



MAKING AN IMPACT: YEAR TWENTY THREE

Dear Friends:

This has been a year to remember at the Public Justice Center. We have made demonstrable IMPACT, but **with the grim knowledge that our community and our clients are heading into a devastating economic downturn.** In that light, we offer two observations to supporters of social justice advocacy:

- ⊙ **The people on whose behalf we advocate did not get to participate in the boom over the last decade, but most certainly will be participating in the bust, to their detriment.** Foreclosures and evictions are rising. Jobs are disappearing. Government will be pressed to provide even fewer services, even after a decade of increasingly abdicating its responsibility to take care of its citizens and turning that job over to an increasingly resource-strapped nonprofit sector.
- ⊙ Tough times emphasize that **we must continue to support those less fortunate than us. We also know we must invest wisely with our charitable giving** – in organizations that have a proven track record of actually accomplishing true social change.

As this report illustrates, the PJC is one such organization. In this, our 23rd year, we continued to lead the charge on a range of issues that confront poor people in Maryland, the mid-Atlantic, and increasingly, the nation.

The numbers tell part of the story: This year, our staff of 14 engaged in 84 active impact cases, including 9 at the trial level, 11 appellate cases, 7 group or coalition projects, 13 administrative advocacy actions, 7 public education campaigns, and 37 legislative bills.

In everything we do, we focus on IMPACT: choosing cases and projects that seek systemic change, advocating for poor people in the courts, legislatures, government agencies, and through public education and by leveraging resources through creative partnerships. **This works.** Of particular note in the last year, we offer these results:

- ⊙ We led the effort to **educate the public and decision makers on the realities of poor children's lack of access to dental care** that led to increased federal monitoring of states' dental plans, a \$7 million-per-year cash infusion that will increase funding for dental services in Maryland, and 18,250 more Medicaid-enrolled children who saw a dentist this year compared to last year.
- ⊙ We reached a **final settlement with the Baltimore County Public Schools** in our third lawsuit to compel public school systems to identify and enroll homeless students and to provide essential educational services.
- ⊙ We led the effort to pass Baltimore City's new **"Clean Streets" law which has reduced by one third the number of evictions** being executed by the sheriff on tenants and has **kept more than 3,200 tons of abandoned property off of Baltimore City streets**, saving taxpayers more than \$1 million.
- ⊙ We weighed in on a Baltimore City Circuit Court case in which the Judge set significant limits on attorney's fees and expenses that Baltimore City homeowners must pay to redeem their homes after a tax sale, as we argued in a court-requested amicus brief. This results in **savings of \$136 million for Baltimore homeowners every year.**

Fighting injustice can feel slow and frustrating on a daily basis, but when we stand back and look at it from a year's vantage point, **we see clear and steady progress.**

Before you turn the page, allow us to share one more thing we know to be absolutely true: **It is because of your unwavering generosity and contributions of money, time, and talent that we can be flexible, strategic and creative as we confront injustice.** It means that together, we are building a more just society. And never before have we needed each other more.

Thank you,

John Nethercut
Executive Director

Mike Wasno
Board President



“Baltimore County has identified over 1,200 homeless students and that’s predicted to go up with the mortgage foreclosure [crisis]... . This settlement should improve their enrollment in school.”

—Sally Dworak-Fisher quoted in *“Free transportation OK’d for Homeless Students.” Examiner 6/14/08*

FOCUS ON IMPACT: Children’s Rights Project

The PJC’s Children’s Rights project focuses on the public education of Maryland’s most vulnerable children: those who are homeless or in foster care. **We aim to reduce school mobility and improve access to education** and our work to enforce the McKinney-Vento Act is respected nationally. This year, the **Baltimore County Public School System became Maryland’s third district to agree to reforms under a consent decree.** In April 2006, the PJC filed the *Peterson* case, representing two mothers and their children as named plaintiffs, each of whom was homeless and suffered as a result of the County’s failure to properly identify them and provide essential educational services. In May 2008, we reached a final, comprehensive settlement agreement. The consent decree, and award of \$145,000 attorney’s fees to the PJC, was approved by the Court in June 2008. The County will properly identify homeless children; promptly enroll them in school; provide transportation, meals and other critical school services; inform them of their right to appeal; provide monitoring reports on all of its homeless students for two years; conduct training sessions about the McKinney-Vento Homeless Assistance Act; and provide the brochure “Homeless Children and Youth in Baltimore County” to school nurses, teachers and bus drivers. As in previous settlements with Prince George’s and Montgomery Counties, we will continue to monitor compliance with the settlement agreement for a minimum of two years.

A fourth school district, Anne Arundel County, has been working with the PJC on a **comprehensive reform of its homeless education program outside of litigation.** One homeless family was the catalyst for this effort. They were displaced from their home, moved in temporarily with relatives less than five miles away in Baltimore City, and promptly received a letter from school officials instructing them to withdraw their students because they no longer resided in Anne Arundel County. We intervened, and secured for the family reimbursement to help pay for expenses incurred driving the three children to and from their schools of origin. We are now working collaboratively with school officials to design and implement systemic reform through the district. We hope to complete this reform effort in 2008. In May 2008, we testified before the Anne Arundel County Council

(with hundreds of citizens in the audience) in support of the school board budget. Specifically, we requested that they **restore funding for a full-time homeless education coordinator and 8 additional pupil personnel workers.** The school district is experiencing a rapid rise in the number of identified homeless students (from 254 in 2006 to 633 in 2008) and the half-time coordinator was finding it impossible to keep up. The result of our testimony was that the school board funded the full-time coordinator and 7 additional pupil personnel workers.

Our vision is that one day all homeless children in the state of Maryland will be afforded the protections of the McKinney-Vento Act as a matter of standard practice. We have long wanted a tool that would increase awareness about this right and to empower families to advocate for their children. This summer, we released our latest film: “Beyond Debate: Rights of Homeless Children.” The 15 minute DVD will be distributed throughout the state via homeless shelters, health and immunization clinics, DSS offices, Legal Aid waiting rooms and other venues where homeless families might seek support. The film is available online via links on the PJC website (publicjustice.org) and by request from our office.

Since 2006, the PJC has sought to **extend McKinney-Vento protections to children “awaiting foster care placement”** as afforded by Congressional mandate in 2002. We have worked closely with the Maryland State Department of Education and the Department of Human Resources to work out a suitable definition for statewide implementation. In June 2008, the two agencies came to a joint agreement on the proposed definition suggested by the PJC. The definition must now be approved by the Maryland State Board of Education. Once the definition goes into effect, **thousands of Maryland children in foster care will experience greater educational stability.**

Our advocacy extends beyond this work and our leadership is noted across the state. Last fall, we joined other nonprofit and State leaders at a summit called by State Senator Delores Kelley to discuss systemic issues impacting the education achievement of children in State-supervised care, as well as children in informal kinship care. We uniformly underscored the need for **enhanced and ongoing training on the unique needs and educational rights of children in State-**

supervised care and made recommendations to improve **compliance with measures designed especially for such children.**

In response to a failing grade on a federal audit, the Department of Human Resources has convened a committee on foster children’s education. We joined MSDE officials on this committee to identify education problem areas for foster children and collaborative solutions to those problems. Together, we drafted a handbook meant for both child welfare and school employees to further their mutual understanding of each other’s agencies and to gather together in one place all relevant information relating to the education of Maryland foster children. We also led the committee to develop groundbreaking new regulations to establish a simplified, uniform, and expedited system of school enrollment for children in state supervised care, and to create procedures and requirements to encourage greater communication and collaboration between the school systems and child welfare agencies. The regulations went into effect in June 2008.

We also **accepted an invitation from the Baltimore City Juvenile Court to participate in a model court education committee** to identify problem areas, data collection methods, and solutions to educational challenges faced by children in State-supervised care. Our training presentations and materials including: **“Educational Obstacles for Children in Foster Care,” “ABC’s of School Advocacy,”** and **“How to Help A Student Who Wants to Re-Enroll in School After Having Been Withdrawn”** have been presented to Department of Social Services case workers, Court Appointed Special Advocates (CASAs), and CINA attorneys. Further, **our training materials are being used now by the Child Welfare Training Academy to train new case workers.**

Our interest in serving foster children extends beyond their rights to a stable education. PJC Fellow Rhonda Lipkin, is co-counsel with Mitch Mirviss (Venable LLP) in *LJ v. Massinga*. This class action seeks to enforce a consent decree on behalf of approximately 6,000 foster children in Baltimore City. In November 2007, we filed a Petition for Contempt for the nineteen-year failure by the Department of Human Resources and the Baltimore City Department of Social Services to implement provisions of the Consent Decree. We also filed a Motion to Modify the Consent Decree, to strengthen and update its requirements, including the appointment of a monitor with broad powers to obtain and report information to the federal court and to ensure that real progress is made on a timely basis. We asked the Court to appoint an independent monitor and to order other critical reforms, such as restoring child care benefits to foster parents and overhauling the placement and health care systems. **Early victories include child care benefits being restored in March 2008 and a comprehensive health care plan with additional funding being approved for FY2009.** [Note: as this report goes to print, U.S. Federal Judge J. Frederick Motz ordered the parties to sit down with a mediator to work out a plan for the State to comply with the consent decree.]

“Both of us feel like it is our obligation... Isol that there is not another generation that goes through foster care under these substandard conditions.”

—Rhonda Lipkin, speaking about the way she and co-counsel

Mitch Mirviss (Venable) are drawn to this case, quoted in

“Advocates Call For Foster Care Overhaul” Daily Record 11/5/07

Our Children’s Rights project benefits from a **strong legislative advocacy agenda** and this year’s General Assembly session was no exception. Our efforts included supporting a new law that requires school superintendents to **allow a child residing in kinship care to attend school where that home is located,** even if the child’s parents have not surrendered custody. Another success **moves Maryland into compliance with federal guidelines** by, among other provisions, extending from 7 to 10 days the notice requirement for interested parties before a placement hearing is held, and **requiring a Juvenile Court judge or master to see every foster child at least once every calendar year.** Three bills governing **Group Homes** passed into law with our support including the certification of need, the certification of group home workers and the group home bill of rights which requires notification of youth their rights as residents of a group home. ☺

FOCUS ON SUPPORT YEAR 22

Thank You.
The support of these donors has helped us focus on justice.

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“You will no longer see people’s personal belongings thrown out onto the streets of Baltimore. This is a bill that took a lot of compromising at both ends.”

— City Councilman Kenneth N. Harris, Sr.
“Throwing evicted tenants’ items in street outlawed.” Baltimore Sun. 10/1/07

FOCUS ON IMPACT: TENANT ADVOCACY PROJECT

The Tenant Advocacy Project provides legal services, pro se advice and training to tenants, and seeks opportunities to reform Maryland’s landlord-tenant law. This year, we provided advice and limited representation to **264 families** facing eviction for failure to pay rent or who were seeking to have serious health and safety concerns addressed through the rent escrow process. We also provided **13 community outreach / tenant rights trainings** reaching more than 337 people. In addition to our traditional focus on tenant rights, **we have responded to the increasing foreclosure crisis by arguing for fair procedures and protection for low-income homeowners and tenants of properties that are being foreclosed.**

A centerpiece of our work has long been the protection of low-income tenants. In 2004, we organized the Rental Housing Coalition (RHC), composed of tenant and community advocates, to strengthen our collective reform efforts. The RHC’s first hard-won victory came in 2007 when the Baltimore City Council passed a “Clean Streets” bill. The law, introduced by the late Baltimore City Councilmember Kenneth N. Harris, Sr., requires that tenants be notified of the actual date of the scheduled eviction and prohibits the age-old practice of landlords dumping abandoned tenant property in the public right of way. The law went into effect on October 1, 2007.

Passing a law is only the first step towards actual reform. The next step is to educate everyone about the changes. To this end, **we wrote a booklet – “Evictions in Baltimore City: Procedures for Tenants and Landlords” - to explain the new requirements to landlords and tenants.** The booklet was approved by landlord representatives, district court judges, the Sheriff, and the City Law Department. **15,000 copies of the booklet have been distributed** at the District Court and throughout the city. The City Law Department and many nonprofits, including the PJC, have the booklet posted on their websites in an easy-to-download or print format.

Anyone driving around Baltimore can see the proof, but it is also apparent from public

records that **the Clean Streets Bill has been a success. First, public dumping of eviction chattel has been virtually eliminated.** For instance, in November 2007, the second month after the law became effective, the Department of Public Works cleaned up only 3 piles of evicted chattel compared to the previous November’s 660 piles. These changes are expected to **save Baltimore City and its taxpayers at least \$1 million per year.**

Further success is measured by **the number of evictions being executed by the sheriff on tenants who are still present: drastically reduced by one-third!** The “specific notice requirement” helps tenants to pay the rent to stop the eviction, or to move themselves out of the premises before the Sheriff arrives to evict them.

Next, we sought to **apply the “Clean Streets” principles to foreclosure evictions** in Baltimore City. There are other legal proceedings that result in a person being removed from the housing unit and their belongings dumped on the street, including the evictions of owners who default on their mortgage and are foreclosed upon; tenants who may have paid the rent to the owner, but who are evicted when the owner is foreclosed upon; occupants of a house after a tax sale foreclosure; and occupants of a house that is sold and foreclosed upon to satisfy a lien against the owner. In all these ‘judicial sales’, the Sheriff may evict the owner/tenant/occupant of the house.

The City Law Department and the Rental Housing Coalition met with representatives of the foreclosure bar in December. We drafted a **new city ordinance that would extend the principals of ‘no dumping of eviction chattel in the street’ and ‘notice to all occupants of the scheduled eviction date’ to anyone who is removed from a house regardless of the proceeding.** The PJC testified in support of the bill, and it was unopposed. The bill was enacted in June 2008 and went into effect in August. Now, we will work with the Sheriff, the foreclosure bar, and the City to make sure that the bill is implemented and to gather information on the number of tenants who are being evicted through judicial sales.

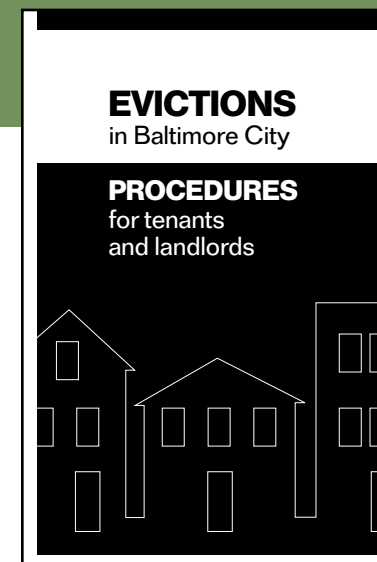
Our efforts also included extensive advocacy in the legislature and in local and state courts.

In one example of how a well-informed court decision can pay off tremendously, the Honorable Evelyn Omega Cannon of the Baltimore City Circuit Court issued an opinion in December 2007 setting **significant limits on attorney’s fees and expenses that Baltimore City homeowners must pay to redeem their homes after a tax sale.** At the Court’s request, we filed an *amicus* brief arguing how a reasonable attorney fee should be determined. Judge Cannon’s decision established a presumptively reasonable attorney fee of \$1,300 instead of the normal \$3,000. **The impact of this case is substantial:** If the attorney’s fees charged to homeowners to redeem their houses in 80,000 tax foreclosure cases drop from an average of \$3,000 to \$1,300, that’s **\$136 million of savings to Baltimore homeowners every year.**

“The Court cannot thank Ms. Gardner and PJC enough for their participation in this process. As discussed in greater detail, tax foreclosure cases are most often filed by attorneys with expertise in that area but defendants are usually pro se and even when represented by lawyers, are often represented by counsel with limited familiarity with tax foreclosures. PJC is intimately familiar with documentation for attorney’s fees and expenses, and spent time to develop a great deal of familiarity with tax foreclosures to write the memorandum for the Court. The result was that PJC raised the issues that need to be addressed. PJC’s participation confirmed the merits of our adversary system and, specifically, the need for skilled lawyers to represent all interested parties.”

—Judge Evelyn Omega Cannon, written in her opinion
In re Attorney’s Fees in Tax Sales Foreclosures

Our *amicus* work extended to a case in the Maryland Court of Appeals that delivered a resounding victory to local governments and low-income renters in **Montgomery County v. Glenmont Hills Associates.** The decision held that in Maryland a **local government may prohibit, as part of its fair housing law, discrimination by landlords on the basis of the applicant’s source of income.** Such a prohibition prevents landlords from rejecting low-income applicants because they use Section 8 or similar government vouchers to help pay their rent. The decision protects Montgomery County’s fair housing law and is consistent with similar provisions in Howard County and Tacoma Park. It also preserves the option of passing such laws for other Maryland jurisdictions. **The importance of this decision extends beyond Maryland,** because landlords across the country have begun challenging similar local provisions, and this decision should help determine the trend for courts in other states to follow. The PJC participated in the preparation of one of three *amicus* briefs filed in support of the county. The landlord filed a petition for writ of certiorari in the U.S. Supreme Court, which was recently denied. >>>



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The Honorable Evelyn O. Cannon
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The 2008 Maryland General Assembly session saw a busy housing agenda, including **our centerpiece legislation to stop retaliation against tenants**. This was key to the Rental Housing Coalition's collective legislative agenda. It sought to **correct an anomaly in Maryland law which makes it nearly impossible for tenants to successfully prove that they are being retaliated against** for engaging in legally protected actions such as reporting housing code violations or joining a tenant's organization. We argued that it was past time for Maryland to move its law into agreement with the majority of the U.S. by allowing tenants their day in court. Despite an aggressive legislative education campaign and an incredible show of witnesses, the bill fell just one vote short in the Senate Judiciary Committee, failing to bring the bill to the floor for full consideration.

We supported legislation that **caps the amount of attorney's fees which are allowed to be charged to homeowners seeking to redeem the right to their property**. These increased protections are of particular importance to low income Marylanders who are most often at the heart of tax sale foreclosures and least likely to be able to afford private counsel to protect their rights.

Another new law rose from the Governor's Homeowner Preservation Task Force in response to the rising foreclosure rate in Maryland, and it **extends the requirements for time and type of notice required before foreclosure proceedings begin**. We supported this legislation while proposing an amendment which requires personal posting of a foreclosure notice on the property and notice to both the homeowner and any tenants living on the property. **This measured step protects the rights of homeowners and tenants, who attempt to stay in their homes while braving the formidable combination of bad economic times and predatory lending institutions.** ☺

FOCUS ON IMPACT: Immigrants' Rights

Maryland's immigrant population faces language barriers, limited access to courts and government agencies, and other rights restrictions. We work in partnership with other immigrants' advocates to ensure equal access to the courts and government, and that new Marylanders receive the protection of laws that apply to them. We focus largely on stemming the tide of anti-immigrant administrative actions by state agencies and anti-immigrant legislation that comes up every year in the General Assembly. **Our opposition, in partnership with other advocates such as Casa de Maryland, successfully defeated five bills this year.** These included two that would have required proof of "lawful presence" as part of the application process for driver licenses and public benefits. We also opposed legislation that would have required local governments to enforce federal immigration laws without resources or expertise to do so, and that would have required local governments to collect immigration status information from persons accessing local government services. We opposed the proposed legislation that would have required the collection of DNA sample from an individual under arrest who was determined to be an undocumented immigrant, taking the position that this was unconstitutional, unworkable and a prohibitively expensive scheme to demonize immigrants in Maryland. And we opposed legislation that would have allowed individual citizens to sue election officials who permit a non-citizen to vote, citing that this is a completely impractical and needlessly punitive way to ensure that voting is restricted to eligible Marylanders. ☺

FOCUS ON IMPACT: Foster Youth Incorporated

"Wow, another great story – a victory in the park instead of in court."

–Christine Webber, PJC Board Member

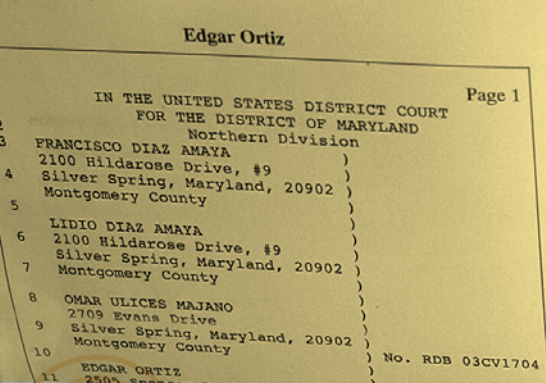
The PJC sponsors **Foster Youth Incorporated (FYI)**, a group of current and former foster youth who advocate for youth and children in the foster care system which often provides them with less than adequate care. FYI is based at Baltimore Freedom Academy. In November, **we welcomed Shantel Randolph, an Open Society Institute Community Fellow who coordinates FYI activities and future expansion.** Ms. Randolph, herself a former foster youth, brings great energy and knowledge to this exciting project. FYI presents workshops for students at other schools and meets with lawyers, social workers, and judges to provide perspective on the foster care system and recommendations for change. The group had a busy year. They hosted "**Teen Success Day**" at Legal Aid highlighting the foster youth group home "Bill of Rights," spoke to School Social Workers; met with child welfare consultants to **suggest improved support for youth in foster care**; interviewed with the media, participated in national educational and lobbying events on Capitol Hill; and **produced two newsletters for foster youth** with topics that included "Preparing for College" and "Siblings." They were also featured speakers at one of the PJC's popular "Justice for Breakfast" series, sponsored by Brown, Goldstein & Levy. One sure highlight was the creation and execution of the **Sibling Picnic at Druid Hill Park which drew together families who have been separated by foster care** and encouraged them to reconnect through fun activities.

"For many of these kids, the biggest issue is being separated from their siblings. Many foster parents cannot take in all the siblings, and unless these kids can reconnect, they don't always know their family... A lot works against these kids. Keeping in contact with their families works for them."

–Shantel Randolph quoted in "Foster Youth Inc. Hosts A Picnic For Foster Children To Connect With Siblings," Baltimore Sun, 5/11/08

Over the previous two summers, we have been delighted to share office space with FYI youth who worked to forward the mission of their organization. We are proud of them and wish them well. [Good luck in college Henry and Nadja!] ☺

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FOCUS ON IMPACT Workers' Rights

Low-wage workers struggling to support families are often denied their legal rights in the workplace. If they speak out, they are likely to get fired. We combat illegal wage practices, wrongful termination, sub-standard working conditions, and other situations in which workers are stripped of their right to justice in the workplace. **We seek to reverse these violations through representing groups of low-wage workers** – including migrant, seasonal or immigrant workers – **and enforce their rights in the workplace.** In *Fox v. Tyson Foods*, a collective action seeking to represent all processing plant workers employed by Tyson Foods, plaintiffs, represented by the PJC and several private law firms, **alleged that Tyson failed to pay workers for time spent obtaining safety and sanitary equipment, and putting on, sanitizing, taking off, and storing such equipment at the beginning and end of shifts and breaks.** The original case was filed in 1999. Plaintiffs sought to adjudicate these issues on a companywide basis in a single lawsuit. After a Supreme Court decision favorable to plaintiffs' position, the Alabama court finally decided in late 2006 that this case should not proceed on a companywide basis. The cases of the ten named plaintiffs were severed and transferred to the federal courts with venue over the plants where the plaintiffs work. Thus, *White v. Tyson Foods* has now been docketed in the U.S. District Court for the District of Maryland. In this, we continue to represent over 300 former Tyson Foods employees who worked at its plant in Berlin, Maryland, before the plant was closed, to obtain damages for their lost wages over a period of approximately nine years. In an ironic twist, Tyson Foods has moved to have all the severed cases consolidated pursuant to the federal courts' multidistrict litigation (MDL) procedure, and the cases are now being managed by the U.S. District Court for the Middle District of Georgia. The parties recently agreed that notice of the right to opt in to the litigation would be provided to all eligible workers at all eligible plants, and thereafter, the court would decide collective action status plant by plant. From another decision, issued in February 2008 in *Friolo v. Frankel*, it is now more likely that low-income people will be able to find lawyers to represent them. The Court

decision allowed an award of attorney's fees incurred in *appellate* proceedings necessary to correct a trial court's error in its determination of the amount of attorney's fees incurred at trial.

"It is as important to compensate counsel for ensuring that the trial court gets it right, even if to do so requires counsel to appeal, as it is to ensure that counsel is compensated for services rendered at trial. Indeed, it is a disincentive to the retention of competent counsel in these kinds of cases to deny recovery for successful appellate advocacy, including advocacy that demonstrates trial court error."

–Chief Judge Bell, writing for a unanimous Court of Appeals, *Friolo v. Frankel*, Md. Ct. of Appeals, No. 107 (Sept. Term 2006), slip. op. at 13.

In April, we filed an *amicus* brief in *Lark v. Montgomery Hospice, Inc.*, the Maryland Court of Appeals **nurse whistleblower case.** The PJC represented itself and the United Seniors of Maryland, Voices for Quality Care, American Nurses Association, and American College of Nurse-Midwives, Maryland Nurses Association, Maryland Nurses Coalition, and Maryland Coalition of Nurse Practitioners on the brief. This case seeks to ensure the proper interpretation of a statute **granting Maryland's health care workers protection from retaliatory firings by their employers when such workers disclose what they believe to be unethical or illegal practices by their employer.** We argued that the Health Care Worker Whistleblower Protection Act makes clear the intent to protect "internal whistle blowing" and points out that other states have protected such practices. We also detailed how nursing experts believe that whistleblower protection for nurses is critical to protecting the health and well-being of health care consumers because it allows nurses to speak up against improper care without risking their careers and livelihood. The decision is pending. ☺

FOCUS ON IMPACT: Civil Rights

Most of our work is organized into "focus areas" that focus on particular groups of poor people, such as tenants, prisoners, workers, immigrants, homeless students, and families needing health care. But the PJC's mission of "pursuing systemic impact to build a more just society" requires us to act on broader issues and cases. This is particularly evident in our appellate and legislative advocacy practice, where we represent the interests of a broad range of poor people and people who suffer injustice.

"I think your brief is terrific and will be of enormous help in the case. I know I speak for everyone when I say thanks so much. It's really great to know that we have such persuasive and committed allies in this case."

–Bruce Vignery, AARP Foundation Litigation

We joined with the Center for Rights of Parents with Disabilities at the Colorado Cross-Disability Coalition, the Disability Rights Education & Defense Fund, and the Maryland Disability Law Center as *amici* in *B.G. v. M.R.* The lower court twice awarded custody of three children to the children's maternal grandmother, M.R. The children's father, B.G., is HIV+ and, in the most recent ruling, the Circuit Court found the father to be "unfit" because he has an "erratic health situation" including several hospitalizations and because he has not taken his HIV medication "at times." **Our brief drew on the history of blatant discrimination against the disabled and chronically ill to show how the trial court fell prey to all-too-common false stereotypes in this case, perhaps as a reflection of its own bias.** While the factors considered by the court to show unfitness are quite common for disabled persons and the chronically ill, they are not factors indicative, in themselves, of unfitness or poor parenting. In fact, the lower court made no specific finding on how these factors adversely affected B.G.'s children. In December 2007, the Court of Special Appeals issued an unreported decision remanding the case to the trial court.

Our efforts to protect and expand civil rights extended into the Maryland General Assembly session. Growing out of our *amicus* work in previous years, **we weighed in on the discussion to extend civil marriage to gay, lesbian, bisexual and transgender (GLBT) Marylanders.** As a good example of the PJC's unique place in the overall struggle for a more progressive Maryland, we provided testimony regarding the heightened importance of an oft-forgotten population in all the discussions surrounding civil marriages: GLBT Marylanders who live in poverty. **We demonstrated that often times marriage related protections and benefits form an integral part of the social safety net and that the denial of these benefits has a disproportionately harmful impact on the poor.** We drew on our leadership role in the National Civil Right to Counsel Project to make the case that to the extent that a few of the aforementioned rights could be secured by private contracts between the parties, poor GLBT Marylanders have no right to counsel and are unlikely to have the resources to obtain private counsel to assist them in fashioning agreements to secure the very few rights that could/would be available through such arrangements. While our efforts were ultimately unsuccessful in passing legislation, **we educated countless legislators and laid the groundwork for >>>**

FOCUS ON SUPPORT YEAR 23 continued

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This year, 18,250 more Medicaid-enrolled children received dental care over last year.



FOCUS ON IMPACT: Health Rights

upcoming off session work with legislators who represent districts with large numbers of persons living at or below the poverty line.

The PJC responds rapidly and effectively to developing situations in both the courthouse and the statehouse. Nowhere was this proven more true than in **the fight we led to stop legislation aimed at fundamentally changing litigants' ability to access government records through the Maryland Public Information Act.** Baltimore City Mayor Sheila Dixon put forth a bill in the General Assembly to restrict litigants who had cases against the City from accessing public records through the Maryland Public Information Act. The PJC has extensive experience litigating MPIA claims against local and state governments, and **we knew that this seemingly technical legal issue would allow government secrecy a stronger hold.** PJC Attorney Wendy Hess led the charge, quickly pulling together an impressive coalition of allies including the ACLU of Maryland, the NAACP, and former Maryland Attorney General and U.S. Attorney Stephen H. Sachs. The media, including the Baltimore Sun, Washington Post and Baltimore Examiner, responded to Hess's alerts with an array of legal and editorial opposition. On the day of the hearing, the bill was withdrawn in the House and sent to summer study in the Senate. We continue to closely monitor any progress this bill might make.

Beginning in fall 2007, a sub-committee of the Standing Committee on Rules of Practice and Procedure of the Court of Appeals of Maryland took up the question of **promulgating rules governing the filing of attorney's fees petitions in civil rights and other cases involving public interest fee-shifting statutes** (such as wage and hour laws and consumer protection laws). Debra Gardner, the PJC's Legal Director, has served as an "Interested Person" for the subcommittee, providing legal analysis, practical advice based on her litigation experience in relevant areas, and drafting assistance. As of this date, proposed rules modeled in part on local federal court guidelines have been proposed by the subcommittee to the Rules Committee and have been referred back to the subcommittee for additional refinement. ☺

"Maryland has taken some very important steps to ensure all residents have access to dental care, but as the state wrestles over the next few years with larger health care issues, oral care must remain part of the forefront so that Deamonte Driver will not have died in vain. **Ideally, we won't be remembered as the state that allowed a boy to die of a toothache, but as the state that did everything it could to ensure that other children avoided his fate.**"

—Dr. Garner Morgan, president of the Maryland State Dental Association in a Op-Ed piece in Baltimore Sun July 1, 2008:

Our Health Rights Project seeks to protect and expand poor people's eligibility for adequate health care coverage and access to appropriate, affordable, effective and culturally competent health care.

In the wake of the tragic and senseless death of Deamonte Driver in February 2007, came a massive movement toward significant reform, and the PJC was in the lead. 12-year-old Driver died when his toothache spread to a brain infection. Obstacles borne of bureaucratic snarls, low reimbursement rates and poverty, prevented him from accessing the care he needed. Devastated, yet determined, we skillfully focused our efforts to educate the public and decision makers on the **realities of poor children's lack of access to dental care and to advocate for massive systemic changes.** In the ensuing months, an unprecedented coalition of partners came together to prevent this tragedy from repeating itself.

In testimony before the U.S. House of Representatives, PJC attorney Laurie Norris **focused on how the system failed Deamonte Driver** and suggested national reforms to improve access to oral health care for millions like him. In October, officials issued a report that concluded that **Deamonte Driver was far from the only child enrolled in the United Healthcare Medicaid plan who lacked access to dental care:** in fact, more than 22,000

Flurry of official action after boy's death

The Washington Post

AN INDEPENDENT NEWSPAPER

Remember Deamonte?

The Senate needs to step up on dental care for children.

Maryland children had not seen a dentist in at least 3 years. And despite United's claim that they had almost 100 dentists in their network, only 7 dentists provided more than half the care received by its members in Prince George's County. Center for Medicaid and Medicare Services (CMS) then began to review, for the first time in 8 years, how well individual states were succeeding at providing access to dental care. In Congress, at least six bills were introduced that seek to address different aspects of the problem.

In Maryland's DHMH Secretary John Colmers formed the **Dental Advisory Council (DAC)**. We were invited to serve along with about two dozen others. Attorney Norris chaired the Rates and Models sub-committee which **developed core recommendations for increasing dental reimbursement rates and for reforming the structure of the delivery system.** The DAC issued its final report to Secretary Colmers in September 2007 with 7 primary recommendations, which he accepted. One recommendation was to change the delivery system from a two-tiered Managed Care Organization with financial incentives aligned toward profit rather than dental care to a single statewide 'administrative services only' system that would align finances toward the provision of care. New DAC sub-committees were formed to work on implementation plans. Ms. Norris chairs two of these sub-committees: dental screenings in public schools and a comprehensive oral health literacy campaign.

"We have all been affected by the death of Deamonte Driver. It is my strong belief that implementing these multi-year initiatives will result in Maryland becoming a model for the country in increasing access to oral health for our children."

—Secretary John M. Colmers DHMH - Washington Post.
"Md Praised for Medicaid Changes Since Death 2/15/08"

In the spring, we produced a short advocacy film with our partners, Megaphone Project and Advocates for Children and Youth. The film **"Silent Epidemic: Dental Disease Among Maryland's Children"** shows the devastating consequences of the lack of access to dental care for our low-income children and encourages reform. We shared the film at Dental Action Day and made it available via a link on our website: www.publicjustice.org. Its message was not lost on lawmakers who made **significant strides toward improvement** during Maryland's General Assembly session. Changes include (1) a \$7 million-per-year cash infusion (matched dollar for dollar by the federal government) that will increase funding for Medicaid dental services over the next three years, (2) augmenting the volunteer efforts of dentists and all oral health practitioners by providing additional funding to improve access to oral health, (3) mandating the new single-payer Medicaid dental system to be implemented by March 2009 to simplify access to dental care for poor children, and to make it easier for dentists to take Medicaid patients, (4) a grant program to help local governments and nonprofits improve access to dental care for underserved populations.

There have been so many exciting developments resulting from this movement, borne from the sheer size and scope of the collaborative partnerships. A few inspiring examples include: United Healthcare agreed to grant \$170,000 to the University of Maryland Dental School to fund new staff, create a mini-pediatric dental residency program to train general dentists to treat children, and a training program for pediatricians to learn

FOCUS ON
SUPPORT
YEAR 23
continued

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“Ideally, we won’t be remembered as the state that allowed a boy to die of a toothache, but as the state that did everything it could to ensure that other children avoided his fate.”

—Dr. Garner Morgan, president of the Maryland State Dental Association

how to do oral health screenings, oral health education and dental referrals. **DHMH has required the managed care organizations to clean up their dental provider directories every six months**, to contact every member child who has not seen a dentist in at least two years and get them into care, and to affirmatively make a dental appointment for any child whose parent contacts them for a dental referral. **Dentists and dental hygienists cooperated on legislation that increased access to dental care, allowing hygienists to provide preventive care in public health settings without supervision of a dentist.** The University of Maryland -School of Social Work designed an interdisciplinary ‘mini-mester’ learning and service project focused on increasing access to dental care for Baltimore City children. More than 30 graduate students (dental, medical, law, nursing, pharmacy and social work) enrolled in the inaugural session, and attorney Norris was a guest speaker.

As the reforms take hold, we are working with the Maryland State Dental Association to **educate dentists about the increased rates for Medicaid dental services**, and to **encourage more dentists to accept Medicaid patients.**

Perhaps the most telling evidence that change is afoot can be found in the statistics measuring Medicaid dental utilization in calendar year 2007. Even though no policy changes had yet been implemented, and no additional money had been allocated, it appears that **the large amount of public attention paid to children’s dental in Maryland in 2007 paid off** in increased dentist visits. The number of Medicaid-enrolled children, ages 0-20, receiving a dental visit increased by about 18,250 children from 2006 to 2007. In addition, the number of participating dentists increased by 14. We expect more significant improvement in CY 2008 because rate increases went into effect on July 1, 2008.

In other health rights work, we collaborated with our partners at the Homeless Persons’ Representation Project (HPRP) and the Legal Aid Bureau on joint investigation and administrative advocacy with the State for **systemic failure to properly determine whether persons who are applying for medical assistance on the basis of disability**

are being afforded rights under federal laws. Maryland routinely fails to meet either the 90-day federal deadline or the 60-day state deadline for processing applications. We partnered with the same organizations to shine light on the illegality of new DHMH instructions to caseworkers that make it impossible for destitute Marylanders to receive Temporary Disability Assistance Program (TDAP) money for more than three months. Unlike many states, Maryland provides no form of general relief for the destitute. The closest program is TDAP which provides \$158 to disabled adults with no children who are unable to work and ineligible for other cash assistance. This provides a minimal subsistence to those who must wait two to three years for their federal disability benefits to come through. **Our advocacy with DHMH attempted to show the illegality of their new caseworker instructions and the devastating impact on thousands of destitute Marylanders.** Our outcry was rebuffed with a letter stating that the agency’s actions were legal and would stand. By early April, the PJC, along with co-counsel HPRP and the private law firms of Brown, Goldstein & Levy and Venable had prepared a class action complaint and motion for immediate preliminary injunction for filing in the Baltimore City Circuit Court. Courtesy copies of court papers were delivered to the Attorney General’s office. Within two hours of the delivery, the State did a complete about-face and agreed to rescind its illegal actions. We insisted on a detailed agreement covering how the agency’s error would be corrected, how back benefits would be restored immediately, and how both applicants and caseworkers would be notified of the restoration of eligibility and benefits. ☺



photos by MHarry Connelly

Making An Impact: Friend Raising

This year, the PJC drew inspiration and support from a community of friends who believe, like us, that we can build a more just society. In December, **Ed Buxbaum** and his colleagues at **Whiteford Taylor and Preston** hosted “Justice Without Limits,” a fun party that introduced our work to new friends in the legal community. **Metropolitan Owner Bruce Dorsey and Chef Antoine Petteway** again astounded us with a successful fundraising dinner/silent auction on a beautiful evening in early May. At this event, we announced that the second annual **John P. Sarbanes Courage Awards** would be given to two courageous moms, **Philly Peterson and Tonya Bullock**, because they stood up for their children’s right to attend school and allowed their stories to lead the class action lawsuit against Baltimore County school district. Throughout the year, **Sharon Krevor-Weisbaum, Jan Mahar** and the good people of **Brown, Goldstein & Levy** hosted another round of the popular “Justice For Breakfast” series. These conversations between PJC project staff and interested community members focus on our unique strategies and foster interesting collaborations. Truly, it is because of such people and the countless other donors, friends and supporters who share the news about our work, that we again, made a significant impact this year. From the bottom of our hearts, **thank you.**

Congratulations Deb!

We are proud of Legal Director, Debra Gardner who was surprised with and honored by an award at the 11th Annual Equal Justice Council Awards and Recognition Breakfast. Wilhelm Joseph presented the Executive Director’s Award to Deb for her exceptional work coordinating the National Coalition for a Civil Right to Counsel. “In addition to her duties at PJC, Debra has undertaken the massive effort of coordinating the National Coalition for a Civil Right to Counsel. This consortium of legal professionals from around the country addresses one of the most pressing contemporary problems facing the justice system in this country – guaranteeing the right to counsel in civil matters. Debra Gardner not only answered the call, but picked up the gauntlet to lead the national effort to bring this vision to fruition. Deb devotes countless hours to keeping this process on track, while engaging more and more advocates in the effort. We thank Debra for her stellar work at Legal Aid and beyond and offer sincere congratulations on her many accomplishments.” Yes, thank you, Deb.

Congratulations Laurie!

The momentum in Maryland’s efforts to drastically improve the delivery of oral health care to poor children has been noticed on the national stage. Both the National Dental Association and the American Academy of Pediatrics, have sought advice from attorney Norris around her expertise on oral health advocacy. **Ms. Norris was also honored for her leadership by the National Association of Social Workers– Maryland Chapter who named her Public Citizen of the Year.**

FOCUS ON SUPPORT YEAR 23 continued

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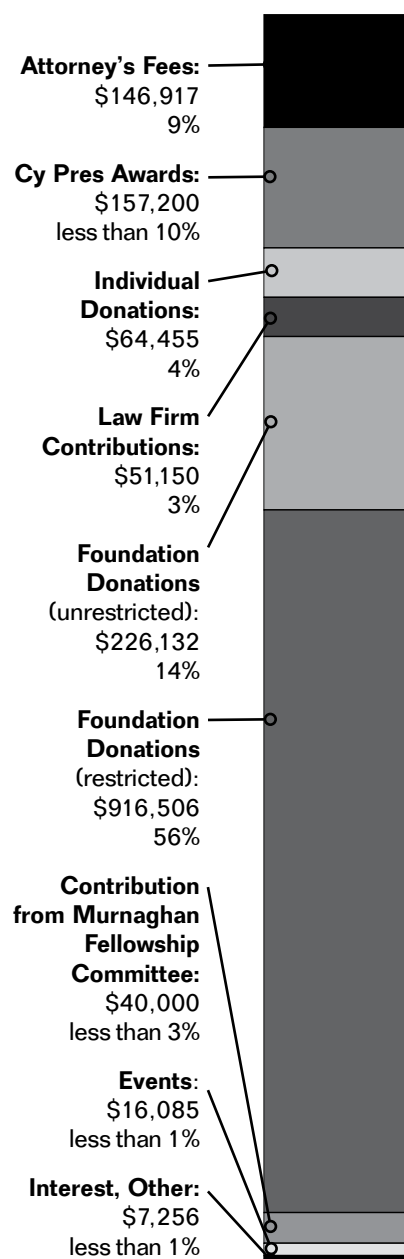
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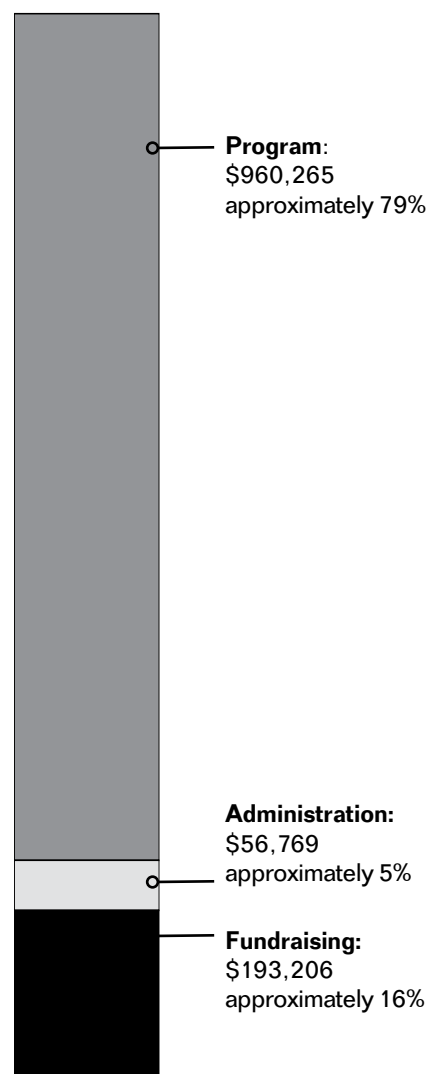
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In addition to the donors listed, we recognize and acknowledge the contributions of those who make contributions through workplace giving campaigns. We might not know your names, but we are thankful for your support of our work. We also thank those friends who made possible the cy pres awards that supported our work this year.

INCOME TOTAL:
\$1,625,701



EXPENSES TOTAL:
\$1,210,240



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2007-08 Annual Report



We are pursuing systemic change to build a more just society.

“...working here is like sharing a house with family. Everyone is really easy to get along with and cares about so much. Most places I have worked for in the past have employees there just to make a pay check but when I come here I see how dedicated everyone is. It is amazing.”

- Becky Reynolds, Summer 2008

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