services to residents in their neighborhoods and to hear from communities about civil legal issues that affect them and their families.

**The project kicks off on Wednesday, July 22 at 5:00PM with the first of three, free presentations led by Maryland Legal Aid advocates on various civil legal issues, at the Enoch Pratt Free Library**

**Pennsylvania Avenue branch, 1531 W. North Avenue.** The first presentation will focus on Housing and Landlord/Tenant issues such as foreclosures, evictions, and housing conditions. Participants will learn about their legal rights in the housing arena and will be able to ask questions about their specific housing issues.

Future talks at the Pennsylvania Avenue branch are scheduled for Wednesdays, July 29 and August 26, from 5:00PM – 7:30PM. The topics will be Government Benefits (such as Medical Assistance and Social Security Disability) and Employment Wage Claims on July 29; and Family Law (such as divorce and child custody & visitation) on August 26. The three presentations serve as a prelude to the central component of the project, which will begin in September when Maryland Legal Aid attorneys, paralegals, law students, and volunteer attorneys will spend a few hours each week at the Pennsylvania Avenue branch providing free, brief, one-on-one advice on a variety of civil legal issues.

“The idea to partner with Enoch Pratt Free Library was a natural given their excellent and long-standing reputation in the community as being a resource for information, education, and cultural enrichment,” says Wilhelm H. Joseph, Jr., Maryland Legal Aid Executive Director. “We are committed to building and maintaining an enduring partnership with Enoch Pratt in an effort to increase access to civil legal services for people in all communities.”

**All of the presentations are FREE and open to the public. Registration is not required. For more information, contact Frank Natale, Maryland Legal Aid’s Director of Advocacy for Income Security, at (443) 451-2812 or [FNatale@mdlab.org](mailto:FNatale@mdlab.org).**

###

### **About the Partners**

**Maryland Legal Aid**, established in 1911, is a private, non-profit law firm providing free, civil legal services to low-income people statewide. Maryland Legal Aid serves Baltimore City and Maryland’s 23 counties from 12 full-service offices and handles a wide range of legal matters involving family, housing, government benefits, healthcare, elder, education, employment, and consumer law. Through a number of special projects, Maryland Legal Aid also represents children in CINA (Child in Need of Assistance) proceedings, homeowners facing foreclosure, migrant and seasonal farm workers, nursing home and assisted living residents, and veterans seeking benefits and assistance with related legal issues.

**Enoch Pratt Free Library**, the nation’s first free library system, opened its doors in 1886, the result of the generosity and imagination of businessman and philanthropist Enoch Pratt. Mr. Pratt envisioned a public library where “races, ages, and socio-economic classes mingled and people could educate themselves – without cost,” and his passionate belief continues to guide the organization. Today’s Pratt Library—Baltimore’s public library

and the Maryland State Library Resource Center—consists of the Central Library, an anchor library, 22 branches, two bookmobiles, a jail library, Pratt Centers for Technology Training, and the Regional Information Center. The Library's mission is to provide equal access to information and services that support, empower, and enrich all who pursue knowledge, education, cultural enrichment, and lifelong learning.



# THE DAILY RECORD

By: Lauren Kirkwood Daily Record Legal Affairs Writer July 21, 2015

Maryland Legal Aid is partnering with the Enoch Pratt Free Library to provide civil legal assistance and outreach to city residents, beginning with free presentations on issues such as housing and family law and eventually offering one-on-one advice sessions with attorneys.

The "Lawyer in the Library" project, which will be based at the library's Pennsylvania Avenue branch, begins Wednesday at 5 p.m. with a presentation on housing and landlord/tenant issues, including foreclosure and eviction. Area residents will also have the chance to ask questions about their own specific legal concerns after the presentation, said Frank Natale, director of advocacy for income security at Maryland Legal Aid.

Two other presentations are scheduled for the Pennsylvania Avenue branch this summer: July 29 on government benefits; and Aug. 26 on family law issues, such as divorce and child custody.

Natale said the broad topics the organization will highlight during presentations were chosen because members of the Northwest Baltimore community that surround the library branch often face these legal issues. By providing free services at the library, he said, Legal Aid will be able to connect with them directly instead of relying on residents to reach out to the organization.

"Our executive team was watching things evolve during the civil unrest and saw that the library in that neighborhood had stayed open during all the unrest," Natale said, referring to the rioting in April following the death of Freddie Gray. "It's a beacon of information and education and cultural enrichment in the community. It's a trusted source, and we think we provide a trusted service to the community."

The central component of the project will begin in September, when Legal Aid attorneys and volunteers will start spending a few hours each week giving one-on-one advice at the Pennsylvania Avenue branch.

"We really want to open it up to the attendees to talk to us about the problems they're facing," Natale said. "This is really about removing barriers to physically get to a place to talk to a lawyer."

The library has previously held informational "expungement workshops" presented by the organization Clean Slate America, said Melanie Townsend Diggs, manager of the library's Pennsylvania Avenue branch. By the fall, the new partnership will expand to include additional sessions where Legal Aid attorneys will be on hand to process expungements for those who qualify.

"Hopefully our location will be one of many in the future where people can get their needs met in the community," Townsend Diggs said.

Legal Aid representatives have been canvassing the streets and mailing out fliers to spread the word about the initiative, and Natale said he expects to see high turn-out.

"We're hoping that we have at least 50 folks for each — we're hoping to fill the place," he said. "I've already received calls from people who have received the mailings, asking, 'Can I bring my daughter? Can I bring my neighbor?' I keep encouraging folks, please bring all your friends, bring your neighbors. We think of it as an opportunity to promote human rights in the neighborhood."



Maryland Legal Aid is partnering with the Enoch Pratt Free Library to provide civil legal assistance and outreach to city residents. (File photo)



Lauren Kirkwood covers the business of law beat at The Daily Record.

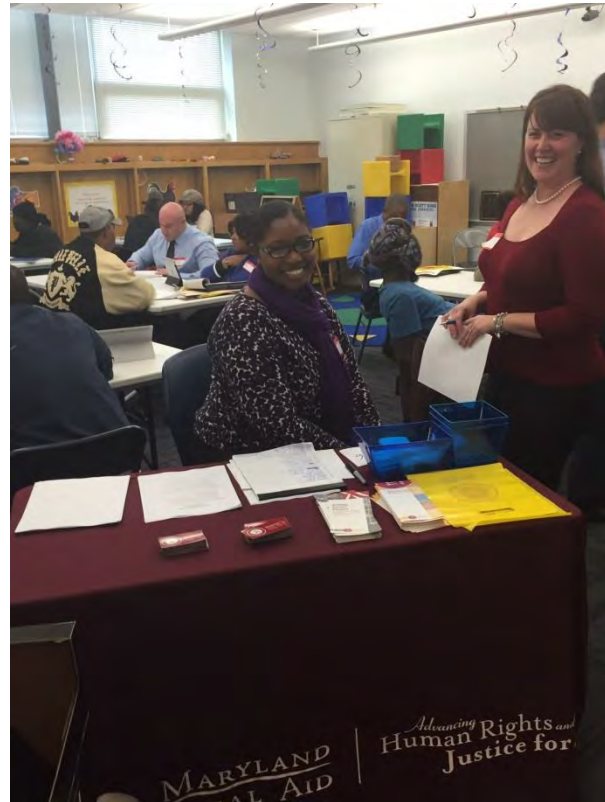




# A Fresh Approach to Community Lawyering: A Lawyer in the Library

*Amy L. Petkovsek* July 2016

The idea of lawyers working directly in underserved communities is not a new concept. To the contrary, attorneys working for legal aid organizations across the United States have been embedded in low-income communities for decades, working alongside community activists, religious leaders, and neighborhood organizations to effect change. A community lawyer is “[one whose commitment to this practice includes collaborative interaction with members of the community](#).” Maryland Legal Aid launched in 2015 a community lawyering initiative from being a partner with Maryland’s Enoch Pratt Free Library system to offering and building support, trust, and legal power for those most in need of immediate, life-changing assistance. Here I describe the origins of Maryland Legal Aid’s “Lawyer in the Library” project; how it draws from, builds upon, and enhances the traditional [community lawyering framework](#); and the potential for a modern approach to a powerful legal model.



## Beginning with a Partnership

Years of inequity, unjust policies, and systemic dysfunction emerged in April 2015 in a civil unrest in Baltimore, Maryland. The unrest stemmed from the public outcry over [the death of Freddie Gray](#), a 25-year-old African American resident of West Baltimore; he had been arrested after running from the police and died while in police custody. While the structural inequality that inspired the demonstrations in Baltimore appeared to be intractable, Baltimore citizens nonetheless called for immediate changes, support, and understanding.

Maryland Legal Aid’s chief operating officer, Gusty Taler, knew that Maryland Legal Aid’s staff members, particularly those at the Baltimore City office, the largest of Maryland Legal Aid’s 12 full-service offices, felt frustrated by the strife and were searching for meaningful ways to respond to the turmoil. Maryland Legal Aid’s Baltimore City office is located across the street from Baltimore’s City Hall, where daily demonstrations were taking place. Armed officers from



the National Guard were camped around Maryland Legal Aid's building for days. These were tense times for everyone.

As Taler watched on television the images of civil unrest, a shining example of steadfast community support appeared on the screen. There in the epicenter of the strife stood defiantly with open doors the Pennsylvania Avenue branch of the Enoch Pratt Free Library system. Melanie Townsend Diggs, the library branch manager, said in a news interview that she had pleaded with Enoch Pratt Free Library's chief executive officer, Carla Hayden, to stay open—"[I really feel at a time like this, the community needs us, and I want to try to open.](#)" Hayden agreed, and amid all the chaos, including the burning of a CVS store across the street, the library stood as a beacon of hope and haven for the West Baltimore community.

Watching Townsend Diggs on television was inspirational for Taler: "Her grit, determination, and courage really spoke to me and it quickly became apparent that she and the library system would be ideal partners for Maryland Legal Aid in serving Baltimore's most vulnerable communities" (Interview with Gusty Taler, Chief Operating Officer, Maryland Legal Aid, in Baltimore, Md. (April 20, 2016)). The library is a safe, comfortable, and accessible environment in which to offer legal services to the community. Libraries are no longer places where people go just to borrow books. Libraries prepare people for jobs. Libraries are cultural centers. Libraries are community centers. Libraries are places of education. Libraries meet people's basic needs of shelter and even food; libraries serve as distribution centers for free meals when school is not in session. Libraries could also be where people could learn about their legal rights and have their civil legal problems handled.

With the support and encouragement of Maryland Legal Aid's executive director, Wilhelm H. Joseph Jr., and chief counsel, C. Shawn Boehringer, Taler put her idea into motion. Her first call was to Benjamin Rosenberg, a former cochair of Maryland Legal Aid's Equal Justice Council, a blue-ribbon committee of private attorneys dedicated to enhancing awareness of the work of Maryland Legal Aid and raising funds to support the organization. Rosenberg also serves as vice chair of the board of the Enoch Pratt Free Library system. He embraced Taler's concept and approached Hayden with the idea of legal services attorneys giving legal advice on-site at the library. Hayden responded positively, and teams from Maryland Legal Aid and the Enoch Pratt Free Library came together to work out the logistics. As Rosenberg told the *Library Journal* earlier this year, "[\[t\]o try to get something like that started from scratch and to have it become a reality in such a short period of time will tell you everything you need to know](#)" about the success of the legal aid and library partnership.

### **An Immediate Solution, but Not a "Quick Fix"**

After a few months of planning, in September 2015 Maryland Legal Aid opened the doors to "Lawyer in the Library" at the Pennsylvania Avenue branch of the Enoch Pratt Free Library. To date, over 700 clients have walked into the clinic and met with lawyers who give free, brief civil legal advice in a range of areas including child support, bankruptcy, foreclosure, landlord-tenant disputes, consumer fraud, and public benefits. The clinic operates every Tuesday from 1:00 p.m. to 3:00 p.m., and clients are often present as early as 11:00 a.m. waiting for the lawyers to arrive.

On many occasions, Maryland Legal Aid team members stay past clinic closing time to ensure that every client's needs are served.

Many times, the barriers to obtaining legal information can be overwhelming. Taking the time to travel to Maryland Legal Aid's downtown Baltimore City office, a client can expect to meet such challenges as lost wages, unreliable transportation, lack of child care, and an extended wait at intake. However, when an entire office—six staff attorneys, three volunteer law students, two mobile printers, four laptops, Internet access, and an intake paralegal—is at the client's doorstep, accessing justice changes dramatically.

The Lawyer in the Library has shown that some clients need only 15 minutes of legal advice to move toward a solution that has been eluding them for years. For instance, a client recently came to discuss a dispute with her landlord over poor living conditions and her subsequent failure to pay rent. The case was on the next day's court docket, and no attorney could be assigned in court on such short notice. The client was given brief advice on what to say in court the next morning, and how to defend her actions. A few days later the client contacted Maryland Legal Aid with great appreciation for the brief advice that led to her success in court against a landlord who was represented by counsel. Her decision to come to Lawyer in the Library led her to stay in her home, improve her living conditions, and relieve the intense stress of a court case against her landlord. Similar stories could be written about clients facing foreclosure, child support modifications, and consumer fraud.

A few days later the client contacted Maryland Legal Aid with great appreciation for the brief advice that led to her success in court against a landlord who was represented by counsel.

Beyond the civil legal topics mentioned, the Lawyer in the Library has included legal aid attorneys and volunteers who complete criminal record expungements for free for those clients eligible for Maryland Legal Aid's services. New changes in Maryland's expungement laws were implemented on October 1, 2015; those changes allowed many individuals to access a criminal record expungement for the first time. As part of the Lawyer in the Library program, Maryland Legal Aid hosts expungement clinics at the library one Saturday a month. With portable printers, refillable ink cartridges, reams of paper, laptops, and stamina to last through six-hour clinics without a break, over 100 volunteer attorneys and law students have joined Maryland Legal Aid in this endeavor.

A volunteer attorney at the expungement clinic may see a client who has brought 32 security guard job applications, all with rejection letters attached showing that the client was denied work because of his criminal record. The attorney looks up the client's previous involvement with the criminal justice system and finds 17 items on the record. But none is a conviction, and so, [in Maryland at least](#), every item is expungeable. Court filing costs and significant private attorney fees often render expungements unaffordable for our client population. Now, however, the client can expunge his record with a volunteer attorney's help, in one day, at no cost.

Clients have reported that since the expungement—through Lawyer in the Library—of their criminal records, they have gained access to housing, reached better outcomes in child custody cases, decreased their interaction with the Department of Child Protective Services, and found

new employment opportunities. One young father reported moving into public housing after his entire record of drug charges was erased, and he no longer had to sleep on the streets with his 6-year-old daughter. A young mother brought in a copy of her certificate from a certified nursing assistant class; she now had the motivation to complete the program because Maryland Legal Aid attorneys had cleared her record. Only about 10 percent of the expungement petitions are objected to by the state's attorney. When this occurs, the same lawyer with whom the client met at the library clinic meets the client in court and argues the case. Our lawyers have developed creative and persuasive arguments and have prevailed in contested cases.

This fresh take on the traditional community lawyering model recognizes that placing lawyers directly in underserved communities to give brief legal advice does not fix the lead paint that continues to plague neighborhood housing, does not end disparate economic policies, and does not bring about lasting reform. Not every problem has a "quick fix." The brief-service approach, however, does offer immediate solutions that can bring concrete changes in an individual's life. In an era where everyone seeks instant answers—from an Internet search engine, social media, or the latest technology—the communities that we serve are no different. While the cries heard loudly in the days of the unrest in April 2015 demanded lasting reform, those affected by the unrest also were looking for immediate relief from their pain, relief that brings a new job, a chance at public housing, child support that is affordable, protection from domestic abuse—relief that brings immediate access to justice. Being in the community, offering that immediate relief consistently and fairly, sends a clear message: Maryland Legal Aid wants to partner, wants to help now, *and* wants to stay here to work together to bring about systemic change.

### **Enhancing Traditional Community Lawyering**

Beyond the involvement in the library legal clinics, Maryland Legal Aid has used its partnership with other organizations to bring attention, support, and hope to the West Baltimore community. Through a partnership with Soles4Souls, and through generous donations from Macy's and Stride Rite, Maryland Legal Aid cohosted two events in West Baltimore. Advertised as "Spreading the Warmth" and "B'more Barefoot Week," these events gave free winter coats, sneakers, sports equipment, books, and legal information to children and their families. To further community healing after the civil unrest, Maryland Legal Aid invited the West Baltimore police department to join in the distribution of free items. The police officers and their leaders went above and beyond this request; they held an internal children's sock drive, donated over 300 basketballs, and attended each event with great enthusiasm and energy. With a shared passion for truly assisting West Baltimore, one family at a time, police officers and Maryland Legal Aid attorneys placed shoes on the feet of toddlers together, and each family left with information about the free legal clinics in their neighborhood.

Some might wonder what giving away free shoes or coats for children has to do with the delivery of legal services. At first blush, not much. But look closer. These kinds of activities help establish relationships, build trust, create partnerships, plan for the future—all that good lawyers do with their clients. Community lawyering is not just about finding legal solutions to problems, although that is critical. It is also about being a reliable and trustworthy friend, a support system when everyone else seems to have let you down. Perhaps Frances Muldrow, a longtime West Baltimore community activist and volunteer, said it best when she wrote to Maryland Legal Aid

staff, “Every time I see [Maryland Legal Aid] here at the library, I know someone is on the road to recovery. Whether it is credit, expungement, employment, custody ..., so many folks with so many problems and you are giving them HOPE” (Email from Frances Muldrow to Maryland Legal Aid (April 16, 2016)). Not only has Muldrow observed and promoted the library clinics within the community, but also she volunteered at the shoe and coat distribution events. Being a community lawyer means fully engaging the power of an entire legal aid organization to offer immediate solutions, access to additional services, and a gateway to reform. Instead of clients coming to a downtown office, the office can go to them with the backing and support of advocates and volunteers, technology gurus, administrative staff, and executives.

When Maryland Legal Aid began Lawyer in the Library clinics, initial responses from the community were hesitant and uncertain. Unwilling to commit fully, clients were concerned: *Will you be gone when the spotlight on West Baltimore dims? Will this “free advice” or “free expungement” really make a difference in my life? Are you really going to help fill the gaping lack of access to local services?*

After seven months of holding clinics every Tuesday and one Saturday every month and many outreach and partnership events, the community’s questions have changed. Now they are: *Can you come here more often? Can you come to our block parties and speak about what you do at Legal Aid? Can you come to our community meeting and hear what our neighbors are saying?* The West Baltimore community has realized that Maryland Legal Aid is a partner it can trust. The immediacy of the legal advice is a gateway to lasting reform and systemic change: [“\[t\]he goal for community lawyers should include assisting clients to create power and lasting institutions with the ability to influence the clients’ environment.”](#)

The idea of seeing community lawyering as a complete, immediate immersion into an impoverished area, then connecting services to more traditional community lawyering roles, is working in West Baltimore and is about to spread throughout Maryland. As other libraries and community organizations have seen the power of the Lawyer in the Library partnership, they have asked for their own version of this community lawyering initiative. While hesitant to commit until fully staffed to give the same level of commitment as in West Baltimore, Maryland Legal Aid is hiring a community lawyering team of attorneys and a paralegal to expand this model to communities in need throughout the state, starting in the summer of 2016.

Communities that have been harmed by decades of neglect need reforms well beyond those on the surface level. Yet, for every parent who has a record expunged and can now access a job, for every woman who feels empowered against domestic violence, for every tenant given the knowledge to fight an unscrupulous landlord in court, the community grows stronger. A legal aid organization fully engaged in the immediate needs of a vulnerable community is the partner that neighborhoods need to paint a broader landscape of reform. Sometimes a lawyer in the library is all it takes to paint the first picture.



**[Amy L. Petkovsek](#)**

***Director of Advocacy for Training and Pro Bono***

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## LAWYERS & LIBRARIES: A NATURAL FIT

April 29, 2016

Courtesy of Helam Gebremariam, Counsel, Office for Access to Justice

One year ago this week, civil unrest broke in Baltimore following the tragic death of Freddie Gray. In the midst of these events, Baltimore Library Manager Melanie Townsend Diggs made a critically important decision – to keep the Enoch Pratt Free Library open. In the subsequent days, the library, located in downtown Baltimore – at the very intersection where community members, police and media converged – became a safe space for the community’s organizing, dialogue and healing. Ms. Diggs’ decision highlighted the vital role that civic institutions, including libraries, play in communities, particularly in times of crisis.

Not long after the unrest, Maryland Legal Aid (MLA), a private, non-profit law firm that provides free legal services to low-income people throughout the state, came to Ms. Diggs with a proposal for collaboration. Their idea was simple: bring civil legal aid attorneys into the library on a weekly basis to provide free legal services to community members on their civil legal issues. As part of this new “Lawyer in the Library” project, MLA attorneys come to the library to offer individual consultations on civil legal matters including domestic violence, child support, housing and public benefits issues. In addition, on one Saturday afternoon per month, the library hosts a clinic dedicated to reentry issues. During this clinic approximately 15 volunteer attorneys work to help justice-involved individuals and returning citizens expunge their court and police records from public access. In the past year hundreds of local community members have benefited from this unique partnership.

This week, MLA and the library hosted a “Lawyer in the Library” event in honor of the Justice Department’s inaugural National Reentry Week. My colleagues at the Office for Access to Justice and I had the privilege of attending this event, which served more than two dozen individuals during the two-hour period. Events such as these continue to raise awareness about the significant support that civil legal aid provides to low-income and vulnerable populations, including those that are justice-involved. This is absolutely essential given that research consistently shows that a majority of low- and moderate-income Americans don’t see the issues they’re encountering as legal problems having potential legal solutions. A family may be concerned about unsafe housing conditions or about a child being expelled from school, but may identify those as personal or social problems rather than as legal issues that a civil legal aid attorney may be able to resolve. The same is often true for justice-involved individuals and those returning to their communities after serving time: many don’t know that legal aid attorneys can help expunge their criminal records, modify child support orders, reinstate driver’s licenses, prevent illegal evictions and much more.

Increasing federal support of and access to civil legal aid, including for justice-involved and reentering individuals, has been a priority of the Obama Administration, the Justice Department and the Office for Access to Justice. In 2012, the White House Domestic Policy Council and the Justice



launched the Legal Aid Interagency Roundtable (LAIR), which brought together 17 federal agencies to inspire new collaborations to better engage civil legal aid providers as federal grantees, sub-grantees and partners. In September 2015, President Obama issued a presidential memorandum formally establishing the White House Legal Aid Interagency Roundtable (WH-LAIR), increasing the number of federal partners to 21 and charging the membership to work collaboratively to include civil legal aid in appropriate programs that address vulnerable and under-served populations.

National Reentry Week gives us the opportunity to reflect on the many obstacles that justice-involved individuals and returning citizens face. It also gives us the opportunity to identify the many human faces of reentry and the diverse array of community partners that dedicate their life and their work to helping people get a fresh start. Civil legal aid programs and libraries are two important pieces of this puzzle – this “Lawyer in the Library” partnership highlights just that. Through this collaboration, two institutions that have long lived in the community and reflect the community now partner to serve the community in pursuit of a second chance.

Topic(s):

Access to Justice

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Access to Justice

Updated April 29, 2016



# THE DAILY RECORD

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## Making access to justice a reality for all

One year after the civil unrest that shook Baltimore, poverty and lack of opportunity continue to plague underserved communities in the city and throughout Maryland. Public discourse concerning the anger and frustration that were apparent during the unrest has largely overlooked both a cause of these problems and an opportunity to address them.

As a society based on the rule of law and access to justice, we have failed to provide such access to disadvantaged individuals and families, leaving them powerless to address fundamental problems that are unimaginable to many of us. By honoring the promise of equal access to justice, we will make great strides toward resolving these problems.

Many Maryland residents regularly encounter legal problems that threaten to deprive them of basic human needs and opportunities. They face eviction, often without cause, followed by homelessness; bureaucratic impediments to obtaining affordable health care to which they are entitled; unemployment caused by even minimal criminal records, because a single conviction of a minor offense can be disqualifying;

and many other obstacles that stand between them and food, housing, and livable wages. Without the assistance of a skilled lawyer, these legal issues can present insurmountable obstacles, with catastrophic consequences for individuals and families.

For over 100 years, Maryland Legal Aid has worked to expand access to civil justice for the state's most economically disadvantaged and vulnerable individuals and families. Even with 15 locations across the state, however, it cannot reach all those who qualify for its services, in part due to the logistical barriers, including inadequate transportation and physical disabilities, its clients confront.

Maryland Legal Aid's new Community Lawyering Project aims to break down these barriers by providing free legal help to people directly in underserved communities. Through this project, Maryland Legal Aid is able to meet with people where they live, listen to their needs, and provide immediate, on-site assistance with civil legal issues and criminal record expungements, thereby helping clients overcome obstacles that lead to homelessness, hunger, poor health, unemployment, and other prob-

lems.

Since last September, Maryland Legal Aid has hosted weekly Lawyer in the Library events at the Enoch Pratt Free Library Pennsylvania Avenue branch in West Baltimore. Maryland Legal Aid attorneys, volunteer attorneys, law clerks, and law students with a wide range of expertise provide free, one-on-one help for civil legal issues and criminal record expungements in a location that is easily accessible for attendees. Representatives of the U.S. Department of Justice recently visited the weekly Lawyer in the Library clinic as part of the Department's "National Reentry Week," which focused on challenges to and achievements of those returning to their communities after incarceration.

The need for assistance with criminal record expungements is great; approximately 120,000 new cases for which expungements are available are generated each year in Maryland. To respond to the need, Maryland Legal Aid has been hosting expungement clinics around the state. The response illustrates the magnitude of the problem – crowds exceeding 600 people have come to receive help. Expungement of records with minor offenses can be completed

on-site in a matter of minutes.

The legal assistance provided at these events empowers attendees to take effective next steps that can open doors to new opportunities and second chances, including access to jobs that simply are not available to applicants with criminal records. These events also enable Maryland Legal Aid to build trust among residents in underserved areas and relationships with other community organizations whose common mission is to eradicate the barriers that cause inequality.

In the coming weeks, the Equal Justice Council of Maryland Legal Aid will contact law firms across the state to seek their financial support for Maryland Legal Aid. As Maryland looks to address its challenges head-on, Maryland Legal Aid's Community Lawyering Project is an important piece of the puzzle, and is one that deserves the support of the community. We encourage Maryland's law firms to help make access to justice a reality for all Marylanders.

**Martin S. Himeles Jr.,**  
**Zuckerman Spaeder LLP**  
**Lee H. Ogburn, Kramon & Graham P.A.**  
**Equal Justice Council Co-Chairs**



## Working out of the library, Maryland Legal Aid helps people grapple with issues only a lawyer can fix



City residents are receiving help with their civil legal needs through the Lawyer in the Library program at the Enoch Pratt Free Library. (Algerina Perna, Baltimore Sun video)



By **Yvonne Wenger • Contact Reporter**  
The Baltimore Sun

Tyrone Burns was out of work and desperate when he saw the post on social media.

Maryland Legal Aid was offering free legal help at the Pennsylvania Avenue branch of the Enoch Pratt Free Library. The nonprofit's lawyers could help him clear his record of old criminal charges.

It sounded too good to be true, but the 35-year-old West Baltimore man took the chance. He had been working as a sports coordinator for a youth program until his employer ran a background check that revealed several criminal charges. The program let him go.

At the Lawyer in the Library clinic, a Legal Aid attorney helped Burns scrub his record of six charges and three traffic tickets. Now he has a new job with a fitness program.

"I was surprised there was a service like this for free," he said. "It changed my whole outlook on everything. I feel like it is a second chance at life and careers I didn't think were possible at one time."

Maryland Legal Aid has stationed lawyers at three neighborhood branches of the Enoch Pratt Free Library, helping thousands of people resolve problems that have hounded them for years. Besides expungements, the attorneys offer legal advice on child custody, bankruptcy and wills and help accessing veterans' benefits and escaping domestic violence.

Organizations across the state have long offered free legal services in courthouses, churches and other public venues. Legal Aid has taken advantage of timing. Lawyer in the Library was born of the riots of 2015,

and just as changes in the law allowed people to expunge from their records years-old misdemeanors or criminal charges that did not result in convictions — marks that have blocked people from qualifying for subsidized housing, securing steady employment or being allowed to see their children.

Legal Aid attorney Amy Petkovsek, who helps run the program, said clients leave the clinics free of problems only a lawyer could fix. Some, in tears.

"An attorney can spend five to 20 minutes with one person here and literally change a life," Petkovsek said. "They can get a job. They can have access to housing or access to their children just with 20 minutes of an attorney's time. That is a really big deal."

Lawyer in the Library, part of Legal Aid's community lawyering initiative, has served nearly 3,600 people in the last two years. Hundreds showed up for some of the early sessions, and demand remains strong: Petkovsek says the attorneys often stay longer than they planned in order to get to everyone waiting.

One client told Petkovsek he was unable to get into subsidized housing because he had an old marijuana charge on his record. He said he and his six-year-old child were sleeping on the streets. After the lawyers were able to help him expunge his record, he called to say the pair was no longer homeless.

Petkovsek spoke of helping a mother remove six items from her criminal record, while the woman's toddler played with a ball by their feet.

"I said, 'After today, your record is going to look just like mine: totally clear,'" Petkovsek said. She said the woman, shaken and emotional, took her little boy's face in her hands and told him: "Honey, today you have a brand new mommy."

CONTINUED

# THE



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**November 16, 2017**

Any charge on which the defendant was not convicted — because it was dropped or postponed indefinitely, or the defendant was found not guilty or given probation before judgment — may be expunged.

While most convictions cannot be shielded from public records, the law does allow the expungement of convictions for offenses that are no longer crimes, such as possession of marijuana. Certain misdemeanors — disorderly conduct, prostitution and trespassing, for instance — may also be scrubbed.

More than half of the clients who visit the clinics are seeking expungements, Petkovsek said. Another quarter want help with housing or family issues, such as custody, visitation agreements and divorces. The rest are looking for help with bankruptcies, tax sales, wills or public benefits, such as food stamps and unemployment insurance.

Legal Aid also visits five library branches in Baltimore County, and others in Hagerstown and Silver Spring, and plans to expand across the state.

Pam Sandlian Smith, a director of a library system near Denver, is president of the Public Library Association. She said lawyer-in-the-library programs are a relatively new concept that she believes will spread. She said such services are essential to the modern library that looks to help people in growing and innovative ways.

“Libraries traditionally were mostly about books and then information,” she said. “Now ... we’re becoming very proactive about helping our communities solve problems,” she said. “We want to be part of the solution and are asking, ‘How can we be a catalyst?’”

Bonnie Sullivan, director of Maryland Volunteer Lawyers Service, said Legal Aid is following the trend of getting attorneys out into the communities, rather than waiting for people from underserved communities to travel to the lawyers.

“It’s a wonderful program and long overdue,”

Sullivan said. She said reaching all of the people who need civil legal services will take an assortment of solutions. Her organization, for instance, provides a cyber clinic for the Wicomico County library to help people there with expungements. The group’s pro bono lawyers are also pairing with churches, another trusted institution, to help families untangle challenges connected to estate planning that can sometimes span generations, she said.

Gusty Taler, Legal Aid’s chief operating officer, traced the decision to put the organization’s lawyers in the Pratt branches to April 2015. That’s the month that Freddie Gray died in police custody, and the city erupted in riots, arson and looting.

Legal Aid’s headquarters near City Hall was surrounded by protesters and National Guard troops. Inside, Taler said, the lawyers felt restless.

Taler saw the Pratt’s Pennsylvania Avenue branch manager on television talking about the decision to keep the library open, even as the West Baltimore intersection where it is located became the focus of the unrest.

“All around her was crazy chaos, and she said she was keeping the library open because it was a safe haven and people had come to rely on it,” Taler said. “I came up with the idea: Let’s put lawyers in the library.”

The Pratt makes the ideal partner, Legal Aid officials said. The library branches are built along public transportation routes and easily accessible corridors, and they’re known as trustworthy providers of important services. The Pennsylvania Avenue branch, for instance, provides Internet access and computer printers, help with job searches, grocery deliveries, and social workers who offer counseling services or help filling out disability forms.

The first clinics, held in September through December 2015, drew decent-sized crowds, Petkovsek said. Then, during the long weekend for Martin Luther King Jr. Day in January 2016, the program exploded. About 650 showed up that Saturday, and officials

directed them to a clinic scheduled the next day at a nearby church. More than 700 showed up for that one.

Petkovsek suspects that the outpouring was prompted by the program’s results. By January, she said, many of the first clients, from September, were starting to see their records scrubbed clean of old charges.

Lawyer in the Library has grown to employ four staff attorneys, two paralegals and an administrative assistant. Legal Aid did not divulge the program’s budget, but officials said the program spends about \$100,000 for the salary and associated costs of each attorney on the project. The organization has received grants from several groups to help pay for the program.

Petkovsek says other branches around the city and state are asking the lawyers to come to them, but the program will expand slowly as Legal Aid finds more funding to ensure it can make an ongoing commitment.

“Libraries are calling from all over the city and all over the state wanting to know: ‘When can you come to my branch?’” she said.

### **If you want to go**

Lawyer in the Library clinics are held regularly at the Enoch Pratt Free Library and at libraries across the Baltimore area. For more information, call 443-451-2805 or visit [mdlab.org](http://mdlab.org) or [calendar.prattlibrary.org](http://calendar.prattlibrary.org). Sessions are free and no appointments are necessary. People are seen on a first-come, first-served basis.

Clinics are offered from 1 to 3 p.m. every Tuesday at the Pratt’s branch on Pennsylvania and North avenues in Baltimore. Other upcoming sessions include 4 to 6 p.m. Thursday at the Dundalk branch of the county library system, 323 Sollers Point Road; 1 p.m. to 3 p.m. Dec. 14 at the Pratt’s Waverly branch, 400 E. 33rd Street; and 12:30 p.m. to 3:30 p.m. Dec. 16 at the Orleans Street branch, 1303 Orleans Street.



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August 2018 Vol. XXIX, No. 8



## **Providing a SPARC**

Md. Legal Aid houses clinic  
at center for Baltimore  
female sex workers

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A sperm donor identity law  
creates a unique family reunion

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Meghan McDermott, project director of Maryland Legal Aid's Community Lawyering Initiative

# PROVIDING A SPARC

Md. Legal Aid houses clinic at center for Baltimore female sex workers



MAXIMILIAN FRANZ

Meghan McDermott, project director of Maryland Legal Aid's Community Lawyering Initiative, goes to a center for Baltimore female sex workers twice a month to answer legal questions. 'The hope is that we're showing them kindness and empathy, whether we can take their case or not... (and) illustrating that the legal system can work in their favor and give them a positive outcome,' she says.



BY ANAMIKA ROY

ARoy@TheDailyRecord.com

When Susan Sherman was opening a safe space for female sex workers in Baltimore, she knew legal services were one of their biggest needs.

"It speaks to many structural aspects of the women's lives," said Sherman, the founder of Sex Workers Promoting Action, Risk Reduction, and Community Mobilization, or SPARC.

Since the SPARC women's center opened in November, the Maryland Legal Aid Bureau has been offering a clinic providing civil legal services to anyone identifying as a woman. The statewide legal services organization also was one of the first partners with SPARC.

"They provide a very important need and we're appreciative that they spend their expertise on a population that often does not have access to this level of legal services," Sherman said.

Twice a month, Meghan McDermott, project director of Maryland Legal Aid's Community Lawyering Initiative, goes to the center in the city's Pigtown neighborhood to answer legal questions. The center also provides a range of services including showers, laundry and computers among other support.

"The second they walk in the door, it's about treating them with dignity and building around that," Sherman said.

The goal of SPARC is to reduce sexual- and drug-related behaviors that lead to HIV among female sex workers. The center part of an National Institutes of Health-funded intervention study and primarily helps women who have a history of selling sex or of drug use but is open to all women.

**"We really want to provide women the range of services that reach their basic needs."**

**— Susan Sherman, the founder of Sex Workers Promoting Action, Risk Reduction, and Community Mobilization, or SPARC.**

"We really want to provide women the range of services that reach their basic needs. We have such expectations of, 'Why don't people get treatment? Get their lives together?' and we to try to provide resources to help them do that," Sherman said.

The need for legal services is a key part of that process, she added.

McDermott primarily sees three categories of clients: those with questions outside Maryland Legal Aid's scope of services, who are given general legal advice; those who get brief advice about their actual case, such as how to fill out pro se litigant forms and get a divorce; and those whom Maryland Legal Aid can sign a retainer agreement and represent in court or before an agency.

Anecdotally, McDermott thinks women who come to the legal clinic at SPARC feel more comfortable there than they would be going to Legal Aid's office.

"I think it's an added sense of security know that they're going in an all-women environment," McDermott said.

### Family law cases

The two most common legal issues McDermott encounters at the SPARC clinic are family law and expungement cases. The family law queries are about divorce, custody and child support. The expungement issues have more to do with the collateral consequences of the petty,

nonviolent charges clients want removed from their record.

Questions about housing, accessing public benefits and bankruptcy also arise during the clinic, McDermott said.

McDermott is looking for family law attorneys who can take on pro bono cases and be the go-to attorney to refer cases from women who come to SPARC.

The client volume varies from week to week, depending on the complexity of the issues the women bring. On average, about three clients come to the clinic per session, McDermott said.

"It depends on the day," she said.

The women's clinic at SPARC is part of a wider effort by Maryland Legal Aid to bring legal services to communities. McDermott's unit does 30 clinics a month and is especially busy with expungement cases.

The effort began with the Lawyer in The Library Program, which began at the Enoch Pratt Free Library in 2015.

"A lot of our clients, a lot of their experiences, impressions with the law has been negative and they don't see the law as a tool to help enhance their lives," McDermott said. "The hope is that we're showing them kindness and empathy, whether we can take their case or not... (and) illustrating that the legal system can work in their favor and give them a positive outcome."

## Lawyer in the Library program offers free aid in city neighborhoods

By: Louis Krauss   November 5, 2019

When Shantelle Middleton walked into the Enoch Pratt Free Library on Pennsylvania Avenue Tuesday, she didn't expect to discover lawyers ready to provide information to help with her longstanding divorce and tax issues.

"I was actually coming to get my son some PlayStation games, and the lady informed me at the door about this program, so I figured why not kill two birds with one stone," Middleton said.

Each Tuesday, Maryland Legal Aid sends a team of lawyers to the library as part of its Lawyer in the Library program. The program started with just one lawyer in 2015, immediately after the riots following Freddie Gray's death in police custody.

This week, six attorneys were on hand at the Pennsylvania Avenue branch, each at a booth in the library's basement. Half were Maryland Legal Aid staff attorneys, while the rest were lawyers working pro bono. Three of the booths were devoted to consultations about expunging criminal records and the rest focused on matters related to housing assistance, family law and public benefits.

Middleton, who waited for her consultation along with her elementary school-aged son, said she was surprised at how many attorneys were on hand to offer help.

"I was kind of shocked, given the type of urban community we're in," Middleton said. "I didn't know we had so much at our disposal. It was a big relief."

After hearing each client's case, the attorneys confer with other Legal Aid staff before deciding if — and how — they can help or whether they should direct the client to other pro bono services.

Following the 2015 riots, which took place near the Pennsylvania Avenue branch of the library, Legal Aid attorney Todd Cagwin said the organization decided to start the free legal consultation service knowing it would help city residents, particularly those looking to expunge their records of minor offenses.

Since then the service has expanded and now operates in six city library branches, according to the Maryland Legal Aid website. Cagwin said the organization recently hired a lawyer to offer legal services in city public schools.

In recent weeks, the library also has added free wellness checks, administered by a Johns Hopkins doctor.

With the Legal Aid program running only from 1 to 3 p.m. on Tuesdays, there's often a long line of people waiting for legal help. On Tuesday, about a dozen people waited to meet with a lawyer.

Wendy Thomas Wolock, a volunteer attorney for the Maryland Legal Aid program, said she came out of retirement to help review expungement cases. She said it's more fun to practice law when she doesn't have to do it for a living.

"Kids make stupid mistakes, some more so than others," Wolock said, explaining what motivated her to help with expungements. "Everyone deserves a second chance, and so I wanted to help facilitate this."

More information about the Lawyer in the Library program can be found [here](#).



Vicki Johnson, an administrative assistant for Maryland Legal Aid, was on hand to greet visitors at a legal clinic at the Pennsylvania Avenue branch of the Enoch Pratt Free Library on Tuesday, Nov. 5, 2019.

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# mie JOURNAL

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## MANAGING MOBILE LEGAL WORK: UTILIZING TECHNOLOGY, INNOVATION, COLLABORATION, AND CLIENT FEEDBACK

*By Amy Petkovsek, Director of Advocacy for Training and Pro Bono<sup>1</sup>  
Maryland Legal Aid*

Robin, a mobile attorney, is based in four workforce development centers in Baltimore City. She spends Monday through Thursday at different commu-



nity partner sites. Once a week, she works out of the legal aid office, entering data in the case management system, meeting with her supervisor, making phone calls and completing follow-up case work.

James, a mobile attorney, is an attorney assigned to twelve libraries across Baltimore City. He typically provides onsite brief advice at public libraries to walk in clients, and then later determines with a supervisor which cases to staff for more extended representation.

Heather, Frank and Will are mobile paralegals, who are each assigned to conduct client interviews and intake at sites that span the state of Maryland. They often work all day on Saturdays at drug treatment centers, late into the evening at school clinics, or all day at a clinic sponsored by the community church. They are at times on the road for three hours a day, driving to rural regions of the state to meet with clients, transport equipment, and masterfully set up the technology needed to support the mobile team.

These mobile staff members are part of a team which provides civil legal services while embedded in workforce development centers, drug treatment facilities, places of worship, libraries, schools, and community fairs. Supervising mobile civil legal work requires a unique set of skills, and supervisors need to emphasize creativity, innovation, and constant evaluation of new techniques. As the mobile work changes, so must the supervision style, methods and framework.

### Encouraging Team Innovation and Creative Group Think

On Maryland Legal Aid's mobile lawyering team, legal staff provide civil legal services to over 150 community partners.<sup>2</sup> Each partner location where attorneys are embedded presents unique challenges and opportunities. When managing a team of legal staff who encounter personalities at each of these locations, it is essential to allow for each staff member to provide feedback and suggestions.

- Allow staff a common day on a weekly or biweekly basis in the office — to collaborate, reflect, commiserate and share strategies. Community partners, while wonderful, often lack understanding of civil legal aid. A workforce development center with social worker employees may inquire about the details of a client's legal issue, as the social worker believes further insight would assist with job placement. A staff attorney embedded in the center must negotiate with the social work team to explain legal ethics and preserve client confidentiality. Allowing a common office day allows all mobile staff to regroup, share experiences, and work with supervisory staff to generate solutions.
- Empower staff attorneys and paralegals to identify common community issues, and generate possible solutions. Group think works, and it works in the mobile lawyering model in specific ways. When staff at drug treatment centers across a city or rural area come together on a routine basis, they are able to see a picture broader than the four sites they are assigned to, and recognize widespread community issues. For instance, at Maryland Legal Aid, different staff attorneys are embedded in schools, libraries and a sex worker center in South Baltimore. When the staff members came together with a common supervisor, broader social issues arose, including that specific community's ability



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to access fresh food, regular mail delivery, available emergency services, and affordable housing. After identifying these common concerns, staff members worked together to attend community meetings, meet with tenant associations, and build relationships with citizen leaders. Staff attorneys and their immediate supervisor participated in the construction of a neighborhood playground alongside community members, building trust. Instead of a more typical supervisor-staff member relationship where tasks are delegated, cases are assigned, and work is reviewed, supervision in a mobile unit often occurs more organically. The supervisor acts as a clearinghouse for the innovative ideas of team members to empower their community clients.

- Supervisors should present challenges to their employees, when appropriate, to seek innovative solutions. A constant need in civil legal services is the collection of data and outcomes for clients.<sup>3</sup> Mobile staff were presented with the need to collect more than case closure data from clients, to satisfy the questions of current and future funders. Beyond a successful criminal record expungement or child support modification, did the client get a better job or improved access to public housing? At Maryland Legal Aid, this challenge was presented to staff, and the community lawyers formed an internal data workgroup to generate ways to collect the desired outcomes. A college research intern is diligently using the staff generated ideas to seek further outcomes information from clients who accessed civil legal services at a mobile community site.
- Mobile lawyering requires creativity, and program staff must be flexible. When technology at a mobile site does not work, the onsite team must seek another solution, as there could be a line of forty community members waiting for intake services. The same skills that make a great mobile staff member should be utilized by supervisors to assist with solving broader programmatic challenges that arise.

### Maximizing the Ability to Supervise while Simultaneously Strengthening Partnerships

Overseeing a mobile team of lawyers requires that a supervisor manage both internal and external entities. Beyond managing staff members and prioritizing

the needs of clients, the mobile unit supervisor must also manage the needs, demands and expectations of community partners. A librarian needs to coordinate programming, a drug treatment center manager wants to double the amount of clinics provided, and a school counselor wants legal services tailored to kinship care families. The legal supervisor must take all of this into account, and simultaneously manage case handlers.

- Conduct supervision on site. Instead of reviewing client work in a case management system and having office meetings only, schedule regular meetings on site at community partner locations. This allows the manager to see the mobile staff member in action, to check in with site partners, and to grasp the reality of needs at ground level.
- Meet with community partner leadership regularly. While the legal manager sees their staff on a weekly, or biweekly basis, the community partners interact with the staff much more routinely. If there is an issue with tardiness, failure to meet expectations, or miscommunication, the community partners will observe and be willing to offer feedback. If the community partner is highly impressed with the staff member, praise and specific positive feedback will be readily available at regularly scheduled on site meetings.
- Step into the role of a staff member occasionally at the mobile site. At least once a quarter, the mobile unit supervisor should conduct intake at a library, staff the check in desk at a drug treatment clinic, or provide on-site expungements at a school. Whereas a typical legal aid supervisor may get used to the routine of family law, housing or public benefits cases, a "typical" day at a library or school looks very different in every community. Experiencing the logistics of a site and the interactions with clients allow the supervisor to better understand the demands placed on staff, and the opportunities for growth.

### Utilizing Client Feedback for Continuous Program Improvement

Above all else, mobile lawyering is client driven and community centered. The legal needs of a rural region may differ from those in the suburban area or larger city. The clients recovering from opioid use in a drug treatment center have different needs than job seekers reentering society after completing a prison sentence. Utilizing client feedback to manage a mobile program, formally and informally, is integral to success.

- Use former clients to evaluate program success

and make future improvements. Mobile staff who spend their days embedded in the community develop a skill set different from that of their office based peers. These skills are often garnered from “on the job” feedback, as clients offer suggestions to improve. Clients are willing to offer suggestions, mentioning that it was difficult to use the phone-based interpretation services, or that the attorneys spoke too fast for the clients to understand the advice being given. Asking clients for their feedback on community attorney performance allows the manager to remain client centered, and help staff members grow. At one workforce development center, legal aid managers were training a new attorney on his first day. There were over thirty clients to be seen, and the final client came forward to meet with the manager. Before her record expungement papers were completed, the client offered a written list of her observations and suggestions for the new lawyer. While unsolicited in that instance, clients do offer practical advice on the listening skills and empathy that mobile attorneys need.

- Clients offer tremendous insight into the needs of their own communities. Unlike managing a family law unit, or a housing division, mobile attorneys come across myriad of diverse civil legal needs. New areas of civil legal need can be derived from soliciting community feedback and attending regular meetings in neighborhoods where clinics exist. Maryland Legal Aid added a now robust civil forfeiture practice to the mobile team’s caseload, based on client relations with the local police department, and a client driven need for action.

### **Work Closely with Technology Staff and Consultants to Build Program Supports**

Mobile lawyering in today’s world is only possible with an innovative and responsive technology team. The information technology staff must be intimately aware of the mobile lawyering needs, and ready to engineer solutions on an evolving basis. Moreover, the mobile attorneys and paralegals must respond to the suggestions and insight of technology experts, and be flexible in maintaining and troubleshooting systems.

- Bring technology staff to the table, and invite them into the partner sites. On site means something different in every location. Electrical outlets are rarely easily accessible. Internet connections on site may work sporadically. A printer that needs to connect to a laptop to print advance directives on

site does not always wirelessly communicate. Technology staff have solutions to these issues, and their immense talents should be tapped into. Bringing the technology staff on site allows immediate training for mobile legal staff, as the tech team models troubleshooting techniques.

- Invite innovation. Is there an app that can be developed, so the same work can be done more efficiently? Is there a product that could be purchased to save mobile attorneys time and energy? Mobile lawyers at Maryland Legal Aid are now on multiple busses across an urban region, and technology staff are being employed to determine the best way to build out the workspace on wheels. Clients live in a world where any answer can be found on a mobile phone in thirty seconds or less. They demand, and deserve, civil legal services in their community that are just as efficient, and the tech team can make this happen. Technology staff can also offer the managers insights into staff performance, staff members’ abilities to respond to the technology provided, and areas that need attention.

### **Use Community Lawyering Strategies from Decades Ago to Inform Today’s Work**

The concept of placing lawyers in community organizations is not new. As Charles Elsesser explained the role of the community lawyer; “it is important that the advocates’ skills be used not only to gain benefits for those communities but also to consciously build organizational power and community leadership.”<sup>4</sup> Lessons garnered from generations of social change through community lawyering must not be forgotten as mobile attorneys embedded in community organizations seek to simultaneously complete individual casework and empower systemic change.

- A mobile unit supervisor must constantly educate less experienced attorneys on the essential element of community legal work. “Community lawyering demands a very close relationship with the community in order to locate and relate to the indigenous community leaders/organizers. It requires accepting the community and its organizations as they exist and with the agendas that they have developed.”<sup>5</sup> Organizations inside communities often have the answer to their own challenges, and need the support of a legal team to recognize the solutions. Community organizations have historically focused on efforts to give voice to constituencies, and partnered with attorneys to do

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so. Understanding the unique position of a lawyer partnering with clients in the community, and with the leaders in impoverished communities, is essential in managing a mobile team.

Civil legal aid is an essential part of the solution to the crises facing low income communities, and embedding lawyers in communities through a mobile legal team is one piece of the puzzle. Yet with this opportunity comes unique managerial challenges, and the need to constantly evaluate mobile supervision methods to maintain excellence in both legal work and client outcomes.

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