



# **MLSC**

**MARYLAND LEGAL SERVICES CORPORATION**

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**IOLTA - INTEREST ON LAWYER TRUST ACCOUNTS**

## **Glossary of Terms**

## Client Eligibility and Use of MLSC Funds

MLSC funds may only be used to provide **Allowable Legal Assistance**.

**Allowable Legal Assistance:** Legal assistance is allowable if it: a) helps an **Eligible Individual** or **Eligible Organization**; b) has a sufficient connection to the state of Maryland; and c) does not violate any **MLSC Statutory Restrictions**.

**Eligible Individual:** An individual is eligible for MLSC services if their income does not exceed MLSC's income eligibility limits, which are based on 50% of Maryland median income. Grantees may adopt adjunct policies adjusting for such factors as fixed debts, medical expenses and other factors relevant to the client's ability to pay for legal services. All adjunct policies must be submitted to MLSC for review prior to implementation.

**Eligible Organization:** An organization is eligible for MLSC services if it is either a) a nonprofit organization primarily composed of or providing services to **Eligible Individuals**, or b) an organization owned by **Eligible Individuals**.

**MLSC Statutory Restrictions:** Pursuant to the [MLSC Act \(Md. Code Ann. Human Services, Title 11\)](#), MLSC funds may not be used for the following purposes:

- a) to provide legal assistance for a fee-generating case;
- b) to provide legal assistance for the defense of a criminal prosecution;
- c) to provide legal assistance in a civil action to a person who has been convicted of a criminal charge if the civil action arises out of an alleged act or failure to act; and is brought against an official of the court or a law enforcement official to challenge the validity of the criminal conviction;
- d) to influence the issuance, amendment, or revocation of an executive order or similar promulgation by a federal, State, or local unit, or to influence the passage or defeat of legislation by the United States Congress, or by a State or local legislative body, or a State proposal by referendum or petition;
- e) to contribute to or be made available to a political party or association or the campaign of a candidate for public or party office; or
- f) to provide representation in a class action suit.

## Case Reporting Definitions

**Intake:** The process of getting information from an applicant to determine eligibility for civil legal services.

**Individual Client:** An [Eligible Individual](#) who is accepted by the program to receive [Allowable Legal Assistance](#) (including legal advice or other brief services). One client may generate one or more cases.

**Organizational Client:** An [Eligible Organization](#) who is accepted by the program to receive [Allowable Legal Assistance](#) (including legal advice or other brief services). One client may generate one or more cases.

**Case:** A distinct civil legal problem or a set of closely related legal problems of a client, and the legal activities or processes used in resolving those problems.

A client with two or more closely related legal problems will be considered as presenting a single case if all the problems are resolved through a single legal process or forum. For example, a domestic matter involving the issues of divorce, child custody, support, and visitation is considered one case if it is resolved through the same court action. If the client also has a landlord/tenant problem, it would be counted as a separate case.

**Reminder:** People who attend workshops or presentations, but do not go through intake nor receive individualized services, do not count as cases. They are reported in the presentation tables.

**Opened Case:** A [Case](#) that has been accepted by the grantee for services.

**Closed Case:** A [Case](#) which the grantee has closed internally (for example, in a case management system), either because there is a resolution of the client's problem(s), or because it is determined that no further action will be taken by the grantee. In instances where the service provider is not paid staff, case closure data must be reported back to the grantee. *Information and referral services that were previously included in "Brief advice, information, and referral" should not be included in closed cases, but rather in Other Applicants.*

**MLSC Case:** A [Case](#) which provides [Allowable Legal Assistance](#).

**Provider:** An individual (e.g. an attorney or advocate) providing direct services.

**Provider types:**

1. **In house:** Grantee-paid and grantee-supervised [Provider](#) (e.g., paid employee, Robert Half temp hire)
2. **Contract:** Grantee-paid but not grantee-supervised [Provider](#) (whether paid at market rate or below) (e.g., Judicare, private attorney paid by grantee to staff a clinic, private attorney paid by grantee to staff a rent court docket)
3. Pro bono [Provider](#) (unpaid by anyone)
4. Low-cost [Provider](#) (paid by client)
5. Fellow or law student (whether paid or unpaid)

**Impact Case:** A [Case](#) that (1) affects significant segments of the population, and (2) achieves or is expected to achieve relatively permanent improvement in the legal rights or basic living conditions of those affected. An example of an impact case is an action on behalf of a client or clients resulting in a judicial decision to eliminate a widespread practice of violating the rights of low-income tenants. Another example is an action resulting in an administrative decision that effects a change in eligibility criteria for a public benefits program.

**Appellate Case:** A [Case](#) in which your program provided representation at the appellate level, **whether the original case or determination was completed by your program or not**, and regardless of which court or administrative body decided the underlying matter or is adjudicating the appeal.

**Was this case helped at the highest level of service required to resolve the case?** This question helps us understand the capacity constraints under which grantees provide services. If the Level of Service reported completely satisfied the client's need, answer Yes. If the client wanted a higher Level of Service (e.g., Representation in Judicial Litigation), but due to attorney capacity, the program could only provide a lower Level of Service (e.g., Counseling or Document Preparation), answer No.

**Total Time per case:** (Optional) Indicate the number of hours spent on this case. Include attorney time as well as non-attorney time.

**DV special reporting:** (Optional) Indicate whether this case is a Domestic Violence/Interpersonal Violence case subject to MLSC's modified legal reporting guidelines.

**Contested issue:** (Question only required for Judicare) Indicate whether the case included an issue of contested custody.

## Level of Service

Choose the highest Level of Service that was provided for the case, ranging from "representation in judicial litigation" down to "brief legal advice."

Note: If intake is performed by grantee with a referral to a pro bono attorney who represents the client in court and reports back to the program, report the case as Representation in Judicial Litigation (pro bono) and not also as External Case Placement (in house).

Unless otherwise stated below, these services are to be provided by attorneys (or accredited representatives or similar legal designations, as appropriate, in specific case types.)

**Representation in Judicial Litigation:** This category applies to cases that have been closed during the period which were resolved after suit was filed in a state or federal court, regardless of whether the case was resolved upon a decision by the court or settlement between the parties. Always requires written application with client-signed affidavit.

**Representation in Administrative Proceedings:** This category should reflect cases that were closed during the period which were resolved after suit was filed in an administrative tribunal, regardless of whether the case was resolved upon a decision by the administrative tribunal or settlement between the parties. Always requires written application with client-signed affidavit.

**Document Preparation:** This category includes the resolution of a case through attorney assistance in preparing documents, such as the drafting of a contract, will or power of attorney, or the completion of applications for public benefits or citizenship. Always requires written application with client-signed affidavit.

**Negotiation:** Cases are to be reported closed through negotiation when an agreement has been reached between the parties and the issues have been resolved without the filing of a lawsuit. Always requires written application with client-signed affidavit.

**Counseling:** Preparing and providing advice to the client requiring more than 30 minutes (e.g., reviewing relevant information and counseling the client on action that might be taken to resolve the issue or dispute). Generally requires written application with client-signed affidavit. See Guidelines for Grants Management and Reporting Appendix C for limited affidavit exceptions.

**Other Appropriate Remedies:** This category should be used when other service categories are inappropriate.

**Court Accompaniment:** Accompanying a client to a hearing or adjudicative proceeding without providing representation. Always requires written application with client-signed affidavit. This service can be provided both by attorneys and non-attorneys.

- *Example:*
  - Attorney accompanies client to administrative agency/proceeding but does not provide representation.
  - Legal advocate or other staff accompanies client to a court hearing, either to civil court or to criminal court where the staff is acting as a victim's rights support for the client as a witness.

**External case placement:** Confirmed placement of client matter with private attorney (pro bono or low-bono). Match and referral provided after intake to a specific attorney who has agreed to take the case. *Ordinarily, instead of using this service level, a program would hold the case open until resolution and close it at the higher service level with "Pro bono" or "Low-cost" noted as the Service Provider; that is the preferred approach. However, if you are unable to track the case beyond placement, the case can be closed under the "external case placement" service level with "In-House" noted as the Service Provider, after the external attorney has accepted the case.* Always requires staff to perform and document at least a verbal eligibility screening. If provided in person, requires written application with client-signed affidavit. This service can be provided both by attorneys and non-attorneys.

- *Example: Paralegal matches a client with a pro bono panel attorney who will provide document preparation, full representation, etc. Program may either hold the case open until completion, and close it at the higher service level with a pro bono service provider noted (preferred approach) or may close the case under the external case placement service level after the match.*
- *Counterexample – what is NOT included:*
  - *Case placement with an in-house staff or contract attorney.*
  - *Case placement with another legal services provider. (This will not be reported as a closed case It will be reported in a new non-case category called Other Information and Referral > Appropriate applicant referral.)*

**Brief Legal Advice:** Legal advice provided at or soon after intake on behalf of a client with an applicable civil legal problem, where the advice resolved a substantive legal query and required a minimal amount of staff time and resources (i.e. approximately 30 minutes or less). Always requires staff to perform and document at least a verbal eligibility screening. If provided in person, requires written application with client-signed affidavit. This service can be provided both by attorneys and non-attorneys.

- *Example:*
  - *Client has a specific legal question and program staff explains the client's legal options in such a way as to enable the client to make an informed decision.*
  - *Caller's boss curses and berates staff all the time. Caller wants to know if they can file a claim for hostile work environment. Program staff replies that it is not a hostile work environment because the behavior is not related to anyone's status as a member of a protected class.*
  - *Caller has received a subpoena to attend a hearing as a witness and wants to know if they have to attend. Program staff explains the subpoena is a court order and talks through the repercussions of not appearing.*
  - *Caller's neighbor is throwing raucous parties at all hours of the night and wants to know what they can do. Program staff walks through options to file a peace order and alternatively to try and get the police to intervene for noise ordinance violations.*
- *Counterexample – what is NOT included:*
  - *Referral to a legal services provider. (This will not be reported as a closed case. It will be reported in a new non-case category called Other Information and Referral > Appropriate applicant referral.)*
  - *Referral to private bar. (Unless it meets the definition of External case placement, this will not be reported as a closed case. It will be reported in a new non-case category called Other Information and Referral > Appropriate applicant referral.)*
  - *Intake without action. (This will not be reported as a closed case. It will be reported Other Applicants > Lack of client follow-up/withdrew.)*
  - *Basic information and referrals, such as courthouse location, dates of clinic, office hours, etc. (This will not be reported as a closed case. It will be reported in a new non-case category called Other Information and Referral > Appropriate applicant referral.)*

## Legal Problem

The Grantee reviews the case at closure and records the type of legal problem that was addressed. Usually this will be the problem that was recorded at intake, but sometimes the circumstances of the case or the problem definition will have changed by the time the case reaches its conclusion.

### Examples of services by Legal Problem:

#### **Consumer/Finance**

Bankruptcy/Debtor Relief  
Collection (Repossession/Deficiency/Garnishment)  
Contracts/Warranties  
Credit Access  
Energy (Other than Public Utilities)  
Loans/Installment Purchase (Other than Collection)

#### **Education**

Special Education  
School Records  
Suspension/Expulsion  
Other Education

#### **Employment**

Expungement of Criminal Records  
Job Discrimination  
Wage Claims  
Other Employment

#### **Family**

Adoption  
Custody/Visitation  
Divorce/Separation/Annulment  
Domestic Violence/Peace Orders/Protective Orders  
Guardianship/Conservatorship  
Paternal Rights Termination  
Paternity  
Support  
Other Family

#### **Health**

Medicaid  
Medicare  
Other Health

#### **Housing**

Federally Subsidized Housing Rights  
Foreclosure  
Home Ownership/Real Property  
Landlord/Tenant  
Public Housing  
Other Housing

### **Immigration**

Immigration Status (employment, family, and other legal problems should go in another appropriate category)

### **Income Maintenance**

Food Stamps/Commodities  
General Support/Other Welfare  
SSI/SSDI  
Unemployment Compensation  
Veterans' Benefits  
Workers' Compensation  
Other Income Maintenance

### **Individual Rights**

Disability Rights/ADA Issues  
Mental Health  
Prisoners' Rights  
Other Individual Rights

### **Juvenile**

Delinquent  
Other Juvenile

### **Wills/POA/Trusts**

Advanced Medical Directives  
Other Estate Planning

### **Miscellaneous**

Incorporation/Dissolution  
License (Auto & Others)  
Name and/or Gender Change  
Torts

## **Major Benefits**

Grantees may choose whether to report one or multiple major benefits (up to 5). The highest major benefit must be reported first.

### **a. Major Benefits for Cases with [Individual Clients](#)**

- i. **Benefit(s) achieved:** At case closure the grantee selects the significant benefit(s) that were achieved from the [list](#).
- ii. **Number of people directly affected:** At case closure the grantee determines this number based on the circumstances of the case. In some cases, this will be the number of people in the client's household. For example, if the benefit was "prevented eviction," the appropriate number will often be the number of people in the household who avoided homelessness. In other cases, only the client will be counted. For example, if the benefit was "obtained a divorce," it may only be the client that was benefited, not other members of the household. This determination is based on grantee discretion.

- b. **Major Benefits for Cases with [Organizational Clients](#):** When a grantee responsible for a group case completes a matter (for example, an incorporation process) for an organizational client, she/he counts it as a group case and flags it to be counted when the "Benefits for Organizations" section of the Grantee Final Report is tabulated.
- i. **Benefit(s) achieved:** At case closure the grantee selects the significant benefit(s) that were achieved from the [list](#).
  - ii. **Type of [Organizational Client](#) represented:** At case closure the grantee selects the appropriate category from the [list](#).

## Economic Benefits

In cases where dollar values can be readily and objectively assigned in the categories listed below, please provide them.

- a. **Economic Benefits – Recovery Amount:** The face value of any monetary recovery, including court-ordered support.
- b. **Economic Benefits – Recovery Amount basis (lump sum or annual):** Select lump sum if the previous response represents the total amount recoverable, and select annual if the previous response represents one year's worth of value under a potentially multi-year recovery.
- c. **Economic Benefits - Costs saved or avoided amount:** The face value of any monetary demand avoided, including court-ordered support.
- Examples: Include spousal or child support costs demanded but not ordered; rent payments demanded but found not to be due; obligations avoided through bankruptcy protection.
  - Note: Include back rent costs avoided in affirmative rent escrow, even though no demand was made.
  - DO NOT INCLUDE: Speculative costs saved.
- d. **Economic Benefits - Costs saved or avoided amount basis (lump sum or annual):** Select lump sum if the previous response represents the total amount avoided, and select annual if the previous response represents one year's worth of avoided costs under a potentially multi-year liability.

## Presentations and Other Events

**Know-Your-Rights presentations and Other types of events:** All events and presentations completed during the reporting period. Ensure you include all participants that attended. Do not duplicate event reporting among other MLSC reports.

Our intention for this field is two-fold:

- To gather additional statistics around non-case work services that are provided to the community, and
- To allow for less narrative in reporting. Instead of reporting events and know your rights presentations in the narrative fields, which is hard for us to quantify, we decided to include as a data field.

## Other Applicants

**Other Applicants:** People or organizations that applied to the program but were not served at the case level (refer to the [Case](#) definition).

**Categories of interaction:** For each applicant not served at the case level, choose the **single most relevant category** to report the interaction. Ensure each applicant is only reported in **ONE** of the categories.



## Volunteers

**Volunteer:** An individual providing services without payment.

**Volunteers Served on Panel(s):** [Volunteers](#) who currently are signed up to participate in your program, whether or not they were requested to provide services during the reporting period.

**Volunteers Provided Case Services:** [Volunteers](#) who accepted or closed one or more cases during the reporting period.

**Volunteers Provided Other Services:** [Volunteers](#) who provided client services that are not considered case services, such as pro se training, legal education, etc., as well as services such as intake, answering phones, clerical support, accounting, etc.

## Budget: Explanation of Categories

### Personnel Costs

*Salaries and wages paid, whether employed directly or supervised by the program, and whether part-time, full-time or temporary.*

**Direct Service Attorney<sup>1</sup>:** Attorneys whose primary role is providing or supervising direct civil legal service

**Direct Service Non-attorney:** Non-attorney staff providing direct civil legal service. Examples include paralegals, advocates, accredited representatives, etc.

**Other Staff:** Other staff that do not provide direct civil legal service but whose work indirectly benefits MLSC-eligible clients. Examples include administrative, executive, fundraising, management, technical, training, etc.

**Full-Time Equivalent (FTE):** An FTE is the hours worked by one person on a full-time basis. The concept is used to convert the hours worked by one or more persons into the hours worked by a full-time position. For example, two people, each working half-time, amount to 1.0 FTE. FTE figures are to be expressed in decimals – for example, 1.5 lawyers.

**Employee Benefits:** This category includes all those commonly accepted fringe benefits paid on behalf of employees, such as retirement, FICA, health and life insurance, worker's compensation, unemployment insurance, and other payroll related costs approved by the program's board of directors.

### Non-Personnel Costs

**Occupancy:** This category includes estimated rent, utility payments, and maintenance or janitorial expenses.

**Equipment Rental/Maintenance:** This category includes lease or rental expenses for office furniture, fixtures and equipment (except telephone). It also includes an estimate of maintenance costs for that equipment whether pursuant to a service contract or an estimate of individual repair bills.

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<sup>1</sup> To some extent the categorization of staff as “Direct service” or “Other” is a judgment call by your program. Attorney staff whose primary role is performing or directly supervising any level of substantive client-facing or court-facing legal work (from client outreach, know-your-rights, and representation to writing and filing appellate briefs) are doing “direct service.” Also, staff who primarily recruit, train, match and help volunteer attorneys are doing “direct service.” On the other hand, staff whose functions are primarily administrative and internal to the organization or focused on external relations and systemic work (including legislative or press advocacy), as opposed to client-facing work (even if those staff are attorneys) are likely “Other.” For staff who do some “direct service” and some “other,” select the category that best reflects the essential function or primary role of the job. (If you wish, you may split FTE’s in half, where the split is clear.)

**Supplies:** This category includes all basic office accessories and supplies. All equipment purchases under \$500 may be placed under this line item.

**Printing & Copying:** This category includes all materials used in copiers and costs associated with reproducing materials and program literature.

**Postage:** This category includes all postage expenses.

**Telecommunication & Software Subscriptions:** This category includes telephone and internet service and equipment, software subscriptions and usage fees (e.g. Zoom, Microsoft 365, case management systems, etc.) and other telecommunications costs. Major customizations of systems should not be included in this category. Equipment purchased with a value in excess of \$500 should be reported under "Capital Additions."

**Travel:** This category includes travel expenses directly related to specific client matters, administration of the program, etc. **Travel related to training and continuing education should not be included in this category.**

**Training and Continuing Education:** This category includes all non-personnel costs to be paid for with regular program funds associated with the training or continuing education of staff members or volunteers. Examples include travel to/from training events, per diem, conference registration fees or tuition, purchase of training materials, rent for facilities used in a training event, etc. Equipment purchased with a value in excess of \$500 should be reported under "Capital Additions." No personnel costs should be included here.

**Insurance:** This category includes professional liability insurance, bonding, property insurance (fire and theft), cyber-insurance, and liability insurance for property and automobiles.

**Dues & Library:** This category includes expenses for the maintenance and normal expansion of office libraries, including electronic resources and subscriptions to Westlaw/Lexis, periodicals, books, reference materials, and multiple volume sets of law books. Capital additions to the library holdings over \$500 should be included under "Capital Additions." It may also include dues for professional associations paid by program funds.

**Litigation:** This category includes court costs, witness fees, expert witness expenses, sheriff fees, courthouse copying fees, and other expenses incurred but not recovered in litigation on behalf of eligible clients, to the extent allowed by the Maryland Rules.

**Audit:** This category includes expenses for auditors.

**Capital Additions:** This category includes equipment and library purchases over \$500 per item as well as other infrequent major expenses.

**Contract Services:** This category includes payments to private attorneys who provided legal services to clients and service to the program, such as legal counsel for program operations. It also includes fees to consultants (except those for training, which would be included in the Training line item), outsourced bookkeepers, outsourced information technology services, etc.

**Other Non-Personnel Items:** This category includes all program expenses not included above. Indirect cost rates or de minimis rates are not permitted except in Federally funded grants. To include an indirect or de minimis rate in a federally funded grant, you must submit a clearly documented explanation of what it covers, and may not double charge by including such funds in other categories.