

# BAR BULLETIN

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## MSBA's Delivery of Legal Services Section Revitalizes Judicare

*Attorney reduced-fee legal services program returns*

By Janet Stidman Eveleth

Judicare, a supplemental legal services program that helps low-income Marylanders with their domestic law matters, is returning. This attorney-reduced-fee legal services program, offered under the auspices of the Legal Aid Bureau in the '70s and '80s, is being revamped by MSBA's Section on Delivery of Legal Services, Maryland's Judiciary, the Maryland Legal Services Corporation (MLSC) and the state's legal services community. The revitalized Judicare program, which currently has four pilot projects underway in the state, hopes to fill a growing gap in the legal services arena by embracing the private Bar.

"There is a whole spectrum of legal services aimed at supporting low-income Marylanders with their civil legal needs," explains Tracy Brown, Executive Director of the Women's Law Center and past Chair of the Section. "On one side of the spectrum are the direct service programs supported by MLSC, and on the other end are the pro bono attorneys who volunteer for pro bono service and directly help indigent clients for free, either on an individual basis or through structured legal services programs. The Pro Bono Resource Center usually makes the referral."

"The truly indigent qualify for the Legal Aid Bureau, but an increasing number of low-income Marylanders now fall in between Legal Aid's eligibility standards and MLSC guidelines," asserts Brown. Known as Maryland's "working poor," this group of citizens

falls within a "gap" in the state's delivery of legal services; they need legal help, most often in family law, but cannot afford it." Judicare will target this gap through the support of the state's private attorneys.

MSBA's Long Range Planning Committee is also studying Judicare. "Everyone is concerned about access to the state's justice system, along with the corollary of how we improve access for those with limited means and the middle class," states the Honorable Lynne Battaglia, Chair of MSBA's Long Range Planning Committee. She has established an Access to Justice Subcommittee that is working with the Judiciary's Commission on Access to Justice to review "the whole tenor of what needs to be addressed," including the Judicare program.

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In 2007, a Judicare study was commissioned by MSBA's Section on Delivery of Legal Services with the support of the Administrative Office of the Courts (AOC). The Section hired Michael Millemann, a law professor at the University of Maryland School of Law, as a consultant and asked him to conduct "an analysis of the viability of reinstating an updated version of the 1970s Judicare program in Maryland." In the '70s Judicare program, private lawyers were paid reduced fees to serve low-income persons who otherwise would not obtain civil legal services.

In Millemann's "Final Report and Recommendations on the Potential Use of Private Lawyers", issued in May 2007, it was recommended that "private attorneys accepting Judicare cases in family law matters should be paid \$80 per hour with a cap of \$1,600 for 20 hours of work. The report further proposed that attorney compensation include a waiver provision for up to \$800 in additional payments if the attorney works five additional pro bono hours." MSBA's Board of Governors approved this report in May 2007 and it was announced as a Joint Bar/Bench project at MSBA's 2007 Annual Meeting.

MLSC and the AOC accepted

the report and, to examine various modified models, funded four pilot Judicare programs in January 2008. Each pilot is tailored to the specific needs of its jurisdiction. The objective is to expand representation in family law matters at reduced fees. These pilot programs, which include: the Allegany Law Foundation; the Community Legal Services of Prince George's County; the Harford County Bar Foundation and the Maryland Volunteer Lawyers Service, will operate through June 30, 2009. Expansion plans are already underway.

"Judicare is the private Bar's contribution in providing legal services to those in need," states Brown. Through this reduced-fee legal services program, private attorneys provide domestic legal services to the targeted group and are reimbursed a certain amount for their services. As envisioned, Judicare is the final piece in the legal services spectrum, where private attorneys fill the gap.

As currently structured, the going rate for attorneys in the Judicare program is \$80 an hour and it is limited to family law, as therein lies the greatest need. "Private attorneys are giving services and getting paid for them," she states. "Plus, they are making a contribution on a pro

bono basis, as they are accepting a reduced fee for their legal services to accommodate this growing segment of needy Marylanders."

There are a number of benefits to attorneys participating in the Judicare program. Most importantly, they are helping the low-income with their legal needs and offering partial pro bono service. Moreover, "the attorneys know they are going to get paid," asserts Brown. "When they submit a bill to the program, they get paid, which is not always the case with some client payments."

"All of us in the legal community have an obligation to support legal services," Brown concludes, "and it is the right thing to do. Attorneys can do this by donating funding, volunteering for pro bono services or providing legal services through Judicare, where they can work for a reduced fee, with the clients paying nothing," concludes Brown. "Our Section is always analyzing where the greatest need is for legal services to the poor." She hopes this need will be served through the private Bar's support of and participation in Judicare.

Maryland attorneys interested in signing up should go to their local jurisdiction or refer to MLSC's website, [www.mlsc.org](http://www.mlsc.org).