

January 25, 2012

Big Victory: Arrestees have a right to a lawyer at bail hearings



On January 4, 2012, the Court of Appeals unanimously decided that under Maryland's Public Defender Act, a person who is arrested and cannot afford a lawyer has a right to be represented by a court-appointed lawyer at his or her initial bail hearing before a District Court Commissioner. The Public Justice Center filed an amicus brief in the case, *DeWolfe v. Richmond*, urging the Court to recognize the important practical consequences of its decision: arrestees without attorneys are likely to be unnecessarily jailed before trial, thereby endangering their health and safety, putting them at risk of losing their jobs, and jeopardizing their dependents' health and safety. Counsel for the plaintiffs shared their gratitude for the PJC's contribution, including this from Doug Colbert: "We are most appreciative of your amicus, which contributed significantly to the COA's appreciation of the consequences of pretrial detention." The Court also declined the Public Defender's request that it stay the effect of its decision for some period of time, stating that "The Public Defender's asserted defense of budgetary impracticability . . . is not a proper consideration for the judiciary" (Slip Op. at 38). The decision is a significant step toward ensuring that all people have equal access to the justice system, both in this context and in other efforts to expand the right to counsel.



NLRB decision upholds workers' right to stand against unfair labor practices

Banning workers from taking class or collective action is an unfair labor practice, according to the National Labor Relations

Board's January 3 decision in the case of *D.R. Horton*. The Board held that an employer's ban on class or collective actions in all forums violates the workers' rights to engage in "concerted activities" for their mutual aid and protection, and that therefore such bans constitute unfair labor practices under the National Labor Relations Act. These bans have the purpose and effect of preventing workers, as a condition of their employment, from acting collectively to

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Working for justice, Working together

Working for justice requires the dedication of many people over many years, and the victory in *DeWolfe v. Richmond* is no exception. Congratulations to:

Co-counsel Mitch Mirviss and Michael Schatzow of Venable LLP and Professor Doug Colbert of the University of Maryland School of Law

Students in Colbert's Access to Justice Clinic

The many Murnaghan Appellate Advocacy Fellows who worked on amici briefs in the case. Current fellow Tom Davies and former fellow Jessie Weber contributed to the PJC's most recent brief, which was based on an earlier brief by former fellows Greg Care and Matt Hill.

vindicate their workplace rights. The Board's decision agrees with the amicus brief filed by workers' rights advocates last year. The Public Justice Center had signed onto that brief. The Board's decision enables employees who are subject to arbitration agreements requiring them to completely waive their right to pursue their employment claims collectively to file unfair labor practice complaints and invalidate such waivers. Read more [here](#).

International Citizens United for the Rehabilitation of Errants (CURE), Alternative Directions, and the Justice Policy Institute -- the organizations that joined the PJC's amicus brief.

Without explanation: Medicaid recipients denied prescriptions



Imagine that you're on Medicaid, and your doctor prescribes medicine for you, but when you go to the pharmacy to get the medicine, you are turned away without being told why or what you can do about it. Together with others in the same situation, you file a lawsuit arguing that when the Medicaid system denies you

medication, you are legally entitled to a written explanation of the reasons for the denial. The court, however, holds that you cannot sue because you have not suffered any concrete injury.

On December 19, 2011, the Public Justice Center joined an amicus brief in such a case, *N.B. v. District of Columbia*, urging the D.C. Circuit Court of Appeals to reverse the lower court's decision. The brief describes this nationwide problem and explains that Medicaid recipients are significantly injured when procedural hurdles prevent or hinder them from filling prescriptions from their doctors. Further injury can result when they end up paying for desperately needed medicines with their own limited funds or skipping medication when they can't afford to purchase it. Written explanation for denials is crucial because it enables Medicaid recipients to work with their doctors to overcome bureaucratic hurdles, or exercise their right to a fair hearing to challenge mistaken denials. The brief was written by Rochelle Bobroff of the National Senior Citizens Law Center and Sheldon Toubman of the New Haven Legal Assistance Association.



Justice for Breakfast

Credit Catch 22:
Challenging job discrimination based on credit history

February 28, 2012
8:15 am

Hosted by:
Brown, Goldstein & Levy
120 E. Baltimore St, Ste 1700
Baltimore, MD 21202

RSVP to 410-400-6951 or
brocke@publicjustice.org

More information [here](#).

www.publicjustice.org

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