

My 6-year-old, Hazel, told me
“we have to make the world fair.”
So, let's do that.

Thank you for all that you do.
—Anne Coventry, PJC donor

Yes, Hazel. Let's make the world fair.



2018 REPORT

2018 has been a year of courageous testimony,
award winning work, and dedicated support.



Outten & Golden honored our Workplace Justice Project with its inaugural DC Public Interest Award.

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John Nethercut

LEGAL DIRECTOR

Debra Gardner

ATTORNEYS

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Sally Dworak-Fisher

Sulma Guzmán

Matthew Hill

John Pollock

Renuka Rege

Ronnie Reno

Camilla Roberson

David Rodwin

Zafar Shah

James Tyer

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(2016-17)

K'Shaani Smith
(2017-18)

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PARALEGALS

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“We are responsible for the world in which we find ourselves,
if only because we are the only sentient force
which can change it.”

—James Baldwin

The Public Justice Center takes that charge seriously. It is our mission, our responsibility, to be a force that is “pursuing systemic change to build a just society.” Let us show you how in this Annual Report.

One signature of the PJC is that we cause “systemic change” in partnership with our clients. Each year, we provide legal services to more than 700 individuals. Each of these individual cases illuminates and challenges the injustices that harm many others.

It takes tremendous courage for one person to step up and tell their story. Yet, when they do, and when they work side-by-side with our staff, real change happens. In these pages, meet:

Tenae Smith, page 10, a class action representative who spoke up against the illegal charges her landlord was imposing on her.

Betty Watson, page 10, another tenant who came to Annapolis to testify to a Senate Committee.

Carlos Reyes, Salvador Aguilar Reyes, and Celso Reyes Aguilar, page 7, who joined a lawsuit against the pizza shop at which they worked and who illegally paid them less than minimum wage.

We honor these women and men with the John P. Sarbanes Courage Awards for their commitment to challenge injustice and to create positive, lasting change beyond their own lives.

A second signature of PJC’s strategy is that we use the full range of legal advocacy strategies to address an injustice. We match innovative solutions with legal strategies to address emerging problems. For example:

When current law prohibited a landlord’s practice of “fee churning,” we co-counseled class action lawsuits representing all the tenants of the targeted landlords to enforce the law. (page 11)

When existing law or programs did not address the major issue of the lack of affordable safe housing, we worked in coalition with the Baltimore Housing Roundtable to pass a ballot initiative and then negotiated funding for the Affordable Housing Trust Fund. (page 12)

When we investigated and found that public schools were suspending and expelling students contrary to school policies and disproportionately against students of color, we launched the Maryland Suspension Representation Project with our partners and began educating and representing students. (page 8)

When our client communities do not have the legal rights they need, we talk to the lawmakers. As a founding member of the Working Matters Coalition, we lobbied for six years to finally pass a bill giving workers the right to Earned Sick Days. (page 7)

These are but just a few examples of what you will read about in the pages that follow.



We will do what it takes to build a just society. And we will do it together with you: our donors, Board of Directors, staff, volunteers, clients, and allies.

We are taking responsibility for changing this world for the better. Pushing through the dark times, following that bending arc of justice, and pursuing that just society.

Thank you for standing with us.

John Nethercutt, Esq.
Executive Director

Gregory P. Care, Esq.
President, Board of Directors

We're thrilled that San Francisco now joins
New York City in ensuring that tenants have a lawyer
when their housing is in jeopardy.



Since 2003, the PJC has led the National Coalition for a Right to Counsel (NCCRC), whose mission is to encourage, support and coordinate advocacy to expand recognition and implementation of a right to counsel for indigent litigants in civil cases involving basic human needs. We support and develop litigation, legislation, and other advocacy efforts in various states; file amicus briefs in cases seeking to establish a right to counsel; provide technical support and guidance to NCCRC participants and partners beginning the exploration of new initiatives in their jurisdictions; support and coordinate nationwide legal and social science research; engage in and coordinate extensive writing and speaking efforts to raise awareness; produce new educational materials and resources for use by the media, judiciary, and general public; enlist bar associations and access to justice commissions to support the civil right to counsel; and continue to build a broad and deep national coalition dedicated to the issue.

ACTIONS 2018

Assisted with a litigation victory in Pennsylvania that established a constitutional right to appointed counsel when a person is facing incarceration for inability to pay a fee or fine.

Proposed a bill to remedy the issue of Georgia parents improperly being found to have waived their right to counsel in child welfare proceedings. Worked with advocates on bill for three years, with passage occurring in 2018.

Convened 50 advocates from around the country who have had recent success in establishing a right to counsel in eviction cases or who are beginning such campaigns.

Completed the two-year process of revising the American Bar Association's Directory of Law Governing Counsel in Civil Cases to bring it up to date. The Directory is based entirely on research by the NCCRC.

Delivered the keynote speech at the Texas Poverty Law Conference and presented at numerous other conferences, including those held by the National Association of Counties, the National Legal Aid and Defender Association, and the National Association of Counsel for Children.

Pennsylvanians have a right to an attorney when facing debtors' prison, court rules.

Traffic tickets. Fines from criminal cases. Court fees. Even fines for catching a fish out of season. If you can't afford to pay fees and fines, the courts can often send you to jail. And even though your liberty is at stake, you are not necessarily entitled to an attorney to represent you. The National Coalition for a Civil Right to Counsel is working with advocates across the country to change this. The movement recently scored a victory in Pennsylvania, when the Superior Court held that defendants facing incarceration for failure to pay fees and fines have a right to appointed counsel.



OUTSTANDING PARTNERS



The Public Justice Center honors WilmerHale as a 2018 Outstanding Partner, especially for the generous amount of work shared with the National Coalition for a Civil Right to Counsel as we revised the ABA Directory Governing Appointment of Counsel in Civil Cases. WilmerHale attorneys were responsible for the revisions of 32 out of the 50 state entries, a project taking over a year. We are thankful for the firm's support of this initiative, which provides vital information for judges and others across the nation. Thank you.

San Francisco votes to provide lawyers for tenants in eviction cases

San Francisco now guarantees that all tenants facing eviction have a lawyer by their side, thanks to a successful ballot initiative on June 5. Passing with 56% of the vote, Prop F will apply to all tenants regardless of income. The San Francisco Right to Counsel Committee, a coalition of tenant groups and other advocates, organized the ballot initiative. We were proud to play a role, with the National Coalition for a Civil Right to Counsel authoring a ballot statement that accompanied the initiative language distributed to the voters. The statement addressed the cost savings the City should realize if the right to counsel was adopted. We're thrilled that San Francisco now joins New York City in ensuring that tenants have a lawyer when their housing is in jeopardy. With over 3,000 eviction cases filed and approximately 1,600 tenants evicted in San Francisco in 2017, Prop F will go a long way to keeping more people in their homes.

ACTIONS 2018

PERSUADED THE AMERICAN BAR ASSOCIATION TO ADOPT RESOLUTION 114

to expand the scope of a right to counsel to cases where physical liberty is at stake, regardless of whether the underlying proceeding is called civil or criminal and regardless of whether the plaintiff is the state or not. This builds on a previous resolution, adopted in 2006, wherein the ABA endorsed the right to counsel "where basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody" We authored Resolution 114 in cooperation with the ABA Standing Committee on Legal Aid and Indigent Defendants (SCLAID).

John Pollock and NCCRC honored by National Legal Aid & Defender Association with 2018 Innovations in Equal Justice Award

Recognizing his leadership in the national movement for a right to counsel, the National Legal Aid & Defender Association (NLADA) honored PJC attorney John Pollock with its Innovations in Equal Justice Award. The award "honors an individual who has made outstanding career contributions to creativity and innovation in the delivery of legal service to poor people." At the award ceremony this spring, the NLADA's Radhika Singh highlighted John's work to build the National Coalition for a Civil Right to Counsel, supporting litigation, legislation, and other state and local initiatives across the country that advocate for the right to an attorney when basic needs are at stake. As Radhika shared, "...[John's] laser focus, advocacy, and determination to figure out and deliver what is needed to get things done, is THE reason a civil right to counsel on issues of basic human needs no longer seems unachievable – the reason this is turning into a reality in jurisdictions across the country." Congratulations, John!



“Good bail reform”... reduces racial disparities in the criminal justice system....

– excerpted from An Open Letter To The Bail Industry
from advocates across the United States, including the Public Justice Center

PRISONERS’ RIGHTS PROJECT

The Prisoners’ Rights Project seeks to end unjust and inhumane pretrial detention. Through this project, we are an integral part of the coordinated effort of the Coalition for a Safe and Just Maryland to pursue an alternative statewide system of pretrial justice that will reduce or eliminate money bail. With grant support from Open Society Institute-Baltimore, we welcomed James Tyer to work on the bail reform project.

An Open Letter to Bail Industry

“Good bail reform” leads to less incarceration, generates no profit for government or private industry, has meaningful community oversight, provides more services to people, decreases correctional budgets, protects people in communities, reduces racial disparities in the criminal justice system, focuses on need rather than risk, has no direct cost to individuals and families, and does not surveil people in their homes using inhumane technologies like electronic monitoring.

– Excerpted from An Open Letter To The Bail Industry
from advocates across the United States, including
the Public Justice Center.

ACTIONS 2018

FILED A 12-COUNT CLASS ACTION complaint for mass retaliatory arrests at an Afrotation protest during ArtScape 2016, survived motions to dismiss, and headed into discovery and jury trial preparation. In this action, we represent Baltimore Bloc and protesters in a lawsuit to hold the Baltimore City Police Department accountable for unlawfully arresting and detaining 65 people at a peaceful protest held during the ArtScape festival in July 2016. Members of the community organizing group Baltimore Bloc and others arrested during the protest allege that they were held for six to eighteen hours in deplorable conditions and charged without legal justification and in retaliation for speaking out against police misconduct. As this report goes to press, the ink is drying on a settlement requiring significant changes in department policies and payment of damages to the plaintiffs. We co-counsel this case with Covington through the PJC’s Litigation Partnership.

HELPED TO PRESERVE THE NEW BAIL RULE adopted in 2017 from legislative attack again in the 2018 session and secured \$1 million in funding for pretrial services statewide.

HELPED TO SECURE A RULING from an appellate court that circuit courts must review claims of unaffordable bail set by district courts.

We know that knowledge builds power, and that workers who know their rights are more likely to hold their employers accountable for paying the wages they've earned.

WORKPLACE JUSTICE PROJECT

The Workplace Justice Project partners with low-wage workers, community and labor organizations, and fellow advocates to promote justice and equity in the workplace and in the courts. We litigate in federal and state courts, enabling our clients to stand up to wage theft, recover their unpaid wages, and send a message that bedrock wage laws cannot be violated with impunity. We advocate in the legislature for systemic reforms to strengthen our workplace laws and ensure access to justice for all workers. We work in coalition to improve workplace health and safety by advocating for policies that recognize the human dignity of each worker.

ACTIONS 2018

Litigated several impact wage theft cases, including a collective action against several Mo's Seafood restaurants and their owner, a collective action against a home health care agency, and a combined race discrimination and wage case against a "fast casual" restaurant chain.

Won \$80,000 in back wages on behalf of five construction workers after a contested hearing in Anne Arundel Circuit Court.

Won a Court of Special Appeals ruling on an employer's obligation to investigate responsibilities to employees under Maryland wage laws (*Kelly v. Pinnacle*).

Represented several low-wage workers in unpaid wage lien proceedings under new court rules that became effective on January 1, 2018.

Successfully overrode a gubernatorial veto of the Maryland Healthy Working Families Act (HWFA) (earned sick and safe days) and then beat back several attempts to delay or weaken the new legislation. This is a tremendous victory for workers after a six-year legislative fight and is the result of the efforts of the entire Working Matters Coalition, which PJC helped found and led. With the passage of the HWFA, about 488,000 Marylanders will be able to earn paid leave for the first time, while at least another 205,000 will earn unpaid leave. In sum, the HWFA provides a benefit to more than 90% of Maryland employees who did not have any earned sick days before.

WORKING
MATTERS
MARYLAND CAMPAIGN FOR PAID SICK DAYS



Implementing the law we fought hard to win

Since the Maryland Healthy Working Families Act went into effect in February 2018, the Public Justice Center and our partners in the Working Matters coalition have been monitoring implementation of the law to make sure that workers can access earned sick and safe leave. In the last few months, we developed several tools and trainings to help workers understand the new law.



Four courageous workers recover nearly \$50,000!

For more than two years, Carlos Reyes, Salvador Aguilar Reyes, and Celso Reyes Aguilar worked well over 60 hours a week at a Maryland pizza shop. Each week, they received \$400 in cash – not nearly minimum wage. Seeing how much they worked every week, they repeatedly asked their employer for a raise, only to be told that “they weren’t worth more than that.” Not knowing what the minimum wage is in Maryland, the two brothers and cousin kept on working. Upon separation from their employer, they sought legal help.

Represented by the Public Justice Center, they sued for their wages. They also filed a notice for a wage lien, which prevents the employer from selling or hiding their assets until they’ve paid the workers what they’re owed. As you might imagine, that got their attention. The case settled this spring, and in May, the workers received their money – nearly \$50,000.

We honor these three courageous workers with the 2018 John P. Sarbanes Courage Award for standing up for their rights.



ACTIONS 2018

See www.earnedsickdaysmd.org

RESOURCES INCLUDE:

AN ONLINE LEAVE TIME CALCULATOR

INFORMATION AND FORMS FOR FILING
A COMPLAINT if you’re having trouble
using leave time

ANSWERS to frequently asked questions
about the law

BLOG POSTS with implementation updates
and a post-legislative session wrap-up

TRAIN-THE-TRAINER WORKSHOPS
and question and answer sessions on
Facebook Live to help workers and
employers understand their rights.



SALLY DWORAK-FISHER, LEAD ATTORNEY
OF THE WORKPLACE JUSTICE PROJECT,
was honored by the Maryland Legal Services
Corporation with the 2017 Benjamin L. Cardin
Distinguished Service Award. The award is presented
to an outstanding public interest lawyer whose
career has been dedicated to providing, promoting
or managing civil legal services to low-income
Marylanders. Congratulations, Sally!

We provided individual representation...
in a variety of student discipline cases statewide,
securing significant victories on behalf of several students.

EDUCATION STABILITY PROJECT

The Education Stability Project works to advance equity in public education by eliminating barriers to school enrollment and success confronting black and brown children, homeless children, children in out-of-home care and other historically excluded and underserved student populations. We engage in policy and administrative advocacy efforts at the state and local school district level, provide outreach and education about legal protections, and represent individual students facing school pushout.

ACTIONS 2018

LAUNCHED THE MARYLAND SUSPENSION REPRESENTATION PROJECT (MSRP), along with Disability Rights Maryland, the Office of the Public Defender, and the Youth, Education and Justice Clinic at the University of Maryland School of Law. Through MSRP, we provided individual representation – including at suspension or expulsion conferences, at school board appeals, and in state level appeals – in a variety of student discipline cases statewide, securing significant victories on behalf of several students. More information: www.mdsuspensionrep.org

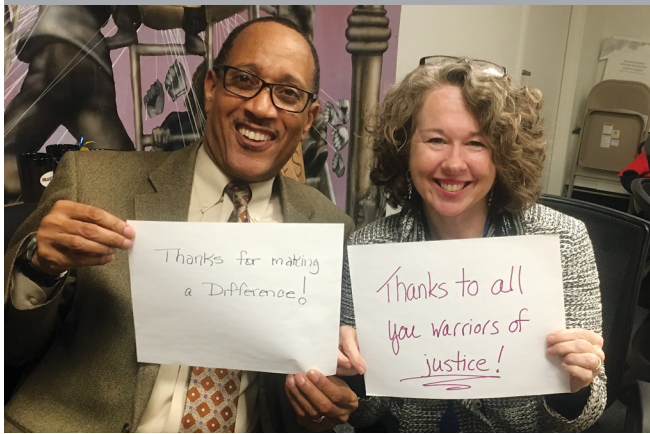
ADVOCATED WITH LOCAL SCHOOL SYSTEM LEADERSHIP to improve school discipline policy and practice at the districtwide level.

SUBMITTED COMMENTS TO THE MARYLAND STATE DEPARTMENT OF EDUCATION on the development of guidance to implement a recently-enacted ban on the suspension of students in grades pre-K through 2, a law we helped pass in previous years.

SUCCESSFULLY ADVOCATED WITH THE STATE DEPARTMENTS OF EDUCATION and Human Resources to develop, distribute, and mandate the use of a template memorandum of understanding for local school systems and Departments of Social Services governing education stability for students in out-of-home care.

PRESENTED AT APPROXIMATELY A DOZEN OUTREACH EVENTS, trainings, and conferences on the rights of homeless students, students in out-of-home care, and students facing exclusionary school discipline.

THANK YOU
from Ken Jones and Vicki Schultz, PJC Board



Tackled, arrested, suspended... for trying to call for a ride home

The school day over, the Latino eighth grader gathered his things and prepared to head home. But the principal stopped him, reprimanding him for carrying a scooter.

By the time the principal finished chewing him out, the student's bus had left. He walked into the school to call for a ride, where the principal and a security guard tackled him, held him prone, and had the police arrest him. The principal also suspended him for a week.

Excessive, don't you think? Unfortunately, this student's experience is not unique. Schools disproportionately use punitive disciplinary measures on students of color, making it difficult for young people to stay on track to complete their education. Called school pushout, practices like inappropriate suspensions, expulsion, and forced transfers literally push students out of school.

Through the Maryland Suspension Representation Project, we represented the student in challenging the suspension and the unlawful physical restraint before the State Board of Education. We got the suspension reversed, as well as an order requiring the school system to train staff on the proper use of restraint. For more information go to www.mdsuspensionrep.org

ACCESS TO HEALTH AND PUBLIC BENEFITS

The Access to Health and Public Benefits Project advocates to protect and expand access to sufficient healthcare coverage, needed safety net services, and to appropriate, affordable, effective and culturally competent healthcare. An explicit goal of the Access to Health and Public Benefits Project is to promote racial equity by finding strategies that work to eliminate racial and ethnic disparities in healthcare outcomes and access to safety net services benefits.

Last fall, our beloved colleague who led this project, Camilla Roberson, lost her valiant battle with cancer. As we grappled with her loss, the outpouring of love and notes from her classmates, advocacy partners, and opposing counsel filled us with gratitude. She was a fierce advocate, widely well-liked and appreciated for her expertise in health law, racial justice, and so much more at a local, as well as national, level. In December 2017, the International Rescue Committee posthumously awarded Camilla with an Advocate of the Year award for her support of one of their clients and her advocacy in creating access to healthcare for people with limited English proficiency.

In the months following our loss of Camilla, we worked with funders and others to discern what comes next for the project. Again, the generous outpouring of support helped us carefully identify next steps and in July 2018, we enthusiastically welcomed Ashley Black, an attorney with expertise in health, disability rights, and mental health advocacy to redevelop and lead this project.



“They kept taking me to court for eviction and piling on the fees. I just want to keep my family safe and stable.”

—Tena Smith, PJC client

HUMAN RIGHT TO HOUSING PROJECT

The Human Right to Housing Project seeks the realization of a human right to housing that is fair, affordable, habitable, and accessible, with security of tenure and cultural adequacy. We advance reform in Baltimore City’s Rent Court, advocate for state and local legislation that is fair for tenants, and support organizing and coalition-building around community-driven, permanently affordable housing. We also represent tenants facing eviction.

ACTIONS 2018

PROVIDED ADVICE OR REPRESENTATION TO HUNDREDS OF TENANTS facing eviction in Rent Court and to tenants facing eviction because their landlord was in foreclosure.

PROTECTED TENANTS’ RIGHTS in the Maryland General Assembly by defeating efforts to include questionable fees, repair charges and water bills in the definition of rent by landlords who want to quickly evict tenants for non-rent charges. We also helped defeat efforts to allow a landlord to more quickly evict a tenant the landlord arbitrarily considers “dangerous.”

“I would pay my rent, and if I was late, I would pay a 5% late fee, but the fees kept adding up,” said Tena Smith, plaintiff. “One time I paid the rent, and they sent back my check telling me that I needed to pay an additional \$150 in fees or they wouldn’t take my rent. I work full-time and made regular payments, but they kept taking me to court for eviction and piling on the fees. I just want to keep my family safe and stable.”

Betty Watson stepped up to the podium. She was there to testify against SB 493, a bill that would allow landlords to label anything from water bills to repair costs as “added rent” in tenants’ leases and then sue to evict them in the state’s fastest collections method: Rent Court, where the result of losing is not just owing the judgment but also getting evicted!

Addressing the panel of Senators, she shared her own experience to explain why the bill is bad deal for tenants. She described how her apartment’s management company refused to fix leaking pipes and months later decided to send her an exorbitant water bill for the leaks. The management company then applied her rent to the water bill and took her to Rent Court to evict her, claiming that she hadn’t paid the rent. With representation from a Public Justice Center lawyer, she fought back and settled the case.

"We were blessed," Ms. Watson said. But "I know that there are thousands of renters in my situation who do not have a lawyer. Even if they did get a lawyer and this bill passes, it would not do them any good because this bill is going to legalize the practice of trying to evict people over disputed water bills and other charges/fees as 'rent.' I urge you not to create more eviction. Please oppose this bill."

Ms. Watson was one of several tenants and advocates who travelled to Annapolis on February 15 to testify before the Senate Judicial Proceedings Committee on several bills related to Rent Court. At the time, Ms. Watson worked nights, so when she came with us to Annapolis, she came straight from work at 8 am. Instead of going home and sleeping, she came to Annapolis to advocate for herself and for others facing the same conditions and practices from their landlords. Like other forms of public speaking, testifying takes a certain amount of courage. Testifying about a very personal situation takes tremendous courage. This year, we honor Betty Watson with the John P. Sarbanes Courage Award. Because of her courage, we were able to connect the issues facing tenants with real people's stories and helped Maryland legislators to consider the people who are impacted by their decisions.

COURAGE

The John P. Sarbanes Courage Award

ACTIONS
2018

SURVIVED MOTIONS TO DISMISS A CLASS ACTION LAWSUIT representing tenants of Westminster Management, a major landlord who is alleged to be "fee churning" by charging illegal and excessive fees to its tenants. The PJC co-counsels this case, *Smith v. Westminster*, with Brown, Goldstein & Levy and Santoni, Vocci & Ortega through our Litigation Partnership.

OUTSTANDING PARTNERS



The Public Justice Center honors Brown, Goldstein & Levy as a 2018 Outstanding Partner, especially for the generous support the firm has shared over many years. We honor your leadership as a change-maker, for hosting the popular Justice for Breakfast series, and for your co-counsel expertise through our Litigation Partnership in several impactful cases. We are grateful for the people of Brown, Goldstein & Levy who serve as leadership volunteers, mentors and colleagues in so many aspects of our work. Thank you.

The Public Justice Center honors Santoni, Vocci and Ortega as a 2018 Outstanding Partner. We thank you for being a relentless advocate for consumers and tenants, among others, who have experienced unfair and deceptive practices. Santoni, Vocci and Ortega regularly takes difficult cases that demand justice, consults with the PJC on housing cases and systemic reform efforts, and co-counsels with us on important cases. Thank you.

KNOW MORE

FEE-CHURNING SCHEMES

are a source of additional profit for landlords in Maryland's increasingly expensive rental housing market. Recent data reveal that nearly 53% of Baltimore City tenants are renting homes that are unaffordable, i.e., paying more than 30% of their income in rent, because there are so few affordable options. In Baltimore City alone, landlords file over 155,000 lawsuits annually for non-payment of rent, resulting in roughly 7,000 evictions. Fee-churning schemes keep renting families constantly guessing at what they owe in any given month, constantly falling farther "behind" on the landlord's ledger, and constantly facing eviction.

ACTIONS 2018

PERSUADED THE BALTIMORE CITY COUNCIL to pass laws to provide tenants with better information about eviction prevention resources and to license and inspect all residential rental properties in the City.

WON TWO COURT OF APPEALS RULINGS:

In *Chateau Foghorn v. Hosford*, the Court of Appeals agreed with our amicus brief that even in a federally subsidized tenancy, Maryland law requires the court to find a “substantial” breach of lease before warranting an eviction, even if the federal standard is weaker. In *Hunter v. Broadway Overlook*, the court affirmed that landlords must wait until the required notice of breach of lease expires before filing a complaint for eviction.



No License? No Rent!

All renters deserve safe, fair, and healthy homes. Baltimore law previously only required annual licensing and inspection for multi-family properties, not one- and two-unit properties. The result was that half of Baltimore City rentals were not licensed or inspected, leaving thousands of city residents on their own to deal with hazardous housing conditions. The PJC advocated, with other members of the Renters United coalition (Communities United, Jews United for Justice, Right to Housing Alliance, Baltimore Healthy Start, and more) for city legislation that now requires all residential rental properties to undergo routine inspection and licensing to do business in Baltimore City.

#FundTheTrust: Development Without Displacement

ACTIONS 2018

SUPPORTED COMMUNITY-CONTROLLED, PERMANENTLY AFFORDABLE HOUSING and fair development. Through our work with the Baltimore Housing Roundtable and the Housing for All Coalition, we successfully amended the Baltimore City Charter in 2016 to provide for an Affordable Housing Trust Fund. As this report goes to press, we are working closely with city officials and advocates to create a dedicated revenue source of \$20 million per year for the Trust Fund. We are also working with a group of community land trusts to seek funding for a pilot project that will bring community-controlled, permanently affordable housing to Baltimore.



The ruling will prevent landlords from persisting in issuing defective notices and filing premature complaints against tenants, subjecting them to denial of a fair trial....



The Francis D. Murnaghan, Jr. Appellate Advocacy Fellowship

The Appellate Advocacy Project, staffed by the Murnaghan Appellate Advocacy Fellow, uses appellate courts to advance civil rights, race equity and poverty law in Maryland, the U.S. Court of Appeals for the Fourth Circuit, and nationally on a wide range of issues. The project typically files seven to twelve briefs each year.

ACTIONS 2018

THIS YEAR, WE FILED BRIEFS OR RECEIVED DECISIONS IN CASES INVOLVING:

UNAFFORDABLE PRE-TRIAL SERVICES (private electronic monitoring)
(*Andre Thomas Crews v. Foster*)

DENIAL OF FAIR TRIAL AND RIGHT TO JURY to tenants in disputes with landlords
(*Hanson-Metayer v. Rach*)

PROPER POST-JUDGMENT INTEREST in landlord/tenant disputes
(*Ben-Davies v. Blibaum & Associates, P.A.*)

UNAFFORDABLE BAIL (*Bradds & Hill v. State of Maryland*)

DUE PROCESS RIGHTS in federally subsidized tenancies
(*McDonell v. Harford County Housing Agency*)

IMPACT OF BALTIMORE SETTLEMENT GAG ORDER provisions on police accountability (*Overbey v. Mayor & City Council of Baltimore*)

DISPARATE IMPACT OF PHARMACEUTICAL PRICE GOUGING on racial and ethnic minorities (*Association of Accessible Medicines v. Frosh*)

DISPARATE IMPACT OF INVOLUNTARY DISCHARGE of nursing home residents
(*Maryland v. Neiswanger Management Services*)

"FAIR SHARE RULE" FOR UNION REPRESENTATION consistent with the First Amendment (*Janus v. Federation of State, County, and Municipal Employees*)

RUNNING FROM POLICE as not necessarily reasonable cause for suspicion justifying detention, given history of relationship between police and communities of color (*Sizer v. State*)

We also proposed amendments adopted by the Court of Appeals to Rules 2-706 and 8-411 to render appellate practice more efficient and save low-income appellants from needless costs.



K'SHAANI SMITH SERVED THIS YEAR AS THE FRANCIS D. MURNAGHAN, JR. APPELLATE ADVOCACY FELLOW at the Public Justice Center. The Fellowship allows a recent law graduate who has completed a judicial clerkship to spend a year engaging in appellate advocacy in the areas of civil rights and poverty law. This year, K'Shaani's briefs contributed much to the PJC's advocacy on a range of issues related to civil rights and poverty law.

2018 Fellowship Highlights Include:

Police Violence Against Black Women

In an amicus brief filed in *Overbey v. Mayor & City Council of Baltimore*, K'Shaani supported the case of Ashley Overbey, who was beaten by Baltimore City police officers after calling them for assistance when her home was burglarized. Ms. Overbey filed a civil rights lawsuit against the Baltimore Police Department and the city, which concluded with a settlement agreement. One term of the agreement prohibited her from ever speaking about the incident (essentially a gag order), and if she violated the term, half of the settlement amount would be withheld. But the then City Solicitor issued a statement about the case in the Baltimore Sun disparaging Ms. Overbey. She defended herself in the comments section of the Sun article, and the city withheld half of her settlement.

In a brief filed by the Public Justice Center, Washington Lawyers' Committee for Civil Rights and Urban Affairs, National Women's Law Center, and Baltimore City civil rights advocate Tawanda Jones, K'Shaani argued that the city's gag order policy inhibits police accountability and allows for the continuation of police violence against Black women and other vulnerable populations in Baltimore. The brief makes clear that these gag orders are used to conceal from the public the BPD's frequent unwarranted violence against civilians.

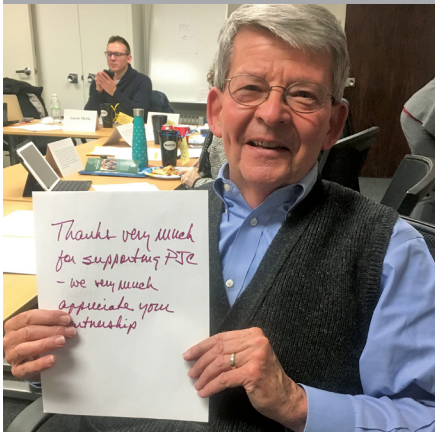
Justice For Tenants

K'Shaani's work had a significant impact on tenants' rights in a Court of Appeals decision in *Hunter v. Broadway Overlook*. Her brief argued that before filing a breach of lease complaint in District Court, the law requires the landlord to show three things: 1) that the tenant breached the lease, 2) that the landlord gave the tenant 30 or 14 days' notice to vacate the premises (the time given depends on the nature of the alleged breach), and 3) that the tenant failed to comply with the notice. Despite clear language spelling out these requirements, lower courts have repeatedly determined that landlords do not need to meet the prerequisites before filing a complaint as long as they meet them sometime before trial. K'Shaani's arguments were reflected in the Court's opinion, which held that landlords must exhaust the notice period before filing a breach of lease complaint. The ruling will prevent landlords from persisting in issuing defective notices and filing premature complaints against tenants, subjecting them to denial of a fair trial and risk of preventable homelessness.



THE PUBLIC JUSTICE CENTER HONORS SHONTEL HUNTER WITH THE 2018 JOHN P. SARBANES COURAGE AWARD. We applaud Ms. Hunter for courageously persisting with her case against a landlord bent on removing her and her family illegally from their home. The court process was difficult and lengthy and required tremendous courage under intense pressure. Because of Ms. Hunter's persistence, her victory in the Court of Appeals set a precedent that will benefit thousands of Maryland tenants in the future.

THANK YOU
from Em Cole, PJC Board



Bail Reform

K'Shaani also worked on a series of briefs to guide judges in interpreting and implementing a new rule limiting the use of bail. The briefs detailed the damage done in communities of color when judges assign bail that people cannot afford. When someone is jailed, their family can lose income, educational opportunities, and housing. Children of detainees are even affected long-term, suffering setbacks in education and lower lifetime income. With such a major disruption, detained defendants are more likely to plead guilty because they have already lost so much. Those detained are also more likely to be convicted because they are hampered in preparing their defense. And pretrial detention ironically increases crime, with detained defendants more likely to recidivate than those released while awaiting trial.

One of these briefs convinced the Court of Special Appeals to issue an urgent order, reversing a circuit court's refusal to review an unaffordable bail set by a lower court. We await a detailed opinion in the case, which we hope will provide important guidance to trial judges determining affordable bail under Maryland's new rule

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The following donors have shared with the Public Justice Center generous contributions totaling \$1,000 or more between July 1, 2017 and June 30, 2018. 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.

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Spectacular Concert Raises Nearly \$10,000



On May 16, 2018, Julian Fleisher performed a Spectacular Concert in memory of his beloved mom, Rikki, who was an ardent supporter of the PJC. Julian, Leon Fleisher, and Lance Horne provided incredible performances. Mo Rocca led the audience in a news quiz styled after the popular NPR game show "Wait, Wait Don't Tell Me". Julian's sister Paula called in via video chat to reminisce onstage about her mom's lifelong commitment to social change with the PJC's Executive Director, John Nethercut. A dessert reception catered by Khepera's Kitchen satisfied our tastebuds after the show.

By evening's end, we had raised nearly \$10,000 for the Rikki Fleisher Fund for Professional Development. Julian and Paula created the fund as a tribute to their mother and so that our legal staff can pursue exceptional training opportunities. One use of the Fund has been to invest in an ongoing intensive staff training on race equity. This training allows us to become more effective advocates and to impact the racial barriers and suffering our clients endure.



#JustArts



The PJC occasionally partners with artists exploring issues of justice. In fall 2017, we partnered with the University of Maryland School of Social Work and a large group of community organizations interested in health care, aging, home care and more. We screened a beautiful film, *Care*, which delicately explores the intimate relations between caregiver and patient at the same time it explores the broken system of home care service delivery in the U.S. The film and our event were both designed to catalyze change. After the film, the audience participated in a vibrant discussion with Dennise Vaughn, a home care worker; Dave Rodwin, a PJC attorney; and Lane Victorson, a professor from University of Maryland School of Social Work.

In May, we co-hosted *Movies That Matter*, a collection of powerful shorts produced by students of Wide Angle Youth Media. Memorial Episcopal Church partnered with us. Students talked with the audience about the films they created.



In July, attorney Sally Dworak-Fisher fostered conversation after a performance of *A New Nation*, a new piece generated through Convergence Theatre's Guerrilla Theatre Works model. The show was a synthesis of performance art, poetry, interviews and physical theatre. The performance probed responses to the immigration crisis in the U.S. and current perceptions of the stranger, amplifying diverse voices to challenge fear and strengthen our sense of home.

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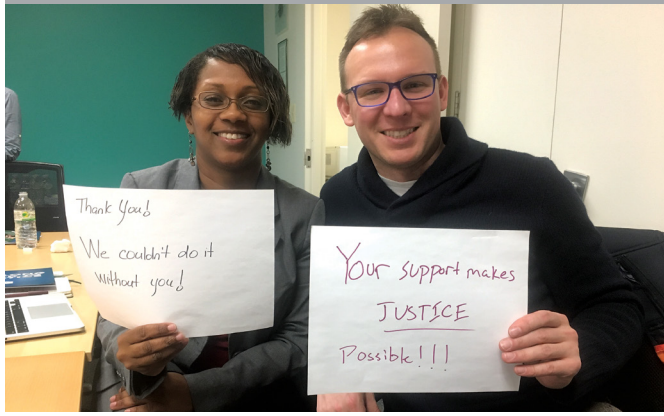
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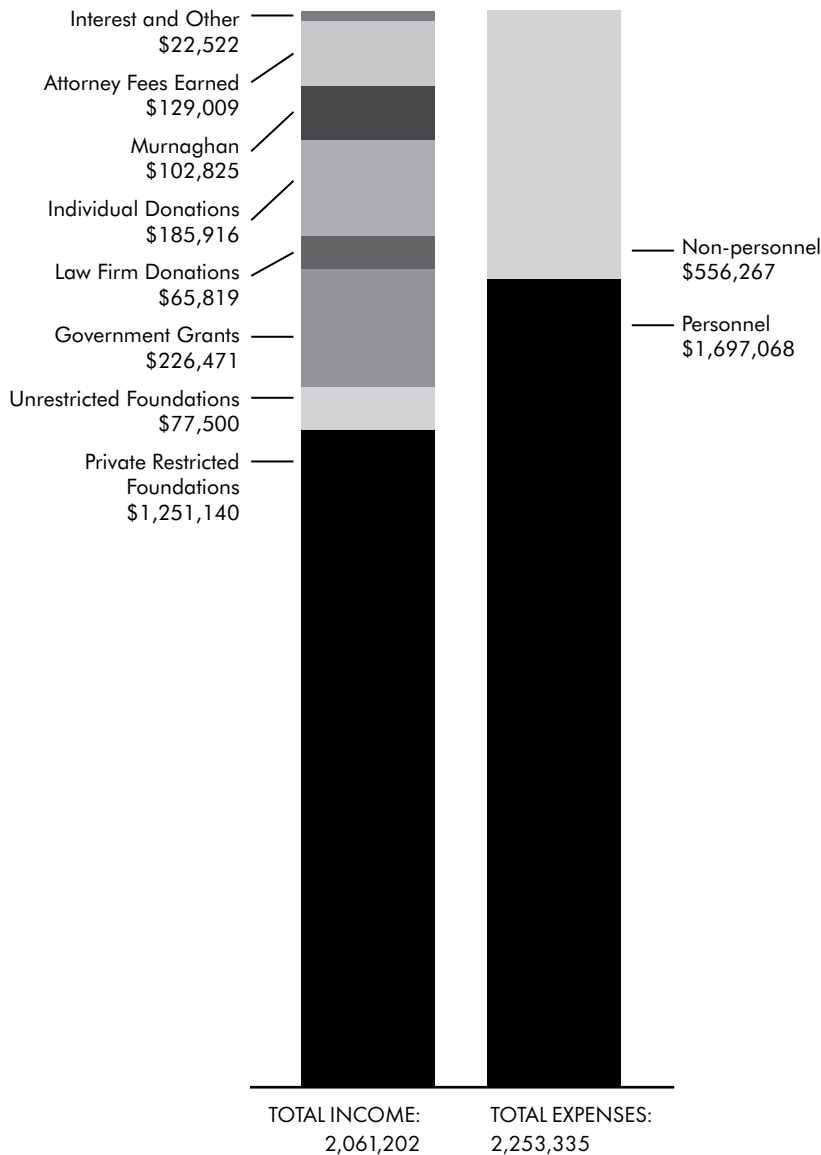


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We are grateful for your continued and strong support. Support from private foundations and the government grants we get for eviction prevention remained steady. Unrestricted donations from law firms and individuals increased this year as more people heard of the PJC's work and joined or increased their donations. We are pleased with our earned revenue from attorney fees – these fees are not paid by our clients, who we do not charge, but are the result of court orders or settlements in which the laws we were enforcing (wage theft and consumer unfair or deceptive trade practices) require that the losing defendants pay the winning plaintiff's attorney fees.

The Board approved a net income of (\$245,543) for FY18 – a deficit budget, and we were pleased to have closed part of that gap by finishing with a (\$192,133) deficit. PJC remains in a strong financial position, with more than \$1.3 million in unrestricted net assets ("reserves"). This allows us to ride out the better or worse years as foundation grants fluctuate. Strong advocacy is possible only with a strong base of support, and we are thankful for the people and the organizations who make our work possible. Thank you!



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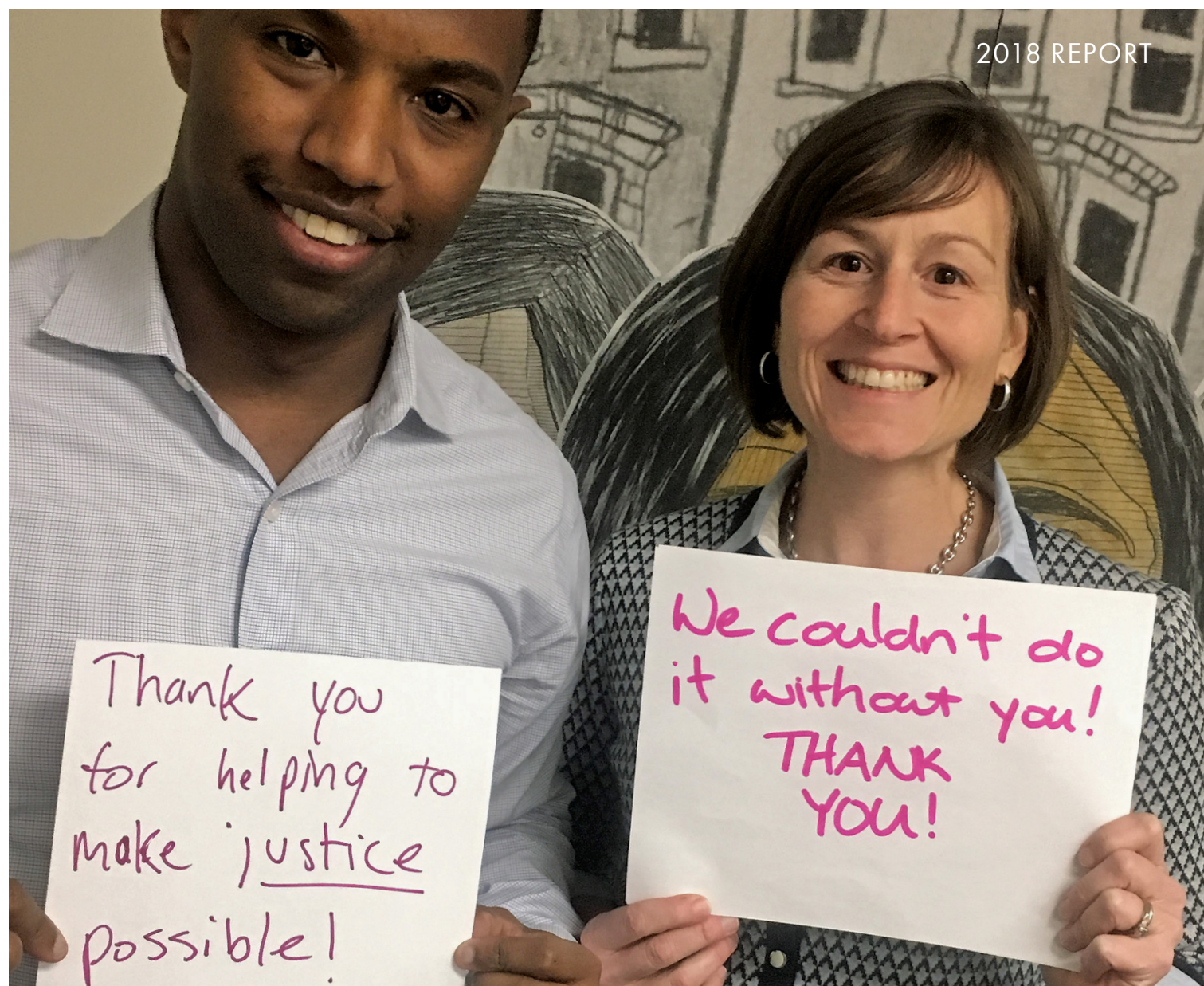
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