On April 18th, leaders of nine Black-led organizations working for racial justice and economic development in Baltimore's Black communities released a Statement of Solidarity to commemorate the first anniversary of the Baltimore Uprising. Their statement offers a counter-narrative to the mainstream media’s framing of last April’s events: making clear that the Uprising was not just about the death of Freddie Gray, and that Black-led as well as other organizations continue to work in those communities the media and policy makers have forgotten.

The Public Justice Center is one of those other organizations, and fully supports this Statement of Solidarity and its commitment to community-led struggle. The PJC is currently a white-led organization. We use legal tools to pursue social justice, economic and race equity, and fundamental human rights. Many of our projects target the issues that impact neighborhoods like Mr. Gray’s, neighborhoods that experience historical and current police abuse and racist disinvestment, and the entrenched poverty, lack of economic opportunity, and substandard housing that are its consequences. We represent tenants facing eviction and substandard housing conditions, workers whose earned wages are stolen by their employers, homeless, foster, and unaccompanied youth who are struggling to get their free and appropriate public education, and families who desperately need health care.

One of our projects specifically supports community organizing efforts that are Black-led and whose membership is of the impacted neighborhoods. The Public Justice Center and Right to Housing Alliance (RTHA) released the report Justice Diverted: How Renters Are Processed in Baltimore City’s Rent Court. The PJC’s Human Right to Housing Project is working with the 7,000 Families Campaign, whose coalition members include RTHA, Baltimore Bloc, Showing Up for Racial Justice, Jews United for Justice, Bristol House, Chase House, and BALT, and is demanding reforms at the courts, City Hall, and Annapolis.

The PJC is also a founding member of the Baltimore Housing Roundtable, which released the report Community + Land + Trust: Tools for Development Without Displacement. The Baltimore Housing Roundtable is advocating for community-controlled land trusts to wrest control of our housing from developers and governments, and to create affordable housing and good paying jobs for low-income residents.

The media and policy makers may have moved on from the people who live in neighborhoods like Freddie Gray’s, but the Movement has only grown stronger in the last year, and the Public Justice Center is committed to being a supportive ally in solidarity with community-led and Black-led organizations.

You can read the original Statement of Solidarity here http://bit.ly/2eK3qDu.
This year, the Public Justice Center co-led two long-term projects that analyze the crisis of affordable, equitable housing in Baltimore and proposed systemic solutions.

**JUSTICE DIVERTED:**
How Renters are Processed in the Baltimore City Rent Court

150,000 evictions are filed each year in Baltimore City’s ‘rent court.’ Nearly 7,000 families are evicted each year. The rate of rent eviction is 5.8 per 100 households, a staggering number that is nearly double the foreclosure rate at the peak of the housing crisis in 2009.

In December, we published an in-depth study showing how thousands of quick, cheap eviction actions overwhelm the Court’s capacity to fairly enforce tenants’ rights to safe and healthy housing. This new research dives deep into Baltimore’s eviction crisis, one that takes a particularly heavy toll on women and African Americans.

Key findings from the study include:
- **Baltimore City’s Rent Court** is designed to efficiently handle its immense caseload by diverting renters away from presenting their cases to the judge.
- The Court turns a blind eye to the nearly 80% of landlords who are not in compliance with the state’s lead paint laws and whose cases should be thrown out.
- Nearly 60% of renters had valid legal reasons to withhold rent, such as the landlord’s failure to address mold, pests, or lack of heat. Yet more than 90% of them lost their eviction case because they couldn’t afford a lawyer and didn’t understand their rights under the law. Most landlords have lawyers or other representatives experienced in court process.

The study recommends several reforms:
- Cut the number of eviction cases in half by requiring a pre-filing notice of eviction, so that renters can adequately prepare a defense or fairly resolve the dispute out of court.
- Demand that landlords document their rent claims and that judges strictly scrutinize their claims of compliance with lead paint and licensing laws.
- Level the playing field by increasing tenants’ access to legal information, assistance at court, and legal representation.
- Expand licensing and property inspection requirements so that all rental housing meets health and safety standards.
- Fund eviction prevention programs to meet the scale of the eviction crisis.

The publication of Justice Diverted kicked off the 7,000 Families Campaign, a grassroots-led coalition – including the Right to Housing Alliance, Chase House, Bristol House Tenants Association, Jews United for Justice, Baltimore Bloc, Showing Up for Racial Justice, and the Public Justice Center – that works to stop the eviction pipeline and make lasting change for renting families in Baltimore.

**Legislative Reform**

The PJC drew attention from online, print and radio media outlets including Reuters, ThinkProgress, Slate, Bloomberg, Mother Jones, The International Business Times, Maryland Morning and the Baltimore Sun. Pam Fessler featured the PJC’s report in a story on NPR’s All Things Considered, showing the reality many families face with the dismal threat of eviction nationwide.

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**YOU PROTECT: HUMAN RIGHT TO HOUSING**

“The eviction process exacerbates the problem of urban poverty by upending all the daily routines that people have come to rely on in order to get by on their meager incomes, … It disrupts children’s school attendance and their ability to learn. … As a matter of law and equity it’s unconscionable that tenants in Maryland should have far fewer rights in such disputes than those anywhere else in the country.”

*“Out of House and Home,” Baltimore Sun Editorial, 12/7/2015*
Public subsidies for private investors have produced rising housing costs that have failed to create affordable housing and good paying jobs for low-income residents and offering an alternative vision that prioritizes human rights and human needs. Peter Sabonis of National Economic and Social Rights Initiative and PJC attorney Matt Hill co-authored the report.

At the overflowing launch event, the Baltimore Housing Roundtable announced the report’s 20/20 vision to create permanently affordable housing, employ city residents, strengthen Baltimore neighborhoods, and restore trust: the report’s 20/20 vision to create permanently affordable housing, employ city residents, strengthen Baltimore neighborhoods, and restore trust:

Commit $20 million in public bonds or other revenue sources annually to invest in Community Land Trust (CLT) housing through an affordable housing trust fund, and $20 million annually to deconstruct vacant lots, hire returning citizens and create green space and opportunities for urban agriculture.

Establish a Land Bank (already authorized by city charter) to dispose of vacant properties or empower the Vacants to Values program to acquire properties for CLT development.

Strength and enforce local hiring provisions so that city residents are trained for employment in deconstructing and rehabbing vacant property, with priority given to citizens returning from incarceration.

Support community leaders and other stakeholders in drafting and implementing community master plans, obtaining technical support, and ensuring participation by a diverse group of those most impacted by development decisions.

Baltimore’s current approach to economic development has left the city in crisis. The combination of race-based segregation in housing, deindustrialization, law enforcement practices, and speculative real estate investment has disproportionately affected Black families in Baltimore, curtailing their access to good jobs and affordable housing. Public subsidies for private investors have produced rising housing costs without rising wages, making it difficult for many people to afford their homes.

In summer 2016, the PJC participated in an intense outreach campaign known as “Housing for All” to collect signatures that placed the creation of an Affordable Housing Trust Fund on the November election ballot in Baltimore City. The Trust Fund would receive ongoing public and private funding for the production of affordable housing for families in the city that need it most. In order to set up the Trust Fund, we must amend the Baltimore City Charter so that the City Council would be allowed to direct money to the Trust Fund. Through the efforts of United Workers, it’s Community Development Network of Maryland, the Public Justice Center, many other organizations, dozens of volunteers, and 41 churches across the city, the Housing For All Coalition delivered almost 18,500 signatures to the Baltimore City Board of Elections in the successful city-wide campaign.

The Public Justice Center, along with Homeless Persons Representation Project, Maryland Legal Aid, Disability Rights Maryland (formerly Maryland Disability Law Center), the ACLU of Maryland, and the national NAACP, represented the complainants. The complaint alleged that entrenched, long-term Baltimore County housing and development practices exacerbated racial segregation and denied access to housing to persons with disabilities, families with children, and other persons because of race. Those practices included exclusionary zoning to resist subsidized housing and openly discriminatory housing and development policies — funded, in large part, by federal tax dollars. Baltimore County has never had any public housing and currently has fewer than 1,400 privately-owned subsidized housing units open to families, despite a voucher waiting list of over 15,000 households. In contrast, the County has actively used federal and state housing funds to build senior housing, which in Baltimore County is mostly occupied by whites. Key provisions of the historic agreement signed in March include development of 1,000 affordable homes (with ten percent fully accessible for residents with disabilities and fifty percent with three bedrooms), and the placement of 2,000 families with housing vouchers in areas of opportunity throughout the County. The County also agreed to provide $30 million in local funds over the next ten years to help finance the new affordable housing and an additional $3 million to pay for disability upgrades to existing affordable homes.

The Court sanctioned one landlord at the Public Justice Center’s request for repeatedly filing rent complaints without a good faith basis. The sanctions awarded over $1,000 in attorney’s fees to the PJC and resulted in a written opinion that has been shared in broader housing advocacy circles to influence other cases as well.

In February 2016, the Court of Appeals of Maryland issued a unanimous ruling in Lockett v. Blue Ocean, agreeing with the PJC that rent under Maryland’s anti-retaliation statute is “the periodic sum owed by a tenant for the occupancy of the premises,” and does not include other charges the landlord claims the tenant owes. This decision will help protect tenants throughout Maryland from retaliation as well as other predatory practices by which the landlord attempts to define numerous fees (often illegal) and other non-rent charges as “rent” and attempts to collect those charges on pain of swift eviction in rent court.

Significant Litigation Victories for Tenants

In October 2015, the Circuit Court for Baltimore City granted plaintiffs’ motion for class certification in Tiffany Bennett et. al. v. Dunne Wright Services, LLC et al. This is a class action with eleven counts alleging an illegal fee and fee-churning scheme by a Baltimore area landlord that manages over 750 rental units. The parties have agreed to a settlement and are now seeking final approval of the settlement from the Court. The Public Justice Center, with co-counsel Thomas Minton of Goldman & Minton, P.C., represents the tenants. The PJC honored the named plaintiffs in this case with the 2016 John P. Sarbanes Courage Award.

Community + Land + Trust:

TOOLS FOR DEVELOPMENT WITHOUT DISPLACEMENT

Housing for All

Baltimore

The following donors have shared with the Public Justice Center generous contributions totaling $1,000 or more. Your gifts afford the flexibility to meet injustice where it rises and to use the tools necessary to balance the scales of justice — no matter how long it takes. We consider you to be our Champions of Justice. Thank you.

Tara J. Aldrich
Anonymous (Humbro)
Susan D. Bennett and John C. Eidelberg
Ellen and Ed Bernard
Richard O. Berndt
The Les and Irving Blum Foundation, Inc.
Michael Booth and Kristine Smets
Paul C. Rose and Venessa D. Billing
Gregory P. Care
Ward B. and Christy Coe
Emre D. and Wanda E. Cole
Thomas C. Dame and Denise M. Duval
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Jeanette Hobbs
Richard Jacobs and Pat Lazher
The Honorable Earl Johnson, Jr
Kenneth A. and Linda M. Jones
David A. Kendel and Betsy A. Krieger
Richard and Judith Katz

Thank you.

You Protect:
Human Right to Housing

Community + Land + Trust:
Tools for Development Without Displacement
The Public Justice Center’s Appellate Advocacy Project

uses appellate cases to influence the development of civil rights and poverty law and is staffed by the Francis D. Murnaghan, Jr. Appellate Advocacy Fellow. This year’s fellow was Tassity Johnson. She wrote amicus briefs, briefed and argued three different cases in Maryland’s highest court, and participated in numerous other cases across the country. Some appellate highlights from this year include:

Almnd v. DHMH

The Public Justice Center represented an involuntarily committed individual before the Court of Appeals, arguing that it was unconstitutional for the state to forcibly medicate people without showing that they are a danger in the institution. The Court agreed in a landmark decision.

In re Dustin R.

The Public Justice Center joined an amicus brief in the Court of Appeals asserting that the legislature empowered juvenile courts to protect children with disabilities against a traumatic loss of necessary services after they turned 21 by making appropriate arrangements for their continued care while the court still had jurisdiction. In December 2015, the Court of Appeals held that CashCall violated the Maryland Credit Services Businesses Act (MCSSBA) by assisting consumers in obtaining these loans, because they carried interest rates that would be usurious and illegal under Maryland’s lending laws if they had been made by in-state banks. After complaints from more than a dozen Maryland consumers, the Commissioner issued to CashCall and its president, J. Paul Reddam, a cease-and-desist order and a fine of $5,651,000 for brokering 5,651 loans with interest rates as high as 99%, triple Maryland’s 33% interest cap. The amicus brief filed by the Public Justice Center, Civil Justice, the Maryland Consumer Rights Coalition, and the Maryland Cash Campaign traced the history and evolution of payday lending, including the industry’s recent shift to predatory installment loans like CashCall’s. Our brief described how brokers scheme to profit from entrapping low- and moderate-income people in an intractable cycle of debt, even targeting low-income neighborhoods that are predominantly African-American or Latino. The brief highlighted how brokers constantly retool their practices to try to stay a step ahead of regulations intended to combat predatory lending and argued that the MCSSBA was expressly designed to keep up with these evasive tactics and eradicating brokers and their predatory practices from Maryland’s consumer loan marketplace.

In June 2016, the Court of Appeals of Maryland unanimously held that CashCall and its president violated the MCSSBA and have to pay a $5.65 million fine.

In Conover v. Conover, the Public Justice Center filed an amicus brief supporting the right of same-sex parents to litigate custody on the equal footing with opposite-sex couples. In a historic July 2016 decision, the Court of Appeals overruled its earlier precedent and agreed.

Lockett v. Blue Ocean Bristol LLC

(see Human Right to Housing Project highlights in this report)
For nearly two decades, the Public Justice Center has worked to enforce and expand the rights of homeless students and students in foster care to access education.

Administrative Advocacy

Since early 2014, the Public Justice Center has been collaborating with the Maryland State Department of Education to revise its plan for achieving statewide compliance with the education provisions of the McKinney-Vento Homeless Assistance Act, which entitles homeless students to access education and supports their school success. Our efforts were aided by the 2015 enactment of the Every Student Succeeds Act, which expands the protections available to this student population. We have joined forces with several partner organizations to ensure that MSDE’s plan to implement ESSA includes a plan to address homelessness, consistent with the new requirements of law.

We are working at the state level and in individual counties, to implement the education-related provisions of the Fostering Connections to Success and Increasing Adoptions Act, which require school systems and local Departments of Social Services to collaborate in supporting the school continuity and academic success of students in foster care. Our strategies include advocating for the enactment of state regulations, facilitating agreements between school systems and social services staff, and training both on the educational rights of the foster youth they serve.

In partnership with the Maryland Office of the Public Defender, Disability Rights Maryland (formerly Maryland Disability Law Center), and Advocates for Children and Youth, we have been advocating with the State Department of Education and Department of Juvenile Services for improvements in the State Department and Department of Children and Youth, we have been advocating with Maryland Disability Law Center, Homeless Persons Representation Project, Disability Rights Maryland (formerly Maryland Disability Law Center), and Advocates for Children and Youth, the National Association of Social Workers, the Youth Empowered Society Drop-In Center, Homeless Persons Representation Project, Healthcare for the Homeless, and the Maryland Alliance for the Poor.

Maryland General Assembly

Your support fueled advocacy efforts in the legislature that will help homeless students further their higher education. Some highlights include:

One new law (HB 400) strengthens the tuition waiver program, which allows unaccompanied homeless youth to attend any Maryland public college or university tuition-free and use additional grants, loans, or scholarships they receive toward room and board by eliminating unnecessary bureaucratic barriers discovered after the waiver was first passed. In addition, the law requires universities and colleges to report data on how many students receive the waiver and are able to graduate as a result. This will help us better evaluate the success of the program.

HB 1288 further strengthens the tuition waiver described above. It clarifies that youth may use the waiver to pay for non-credit courses. This is critical because many unaccompanied homeless and foster youth need to take non-credit remedial courses in order to start to pursue a degree, but some colleges had prevented them from doing so. The new law also expands the tuition waiver to cover former foster youth who reunify with parents. This removes any unintended discouragement to family reunification while allowing youth who spend significant time in foster care the opportunity to pursue a college degree.

Another new law (HB 1503) allows homeless youth to obtain a High School Education Diploma (GED) test in the state. Such youth disproportionately pursue a GED because of the barriers they face to earning a diploma through a traditional high school education.

A special shout out of appreciation for our allies including, among others: Advocates for Children and Youth, the National Association of Social Workers, the Youth Empowered Society Drop-In Center, Homeless Persons Representation Project, Healthcare for the Homeless, and the Maryland Alliance for the Poor.

The donors listed here made their gifts between July 1, 2015, and June 30, 2016, to support the Public Justice Center. Thank you. Your gifts are building a just society. In addition to the donors listed, we recognize and acknowledge those who made contributions through workplace giving campaigns. We might not know your names, but we are thankful for your support of our work.

THANK YOU!
We are proud that the Ivon family’s OCR complaint ensures not only that Samantha has an interpreter at dental appointments, but that Deaf and hard of hearing clients will receive fully accessible dental care at Kool Smiles offices nationwide.

We also congratulate Kool Smiles for its willingness to become a model provider of dental services to its Deaf and hard of hearing clients.

CULTURALLY COMPETENT ACCESS Over 117 different languages are spoken in Maryland, and more than 840,000 Marylanders are limited English proficient (LEP), meaning that they do not speak, read, write, or understand English well enough to interact effectively with government agency workers, courts, hospitals, etc., without language assistance. As part of recent work to address racial and ethnic disparities in healthcare outcomes, attorney Camilla Roberson has been working actively with partners through Maryland Legal Aid’s Language Access Task Force and the Governmental Access Workgroup (GAW), a public/private partnership, to ensure that agencies, businesses, and organizations understand and meet their obligations when addressing the needs of LEP. The GAW is made up of representatives from the Department of Human Resources, other state agencies, advocates from various nonprofits including the Public Justice Center, Maryland Legal Aid, Maryland Hunger Solutions, SEEDCO, and private companies. This work has also allowed us to identify additional barriers to accessing healthcare for immigrants and other New Americans, aging citizens, and Deaf individuals.

MARYLAND GENERAL ASSEMBLY
Attorney Camilla Roberson is co-chair with Lisa Kingerleimer of Catholic Charities of the Maryland Alliance for the Poor (MAP). This is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty. MAP was very active during the 2016 General Assembly Session, kicking off the session with publication of the MAP Poverty Profiles, briefings in the Senate and House of Delegates about poverty in Maryland, and written and oral testimony on the budget and on bills that would affect those living in poverty. MAP weighed in on 70 unique bills this legislative session and 12 unique departmental budgets, all with a focus on antipoverty measures, including among many other areas improved working conditions with paid sick leave in the Maryland Healthy Working Families Act (HB 1317/SB 472), criminal justice reform through the Justice Reinvestment Act (SB 1005/HB 1312), improved language access to state websites and other services (SB 28), and improved access to health services (for example SB 899 / HB 1217 – Mental Health Parity Act, SB 252/HB 511 – Medical Assistance dental services coverage for former foster care youth, SB 929/ HB 1318, HB 1318/SB 929 Insurance Network Access Standards, among many others).

The PJC honors Kim and Samantha Ivon with the John P. Sarbanes COURAGE AWARD

Victory: Complaint over denied requests for ASL interpreter leads to nationwide change at Kool Smiles dental offices

When Kim Ivon scheduled dentist appointments at Kool Smiles for her daughter, she always requested an interpreter, as her daughter, Samantha, is Deaf and communicates primarily through American Sign Language (ASL). But despite several requests, Kool Smiles never provided an interpreter. Frustrated, Kim contacted the Public Justice Center. Attorney Camilla Roberson worked with her to file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Health and Human Services, describing how Kool Smiles violated the Rehabilitation Act, the Affordable Care Act, and the Americans with Disabilities Act.

The OCR investigated, examining Kool Smiles’ practices in Baltimore and nationwide. They found that the failure to provide Samantha an interpreter was a symptom of widespread problems. For example, Kool Smiles’ standard operating procedure was to have a parent, guardian or friend interpret during a dental appointment instead of a professional interpreter. This runs contrary to the law, because professional interpreters ensure full access to dental care and avoid problems with confidentiality, conflict of interest, and competence. The OCR also found that Kool Smiles staff generally did not receive training on how to determine what aids or services clients need or how to communicate with people who are Deaf or hard of hearing. OCR staff provided Kool Smiles with technical expertise to change its practices, and in April, the OCR issued its report. Kool Smiles will implement a number of changes to ensure that its employees accommodate Deaf and hard of hearing clients at its 125 locations across the country, including a fully compliant standard operating procedure and grievance procedure, and an interactive process for determining the correct auxiliary aids and services.

Staff will also receive annual training on working with Deaf and hard of hearing clients.

You expand: Access to health and public benefits

CULTURALLY COMPETENT ACCESS Over 117 different languages are spoken in Maryland, and more than 840,000 Marylanders are limited English proficient (LEP), meaning that they do not speak, read, write, or understand English well enough to interact effectively with government agency workers, courts, hospitals, etc., without language assistance. As part of recent work to address racial and ethnic disparities in healthcare outcomes, attorney Camilla Roberson has been working actively with partners through Maryland Legal Aid’s Language Access Task Force and the Governmental Access Workgroup (GAW), a public/private partnership, to ensure that agencies, businesses, and organizations understand and meet their obligations when addressing the needs of LEP. The GAW is made up of representatives from the Department of Human Resources, other state agencies, advocates from various nonprofits including the Public Justice Center, Maryland Legal Aid, Maryland Hunger Solutions, SEEDCO, and private companies. This work has also allowed us to identify additional barriers to accessing healthcare for immigrants and other New Americans, aging citizens, and Deaf individuals.

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The Public Justice Center leads and staffs the National Coalition for a Civil Right to Counsel (NCCRC), which has grown to include nearly 300 participants working in their states and local jurisdictions to establish a right to counsel for indigent litigants in basic needs cases. Attorney John Pollock staffs this project and draws on many tools to advance the cause.

**LEGISLATIVE ADVOCACY**

This year, the NCCRC continued to support legislative efforts to enact a right to counsel. In response to a New York City bill that would provide a right to counsel in housing cases, we helped organize a NYC-based coalition of legal aid and grassroots groups to support the bill and worked with Stout Raus Ross, an independent financial analysis company, to produce a cost-benefit analysis of the bill. Risius Ross, an independent financial analysis company, to produce a cost-legal aid and grassroots groups to support the bill and worked with Stout Raus Ross, an independent financial analysis company, to produce a cost-benefit analysis of the bill. Risius Ross, an independent financial analysis company, to produce a cost-benefit analysis of the bill. SRR’s stunning report found that the City would save $320 million by passing legislation that would provide a right to counsel for low-income tenants in eviction cases. The report concluded that the entire cost of providing lawyers to tenants up to 200% of the poverty level would be more than offset by reductions in shelter expenditures, preservation of affordable housing units, and avoidance of homeless-related taxpayer expenses like law enforcement and emergency medical care.

In Mississippi, we gave input and support to advocates working on legislation that authorizes courts to appoint counsel for parents in child welfare cases. The bill, which passed in 2016, ended Mississippi’s status as the only state not to authorize appointment of counsel for such cases.

In Maryland, we worked with Delegate Samuel I. Rosenberg and others to introduce legislation that would create a limited pilot in two counties to study the implementation of a right to counsel and the effectiveness of representation for indigent parties in domestic violence protection order proceedings. The bill was unsuccessful in the 2016 Maryland General Assembly.

The NCCRC also spent significant time identifying problems with right to counsel statutes in other states, including Arkansas, Georgia, Hawaii, Minnesota, Texas, Nevada, and Wyoming. As a result, one identified problem in Georgia led to the filing of a bill, and bills in some of the other states are likely to be filed in 2017. The NCCRC also assisted a successful effort to establish a civil right to counsel legislative task force in Connecticut.

In 2016, the NCCRC created a page on its website to track all civil right to counsel legislation nationwide. The site attracted the attention of the Associated Press, which wrote a story on the uptick in legislation that was picked up by over 200 media outlets across the country.

**LITIGATION**

State courts continue to be leading the recognition of the right to counsel and the NCCRC assisted litigants and organizations submitting amicus briefs in a number of cases across the country. Two notable victories include:

The Supreme Court of New Jersey held in Adoption of J.E.V. that parents have a right to counsel in adoption cases under the due process clause of the New Jersey Constitution. The NCCRC supported counsel for the mother as well as a number of amici. The success of the case is due in part to terrific work done by many amici, including Legal Services of New Jersey, the ACLU of New Jersey, the New Jersey State Bar, Advocates for Children, and the New Jersey Association for Justice. We also applaud Sean Marotta of Hogan Lovells, who did a powerful job in briefing and in oral argument.

Last year, the Supreme Judicial Court of Massachusetts ruled in Guardianship of V.V., a case assisted by the NCCRC, that parents have a constitutional right to counsel in cases establishing private guardianship of their children. This year, the Court took another step to protect parents’ rights, unanimously holding in L.B. v. Chief Justice of the Probate that parents have a right to counsel when seeking Family Court modification or termination of such a guardianship as long as the parents have a colorable claim. The Court said that the right to counsel was necessary at this stage because parents need counsel just as much as they do when the guardianship is first established. We provided assistance to the petitioner and amici in both cases, and great work was done by the Community Legal Aid (petitioner’s counsel), Mass Law Reform Institute, the Committee for Public Counsel Services, and others.

The NCCRC supported other litigation in Alaska, Massachusetts, Georgia, New Jersey, Wisconsin, Washington State, South Carolina, California, Mississippi and in the 9th Circuit Court of Appeals on issues that included parents and children in custody cases, housing, incarceration for fees/fines or child support, suspension of drivers’ licenses, and rights of people with disabilities.

(continued)
Sometimes true, enforceable reform takes decades to achieve.

Because of your steadfast support, detainees at the Baltimore City Detention Center will finally receive constitutionally adequate, timely medical and mental health care. This year, the federal court approved a settlement in the class action Duvall v. Hogan, requiring the state to overhaul the jail’s health care system and make major improvements to the facilities that remain open, including accommodations for people with disabilities. To ensure compliance with the settlement, the jail’s progress will be assessed by independent monitors. The case comes after the Public Justice Center, the Law Offices of Elizabeth Alexander, and the American Civil Liberties Union National Prisoner Rights Project moved to reopen the case in June 2015, following years of failure to comply with a 2009 settlement and court orders dating back to 1993. These settlements had failed to eliminate inhume conditions at the Baltimore City Detention Center. The reopening of the case also led directly to the Governor’s decision to close the four oldest buildings in the facility.

“Debra Gardner, legal director at the Public Justice Center, said the agreement would ‘at last ... provide adequate, timely medical care to detainees instead of abandoning those with injuries and illnesses. ...’ After years of litigation, the jail will meet its constitutional and ethical responsibilities to those inside its walls.”

“State agrees to overhaul health care services at Baltimore jail’ Baltimore Sun, November 18, 2015
In Maryland, an estimated 580,161 workers experience wage theft each year, amounting to more than $870 million in unpaid wages.

In Baltimore, an estimated 93,819 workers experience wage theft each year, losing nearly $141 million in annual gross wages.

If workers were not denied their due wages, the state economy would see a growth in economic activity:

- Additional payroll tax: $133 million
- Additional sales tax: $17.2 million
- New economic activity: $374 million
- New jobs created: 3,251

Credit: Center for Popular Democracy.

**LITIGATION**

The Workplace Justice Project represents groups of low-wage workers to enforce state and federal wage laws to stop rampant wage theft, i.e., not paying workers their lawfully earned wages through various means, including misclassification of employees as independent contractors.

Several significant victories this year:

- **Kelly v. Pinnacle**
  - Victoria Kelly is a low-wage home care worker who was not paid overtime despite working upwards of eighty (and sometimes more than a hundred) hours a week. Her employer claimed that it should be able to simply reimburse her and not pay any additional damages or attorney’s fees because it was unaware of Maryland’s wage laws and did not know they required overtime pay. The court disagreed, finding that ignorance of the law does not create a “bona fide dispute” that excused the employer’s failure to pay. In a strongly worded opinion, the Circuit Court for Wicomico County found that “Defendants chose deliberate ignorance over due diligence.” The Court also found, over employer’s strenuous objections, that Public Justice Center and Maryland Legal Aid as Ms. Kelly’s attorneys are entitled to an award of attorney’s fees.
  
  Above: Ms. Kelly with Nohora Rivera, Maryland Legal Aid.
Restaurant workers at BWI airport score big victory against employer who withheld wages

If you ever fly out of the Baltimore Washington International Thurgood Marshall Airport, you may grab a bite at one of the restaurants where Jasmine Jones recently worked. She started working at DuClaw Brewing Company a few years ago and, after leaving, began picking up extra hours at Zona Mexicana and Villa Fresh Italian Kitchen, all restaurants owned by Aero Service Group/Aero Service Partner restaurant group. When payday rolled around, Ms. Jones was surprised to receive two paychecks, with tax coming out of both. She realized that something was amiss when she was hired at another restaurant in the same week and changed their uniform policy.

Eventually with help from a union, people started talking. The employer apologized and sent each employee a check, saying that it wouldn’t happen again. But the size of checks was not enough to make ends meet. The workers on the settlement committee also insisted that the settlement not be confidential—they wanted the resolution of this suit to be public, so that other workers would know their rights and other employers would understand that they face consequences if they attempt to turn a profit by underpaying their employees.

The workers scored a big victory, settling the case for $131,545.96 in unpaid wages and liquidated damages, as well as attorney’s fees. The total recovery, equal to 100% of lost wages plus an additional 50%-60% of damages and attorney’s fees, both compensates Ms. Jones and her colleagues for the improper denial of payment and serves as a significant penalty for their employer’s violations. The workers on the settlement committee also insisted that the settlement not be confidential—they wanted the resolution of this suit to be public, so that other workers would know their rights and other employers would understand that they face consequences if they attempt to turn a profit by underpaying their employees.

The workers’ courage to speak up has also led to significant changes at Aero; they eliminated their practice of issuing separate checks for time worked at different restaurants in the same week and changed their uniform policy. The employer who once brushed Jasmine Jones aside finally had to change because as she says, “He knows we have a voice.”

At our 30th Anniversary Celebration in May, the Public Justice Center honored the plaintiffs with the John P. Sarbanes Courage Award.

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The Working Matters Coalition rallied in front of the State House and greeted lawmakers every day for the last two weeks of the 2016 session.

Workers’ Rights in the Maryland General Assembly

The Public Justice Center and our allies were again busy advocating for the rights of workers in the legislature. We introduced the Paystub Transparency Act, which aimed to combat wage theft by requiring employers to ensure that pay stubs include basic information about employees’ wages and hours. Although the bill garnered support from the Maryland Attorney General, the AFL-CIO, the Job Opportunities Task Force, CASA de Maryland, and the Mid-Atlantic Laborers Union, it ultimately failed to advance out of the House Economic Matters Committee.

We supported the successful Equal Pay for Equal Work bill, which prohibits an employer from discriminating between employees in any occupation by providing less favorable opportunities based on sex or gender identity. The bill also failed to advance out of the House Economic Matters Committee.

Workers’ rights were the focus of many of our activities throughout the year. We organized citywide legal clinics to help workers resolve workplace conflicts. Staff members and volunteers helped workers call in to WYPR’s Telethon, a program that provided an opportunity for workers to share their stories and ask for help with workplace issues.

LEGISLATIVE HIGHLIGHT:

Healthy Working Families Act

The Public Justice Center is a founding member of the Working Matters Coalition. For the past four years, we have advocated for employees to earn up to 56 hours (seven days for full time workers) of paid sick time per year to care for themselves or a family member when they are ill, or to seek out services related to domestic violence, sexual assault, or stalking. For the first time in four years, the bill made it out of the House of Delegates with a rock-solid majority, albeit with amendments to exempt businesses with fifteen or fewer employees, agricultural workers, and those less than eighteen years of age, among other things. Our thanks go to Delegate Luke Clippinger and Chairman Derek Davis for their leadership on this issue.

On the last day of the session, the legislation was introduced in the Senate where it ultimately died for the year. Momentum is building and the Working Matters Coalition is a force to be reckoned with. We mobilized supporters to send more than 30,000 emails to delegates and senators asking them to support the legislation. We helped generate widespread media coverage, telling our stories and highlighting how lack of access to earned sick days impacts working families across our state.

PJC In The Community

Jesuit Volunteer Patrick McDonell and paralegal Hannah Walsh participated in the Public Justice Center at Highlandtown Elementary/Middle School’s back to school night and resource fair for parents.

Hannah Walsh, a paralegal with our Workplace Justice Project, participated as a panelist in a panel at the Johns Hopkins University that examined the struggle for immigration, domestic violence, human trafficking, and workers’ issues to the panel. Also represented at the event were Baltimore Neighborhoods, Inc., Tenorio Justice Center, Kids in Need of Defense, Women’s Law Center, Maryland Legal Aid, House of Ruth, Baltimore City Police, CASA de Maryland, and Esperanza Center.

Attorney Camilla Roberson and paralegal Hannah Walsh participated in a legal observance in honor of Martin Luther King Jr. The event was organized by the Mexican Consulate in coordination with Telemundo. The Telethon was broadcast live from 6 pm-8 pm in the Virginia, Maryland, and Washington, DC, area. Our staff, along with representatives from other organizations, fielded calls from workers all over the region about unpaid wages, worker’s comp, scheduling issues, and unfair firing. Referrals were made to federal labor agencies (Department of Labor, Equal Employment Opportunity Commission, Occupational Safety and Health Administration, and National Labor Relations Board) and to the nonprofit legal services represented in the room.

Executive Director John Nenculec was a panelist at a “Moving From Protests to Policy” hosted by Baltimore Racial Justice Action, Associated Black Charities and the University of Baltimore’s College of Public Affairs. The participatory conversation wrapped up the Maryland 2016 legislative session. This followed a related fall 2015 event at which Legal Director Debra Gardner and staff attorney Camilla Roberson had previewed the PJC’s 2016 legislative agenda for the community members present.

Brown, Goldstein & Levy LLP again hosted the popular Justice for Breakfast series. In October 2015, we previewed Justice Diverted, our study that examined the struggle for fairness in Baltimore’s Rent Court. In November, our conversation turned to eliminating language barriers to health care, public benefits and the courts. April 2016’s breakfast focused on the rights of Maryland’s 30,000+ home care workers, who work in an industry where wage theft is endemic.

YOU DEMAND: WORKPLACE JUSTICE

Home Care Workers Initiative

In September 2015, thePublic Justice Center welcomed attorney Dave Rodwin and launched the Home Care Worker Initiative to enforce a new federal regulation and ensure that home care workers are afforded basic wage protections, including overtime and paid travel time between jobs. The PJC began an outreach and workers’ rights training program online and distributed nearly 2,000 educational brochures in English and Spanish at trainings at workforce development organizations, legal services organizations, workers’ rights centers, and advocacy groups. We aim to enforce home care workers’ rights through litigation and to create an enforcement network of advocates and workers.
ACCOLADES

In October 2015, Debra Gardner, the Public Justice Center’s Legal Director, was honored with Professional Excellence in the category of Advancement of Unpopular Causes at the Maryland Bar Foundation’s 23rd Annual Professional Legal Excellence Awards Reception.

In May 2016, the Public Justice Center received the Per Diem Award of the Clinical Legal Education Association at the American Association of Law Schools Clinical Conference. The focus of the conference was on “Rebellious Lawyering” and discussed how lawyers and law school clinics can support community-led movements.

“PJJC has a stellar reputation for strong and passionate advocacy and many local clinics have been connected with PJJC in some way—as staff attorneys, collaborators, and board members. Your presence and your acceptance of the award seem wholly appropriate in a year in which the local community visits Baltimore.” Margaret E. Johnson, AAACLS Clinical Planning Committee

Traditionally the local law clinics agree on a local partner to honor with their Per Diem Award. The Per Diem Award encourages the conference participants to contribute to the awardee. At the award lunch, a hat was passed, and the collected donations amounted to $5,643. Wow.

In his acceptance speech, Executive Director John Nethercutt spoke about the PJJC’s mission of systemic advocacy, and how the PJJC is evolving to better use race equity analysis and community lawyering to support community-led organizing.

In the afternoon, John led a discussion of the development of models of how lawyers and organizers may work together, beginning in the 1970s and 1980s before federal legal services providers were restricted from organizing, up through the current vision of community lawyering.

The Public Justice Center’s Rahkim Haynes also participated on a panel as a member of Baltimore Bloc and Baltimore Algebra Project that discussed “#BlackLivesMatter and Clinical Legal Education.”

SPECIAL THANKS

Wayne Clark is an attorney with expertise in bankruptcy. He jumped in to help our Workplace Justice team on a case that started out as a basic wage lien, then morphed into a small claims action and then got mired in bankruptcy proceedings. Mr. Clark provided tremendous support to our lawyers through the entire process.

Liza Zand is a trial attorney with the U.S. Department of Justice, Civil Rights Division. We were delighted to welcome her to the Public Justice Center, where she presented a training for our staff and other legal services attorneys on the federal immigration law that protects workers from employment discrimination based on citizenship status and national origin.

Rebecca Teaff of Redstart Creative came to the Public Justice Center to help interested project staff learn how to create infographics in order to better deliver messages to the larger community, legislators and others.

Four law students from Boston University School of Law spent their spring break in Baltimore’s Rent Court. With their assistance during the rent dockets, we engaged 67 tenants, leading to full representation in six cases. There were some nice outcomes, whether through coached self-representation or representation by an attorney, including two successful defensive rent escrow claims and a third which led to the landlord’s settling the case with waiver of five months’ rent, four successful motions to dismiss for lack of lead certificate or city licensing, leading to three dismissals and one judgment in favor of the tenant, and finally, two continued cases for further testimony and/or trial the following week.

Judgment enforcement proceedings on our clients’ behalf in that state. Their efforts to continue to pursue justice for our clients was inspiring, and is just one example among many of why we are proud to award CMST the 2016 Outstanding Partner Award.

LITIGATION PARTNERSHIP

The Public Justice Center values the time and resources that the members of the private bar contribute to expanding our capacity for litigation and other advocacy. As members of our Litigation Partnership, individual attorneys and law firms provide assistance on specific PJC projects, whether by serving as co-counsel or by offering consultation or networking. There are more than 30 firms represented in the Litigation Partnership. The following were actively engaged as co-counsel or advisors this year:

Brown, Goldstein & Levy, LLP
Cohen Milstein Sellers & Toll, PLLC
Goldman & Minton, PC
Gordon Feinblatt LLC
Gordon, Wolf & Carney, Chtd.
Howard B. Hoffman, Attorney at Law
James & Hoffman, PC
Law Offices of Elizabeth Alexander
Rosenberg Martin Greenberg, LLP
Smitson Law LLC
Venable LLP
Bradford Warbasse, Attorney at Law

In total, legal professionals donated pro bono hours valued in excess of $1.8 million to build a just society. Thank you!
The whole thing was soooo good. You couldn’t leave the event without feeling that PJC is a remarkable organization energized by remarkable people. ... (T)his event ... bathed the PJC in a beautiful glowing light. The night was an unqualified success. Carry on with the vital work you do.

— Carl Luty

What an inspirational night …life changing!

— Dudley Mason
Above: I attended the event with nine of my students from CCBC. It was a thrill and honor for all of them to hear and meet Bryan Stevenson, especially after they had read *Just Mercy* this semester. Congratulations to you all for your amazing work and this great and momentous occasion.

—Michael L. Sarow, Ph.D., Professor, Sociology, The Community College of Baltimore County
Welcome, Sulma!

Sulma Guzmán joined the PJC in September 2015 as a Workplace Justice Fellow in the new Abell Foundation-funded Home Care Worker Initiative. Before going to law school, she worked in the homeless, she represented a group of hotel cooks and housekeepers who had been illegally denied rest and meal breaks. These individuals showed her that low-wage service-sector workers are on the front lines of the battle against economic inequality. The Public Justice Center’s new Home Care Worker Initiative—which centers the experiences of workers who have long been subjected to racial and gender discrimination—combines Dave’s passions for education, outreach, and litigation, all with an eye toward changing a system that exploits workers, harms those who need and receive care, and allows toxic inequality to flourish.

Welcome, Dave!

Dave Rodwin joined the PJC in September 2015 as a Workplace Justice Fellow in the new Abell Foundation-funded Home Care Worker Initiative. Dave’s passion for economic justice began while working at a Dalit rights organization in India, teaching English at a vocational training center. He returned to the U.S. seeking to direct national human rights violations by focusing on this country’s economic inequality. After spending much of law school working with the homeless, he represented a group of hotel cooks and housekeepers who had been illegally denied rest and meal breaks. These individuals showed her that low-wage service-sector workers are on the front lines of the battle against economic inequality. The Public Justice Center’s new Home Care Worker Initiative—which centers the experiences of workers who have long been subjected to racial and gender discrimination—combines Dave’s passions for education, outreach, and litigation, all with an eye toward changing a system that exploits workers, harms those who need and receive care, and allows toxic inequality to flourish.

We welcomed Sulma Guzmán to the Workplace Justice Project. Sulma grew up in California in a farmworker family, which makes her quite familiar with issues facing low-wage workers. She earned a B.A. in political science at California State University, Fullerton, where she represented a group of hotel cooks and housekeepers who had been illegally denied rest and meal breaks. These individuals showed her that low-wage service-sector workers are on the front lines of the battle against economic inequality. The Public Justice Center’s new Home Care Worker Initiative—which centers the experiences of workers who have long been subjected to racial and gender discrimination—combines Dave’s passions for education, outreach, and litigation, all with an eye toward changing a system that exploits workers, harms those who need and receive care, and allows toxic inequality to flourish.

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“A lack of representation can lead directly to triggering the cycle of poverty and reinforcing it.”

— Ward Coe, President, Access to Justice Commission

“Renewed, independent Access to Justice Commission to advocate for legal aid”

Daily Record, February 1, 2016

In February, we celebrated the launch of the new, independent Access to Justice Commission. The Public Justice Center’s Executive Director John Nethercut is a founding member. He had previously served as an appointed member of the now-disbanded Maryland Judiciary’s Access to Justice Commission. The new commission will aim to expand access to the courts for those who cannot afford legal representation in civil cases, increase Marylanders’ awareness of their legal rights, and generate support within the legal and business communities for organizations that provide pro bono or low-cost legal services.