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## COURAGE

### JOHN P. SARBANES COURAGE AWARDS

The John P. Sarbanes Courage Awards honor clients and others who exhibit tremendous courage in the face of injustice.

Plaintiffs in *D.A. v. Hogan*  
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Mia Ballou and Monique Dillard  
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Shalonda Glascoe  
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## OUTSTANDING

### OUTSTANDING PARTNER AWARDS

The Outstanding Partner Awards go to individuals and organizations whose work makes a difference for our clients and the issues we work on.

Gallagher Evelius & Jones LLP  
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UNITE HERE! Local 7  
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Murphy Anderson PLLC  
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Dr. Tim Thomas  
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Greater Baltimore Democratic Socialists of America  
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Stout Risius Ross  
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MOMCares and Ana Rodney  
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The Public Justice Center (PJC) pursues systemic change to build a just society.

The PJC uses legal advocacy tools to pursue social justice, economic and race equity, and fundamental human rights for people who are struggling to provide for their basic needs.

The PJC is a civil legal aid office that provides advice and representation to low-income clients, advocates before legislatures and government agencies, and collaborates with community and advocacy organizations.

The PJC chooses projects and cases that will make a significant impact on systems, laws, and policies.

# REFLECTIONS FROM THE EXECUTIVE DIRECTOR AND BOARD CHAIR

Dear Friends,

Another year of this pandemic, economic hardship, and social conflict is passing, and returning to “normal” is no longer feasible or even desirable. The last two years have brought into sharp focus the ways in which our society continues to NOT produce the justice we seek.

Instead, we see the highest unemployment levels in the United States since the Great Depression. A looming eviction crisis. Ongoing police violence in communities of color and backlash to Black Lives Matter protests and anti-racism around the country. Growing uncertainty, distrust, and societal tensions.

None of us have been left completely unharmed by these crises and their effects on our lives, our families, and our communities. But BIPOC (Black, Indigenous, and other people of color) communities have undoubtedly been hit the hardest by these crises, which have magnified and continue to exacerbate the pre-existing economic and racial inequities in our society.

And yet, the PJC is true to its mission of “seeking systemic change to build a just society.” That has been our unwavering analysis and strategy since our founding in 1985. We understood that injustice and racism are systemic results of inequality, then and now.

You responded to these crises with compassion and action—by leading and joining calls for justice in your own communities and by supporting the Public Justice Center’s local, statewide, and national advocacy. Thank you! As clients, partners, advocates, volunteers, and donors, you inspired and powered our work to address the immense challenges surfaced by the COVID-19 pandemic while, at the same time, advocating for laws, policies, and practices to advance racial equity and justice.

Together, we achieved an historic victory in a lawsuit that protected an estimated \$1.5 billion in federal benefits for unemployed Marylanders. We successfully advocated for a tenant right to counsel in Baltimore City and the state of Maryland, and we supported local efforts around the country that led to new tenant right to counsel laws in Boulder, Seattle, Louisville, Denver, Toledo, Minneapolis, Washington State, and Connecticut. We provided legal and policy advocacy expertise to a coalition of people impacted by police violence and advocates that demanded—and attained—meaningful police reform in the 2021 Maryland legislative session.

These are just a few of the ways we are building a just society together. In this annual report, you’ll read many more examples of progress and victories in our advocacy for systemic change that you helped make possible. Thank you for trusting us as a partner in the long-term fight for economic and racial justice!

Sincerely,



A handwritten signature in black ink that reads "John Nethercut".

John Nethercut, Esq.  
Executive Director



A handwritten signature in black ink that reads "Camille Blake Fall".

Camille Blake Fall, Esq.  
Chair, Board of Directors

# Anti-Racism and the Public Justice Center

## HISTORY OF ANTI-RACISM AT THE PUBLIC JUSTICE CENTER

The Public Justice Center (PJC) was founded in 1985. While the PJC has always been an organization committed to anti-poverty and anti-discrimination, our mindful shift to advancing race equity and anti-racism began in 2014. That year, we partnered with the Racial Justice Institute (RJI) at the Shriver Center on Poverty Law and Baltimore Racial Justice Action (BRJA) to further develop our knowledge of institutional, cultural, systemic, and structural racism and build strategies to advance racial equity within our organization and in our work. BRJA and Camille Holmes of the RJI faculty and the National Legal Aid and Defender Association (in the first year) facilitated a two-year training program for our staff, and we formed a Race Equity Team to coordinate, develop, and facilitate ongoing staff training and to keep racial equity at the center of our work.

We work to actively incorporate anti-racism and racial equity goals into our advocacy work. For example, we include race equity analyses in our arguments when representing clients and in amicus briefs with the intent of educating courts on racial bias, white supremacy, and oppressive systems. We infuse our legislative testimony with evidence of racial disparities and aim to show how laws, rules, and regulations can advance (or hinder) racial equity. We help our clients and the public stand up for their own rights and the rights of communities of color. We partner with community groups, organizers, other legal advocates, direct service providers, policy advocates, and law firms that share our values around racial equity and justice. We seek out coalitions and social justice efforts led by BIPOC (Black, Indigenous, and other people of color) and explore how they believe we can best support them in advancing their agendas.

## PJC ANTI-RACISM VISION

The Public Justice Center envisions a just society where Black, Latine, Indigenous, Asian, and other historically exploited people are free from systems of oppression, exploitation, and all expressions of discrimination. This will shift power and resources to BIPOC across Maryland.

We envision that our organization is actively anti-racist and perpetually learns and applies anti-racist principles to our internal work and our advocacy as we partner with our clients and communities in pursuit of liberation.

Finally, we envision the individuals within our organization are liberated themselves, and we recognize that all liberation (our own, our clients', our communities') is intertwined.

## PJC ANTI-RACISM MISSION

To end oppression and dismantle racist systems and institutions that perpetuate oppression in any form, including white supremacy, both internally at the PJC and externally in our broader communities, by dedicating funds, time, and staff to follow through with these commitments.

The PJC strives to be anti-racist, and there's a long road ahead.

## TO OUR CLIENTS, OUR PARTNERS AND OUR GENERAL COMMUNITY, WE COMMIT TO:

1. Partnering with organizations and funders with anti-racist values, and calling out (or in) partners who express anti-Blackness or racism;
2. Developing authentic, non-transactional relationships with Black-led organizations and institutions;
3. Soliciting and incorporating feedback from our clients, partners, and the broader community about our approach, our work, our interactions, and our outcomes. We will use this feedback to:
  - a. identify which systemic changes our clients want us to help advance; and
  - b. better our client interactions to ensure we're useful partners and assistants.
4. Advancing and initiating efforts to achieve justice for all people in contact with the legal system, and which challenge white supremacy in the legal profession and justice system, by:
  - a. taking cases which attack white supremacist and racist systems and defaults;
  - b. incorporating an anti-racist analysis in our work;
  - c. advancing race-equity arguments in our cases; and
  - d. taking small and big actions as part of our anti-racism work.
5. Building solidarity by joining our clients and community for moments of joy, and not just responding to crisis.
6. Implementing community lawyering practices.



## ANTI-RACISM IN PRACTICE

The PJC strives to incorporate anti-racism into our projects, cases, and strategies and is expanding our external race equity work to include policy advocacy as part of the Race Equity Team's workplan.

### An Anti-Racism Lens in our Projects

Maryland schools disproportionately push students of color and students with disabilities out of school and into the criminal system. We follow the lead of youth, parents, and community members who are organizing in their local communities to remove police from schools, end exclusionary discipline policies and practices, and re-imagine school safety. (Read more about our **Education Stability Project** on page 5).

Maryland's criminal legal system is plagued by stark racial inequities. Judges disproportionately and unlawfully prescribe pretrial detention for Black defendants in bail review hearings while white defendants win release on recognizance at higher rates. We partner with the Coalition for a Safe and Just Maryland to reduce over-reliance on

preventive detention, a practice that promotes injustice and harms those detained, their families, and their communities. (Read more about our **Prisoners' Rights Project** on page 8.)

Employers' failure to pay workers' hard-earned wages threatens the economic security of families and communities. But not all workers are equally impacted. Occupational segregation persists as a legacy of centuries of racist policies, such that people of color are disproportionately exploited in low-wage and unsafe jobs where wage theft is common and workers are too often isolated and silenced. We team up with low-wage workers to enforce their right to be paid through collective action litigation, and we advocate with workers and allies to promote work with dignity. We focus on low-wage industries that most often exploit workers of color, including

construction, landscaping, hospitality, and home care. (Read more about our **Workplace Justice Project** on page 10.)

In Maryland and nationally, landlords evict people of color and low-income women, especially Black women, at significantly higher rates than they evict white people – the result of long-term income and wealth inequality, intentional discrimination, and a systemic power imbalance in our landlord-tenant courts. We work actively with community-led tenant organizers and legal allies (such as civil legal aid organizations and access to justice commissions) to advocate for pandemic-related eviction protections, to enact a right to counsel locally and around the country, and to help ensure that race equity is a focus in both the media and right to counsel campaigns. (Read more about our **Human Right to Housing Project** and

**National Coalition for a Civil Right to Counsel** on pages 14 and 18.)

Black women die from pregnancy-related complications at a rate that is four times higher than their white counterparts in Maryland. Research supports that racial disparities in maternal mortality are deeply tied to racism and implicit bias in the maternal health system, leading to providers ignoring or failing to recognize pain voiced by Black women during pregnancy and the postpartum period. This results in a lower quality of care and an increase in the risk of pregnancy-related complications and maternal mortality. We advocate in coalition with birth workers, women with lived experience with pregnancy complications, reproductive health advocates, and others to eliminate racial and ethnic disparities in health care outcomes. (Read more about our **Access to Health and Public Benefits Project** on page 21.)

Implicit bias—the “entrenched attitudes or stereotypes that affect an individual’s understanding, actions, and decisions in an unconscious manner”<sup>1</sup>—pervades in our institutions, including the courts, and perpetuates a racial hierarchy privileging white people over people of color. The PJC’s legal briefs frequently inform the courts about the impact of their decisions on communities of color. (Read more about how our **Appellate Advocacy Project** confronts implicit bias and systemic racism through legal representation and amicus briefs on page 24.)

## Anti-Racism Advocacy

The PJC’s Race Equity Team advocated in support of HB 950 (Judges, Community and Cultural Awareness Training), which would have required the State Court Administrator to ensure that all judges in Maryland receive annual anti-discrimination, anti-racial bias, implicit bias, procedural justice, reconciliation technique, and anti-Blackness training in order to increase community and cultural awareness. Our written and oral testimony described the gavel gap (i.e. the “disparity in race and gender between those who hold judicial power and the public they serve”<sup>2</sup>) and included examples of bias and discrimination that various staff members have experienced or observed in the judicial system. While the bill did not pass, its introduction and our advocacy elevated the issue legislatively and created a public record of the need to build a more equitable judiciary.

In a cross-project effort to thwart the Trump White House’s attempt to expand the “public charge”<sup>\*</sup> rule to subject a broad swath of immigrants to deportation if they supplemented their income with non-cash benefits, like Medicaid, SNAP (food stamps), and federal housing assistance, the PJC filed amicus briefs in support of immigrant rights’ organizations in the U.S. Courts of Appeals for the Second, Fourth, Seventh, and Ninth Circuits. The briefs argued that non-cash benefit programs were designed, in part, to help working families achieve a higher quality of life and weather short-term financial crises and, in fact, operate this way in

<sup>\*</sup> The government defines a public charge as an individual who is likely to become primarily dependent on the government for subsistence.

practice; these programs provide a path out of poverty—the very opposite of leading to becoming a public charge. The four appeals met with varying results; notably, in August 2020, the U.S. Court of Appeals for the Second Circuit (New York, Connecticut, and Vermont) relied heavily on our amicus brief in rejecting the Trump administration’s public charge rule. Shortly after taking office, President Biden rescinded the rule and dismissed the prior administration’s appeals. That should have ended the matter, but some governors sought to intervene to keep those appeals alive (exploiting a technicality about the temporary status of the 1999 rule that preceded the Trump rule), so the Biden Administration has recently announced new permanent rulemaking that will moot the cases once and for all.

## The PJC’s Race Equity Team

Ashley Black • Erin Brock • Monisha Cherayil  
• Sally Dworak-Fisher • Debra Gardner •  
Gabriela Dickson La Rotta • Charisse Lue •  
John Nethercut • John Pollock • Renuka Rege •  
Russell R. Reno, Jr. • Dena Robinson, Murnaghan  
Fellow (2019-20) • Tyra Robinson • David  
Rodwin • Olivia Sedwick, Murnaghan Fellow  
(2020-21) • Beck Sigman, Jesuit Volunteer  
Corps (2019-20) • Juan Carlos Silen •  
Lena Yeakey

- 1\_ Kirwan Institute, “Understanding Implicit Bias,”  
<http://kirwaninstitute.osu.edu/research/understanding-implicit-bias/>.
- 2\_ American Constitution Society, “The Gavel Gap Study”.  
Available at: <https://www.acslaw.org/analysis/reports/gavel-gap/>

# EDUCATION STABILITY PROJECT

We seek to advance racial equity in public education by combating the overuse of practices like suspension, expulsion, and school policing that disproportionately target Black and brown children. We also seek to eliminate barriers to school enrollment and success facing homeless children and children in foster care.



## RE-IMAGINING SCHOOL SAFETY

Students, parents, teachers, and community members in counties across Maryland are calling for the bold and necessary step of removing law enforcement from schools—inspired by years-long advocacy in school districts around the nation and recent nationwide protests of police violence against Black Americans. In summer 2020, Public Justice Center attorneys began actively supporting what will likely be a long-term student- and family-led fight for police-free schools in Maryland. As in school districts around the country that have removed police from schools, local efforts to re-imagine school safety will require fundamental shifts in public perception of school discipline and school safety.

Over the past year, we led a committee of the Coalition to Reform School Discipline on school police removal and supported local student-, educator-, and community-driven efforts in Prince George's County, Montgomery County, Howard County, Baltimore County, Baltimore City, Frederick County, Charles County, and Anne Arundel County with our legal and policy advocacy expertise.

Specifically, we reviewed and analyzed Maryland's school-based arrest data and spending on school police, conducted academic and policy research, drafted fact sheets, helped draft resolutions to remove school police, prepared and presented testimony before school boards, coordinated support from national groups, and helped to organize virtual town hall meetings on the harmful impacts of stationing police in schools.

In addition, we participated in outreach and media campaigns to amplify the voices of organizers, activists, and local students and families directly affected by over-policing and to spark a statewide conversation on re-imagining safety in schools. We urged the state and counties to redirect the millions of dollars spent on school police towards student mental health services, restorative approaches, and wraparound supports.

Examples include:

- We secured the support of the Players Coalition—current and former athletes and coaches seeking to leverage their public platform to “end social injustices and racial inequality”—for Maryland’s campaign for police-free schools, in part by presenting the research and data demonstrating that police presence does not keep schools safer and harms students. Former Ravens players Adalius Thomas and Torrey Smith publicized their commitment to police-free schools with an op-ed in the *Baltimore Sun*<sup>3</sup>, a video<sup>4</sup>, and Twitter content.
- We participated in the Dignity in Schools Campaign’s Week of Action Against School Pushout—a weeklong social media campaign on the harms of exclusionary school discipline—in October 2020, and in social media campaigns aimed to reach school board members in Prince George’s County, Montgomery County, Howard County, and Baltimore City.
- We helped plan and participated in multiple virtual town halls to bring together students, teachers, academic and legal experts, and representatives from local coalitions to share insights on how police presence in schools endangers students; to discuss successes, barriers, and lessons learned from local actions; and to plan the next steps in their advocacy.

3\_ Adalius Thomas. “Former Ravens player: To make schools safe, support kids, don’t criminalize them.” *Baltimore Sun*. <https://bit.ly/3FvotGx>

4\_ Torrey Smith. “I think we should remove school resource officers from school? What do you think?” <https://bit.ly/3lrKvls>



## COUNSELORS NOT COPS

A guide to Maryland's use of police in schools



### POLICE COME AT A COST

Each year, the State of Maryland spends \$10 million on school police, in addition to millions more spent on school police and security at the county level.



### BUT FOR WHAT BENEFIT?

Studies find no evidence that police presence deters school shootings or reduces other school violence. In fact, a 2021 study found that the presence of police officers *increased* casualties associated with school shootings.



### OVER-INVESTING IN POLICE AT THE COST OF STUDENT SUPPORTS

According to a study from the U.S. Department of Education, 37% of Maryland students attend a school that employs at least one police officer but no psychologist, nurse, social worker, and/or counselor. Furthermore, Maryland fails to meet the recommended student-to-counselor ratio (250-1) by over 50%, with a ratio of 383-1.



### ARRESTING STUDENTS FOR MINOR OFFENSES

Approximately 70% of school arrests in Maryland are for fistfights without weapons and other low-level offenses including disruption/disrespect, alcohol/tobacco, or trespassing.



### BIASES TOWARD ALREADY MARGINALIZED STUDENTS

In Maryland, Black students make up only about a third of the student population but 56% of school-based arrests, even though data demonstrate that Black students do not misbehave at higher rates than their peers. Furthermore, special education students receive 23% of arrests, even though they make up only 12% of the student population.



Former Ravens wide receiver Torrey Smith shared why removing police officers from schools will improve the safety and emotional well-being for all students in a video supporting Maryland's police-free schools movement<sup>4</sup>.

Finally, we advocated for three bills in the 2021 Maryland General Assembly: HB 496 (Counselors Not Cops Act), HB 1089 (Police-Free Schools Act), and HB 700, which would have repealed the law that makes "disruption" at school a crime. The first two bills would have redirected the \$10 million the state designates for school police toward student mental health services, wraparound supports, and restorative approaches; HB 1089 would also have prohibited police presence in schools. While the Maryland General Assembly did not pass any of these new bills in their first year before the legislature, we made important progress in educating legislators for future legislative efforts.

The movement to re-imagine school safety gained significant momentum in the 2020-21 school year. One preliminary victory is in Montgomery County<sup>5</sup>, where police will no longer be stationed inside school buildings. Instead "Community Engagement Officers" will patrol areas around schools,

but school administrators will not have direct contact with these officers. Montgomery County Public Schools (MCPS) is also hiring 50 additional social workers. We celebrate these changes—the result of forceful advocacy by students and community members—while also recognizing that much work remains to be done to meaningfully transform MCPS schools so that they take a restorative approach to school safety and climate rather than one that criminalizes students for childhood and adolescent behaviors. Meanwhile, in Prince George's County, although the school board did not vote to remove school police, it did create a School-to-Prison Pipeline Work Group tasked with developing strategies to re-envision discipline in the district in a manner that is supportive rather than exclusionary.



Maryland State Delegate Julian Ivey (Prince George's County) and PJC Attorney Renuka Rege joined #AppealLive in March 2021 to talk about ending the school-to-prison pipeline.<sup>6</sup>



<sup>5</sup> Rebecca Tan. "For first time in 19 years, Montgomery County schools set to reopen without police." *Washington Post*. <https://wapo.st/3lv7xld>

<sup>6</sup> Emily Galvin-Almanza. "Behind the Push to Take Cops out of Schools." *The Appeal Live*. <https://bit.ly/3G2ZTNm>

## REVISING BALTIMORE CITY PUBLIC SCHOOLS' DISCIPLINARY POLICIES AND PROCEDURES

Baltimore City Public Schools invited the PJC to provide input on proposed revisions to its policies and procedures for school discipline in January 2021. We provided extensive edits to the policies in order to minimize the use of exclusionary discipline, including:

- the elimination of language about “permanent” expulsions and expulsions longer than one year;
- the addition of language to encourage the use of restorative approaches;
- clarification that students will not be automatically excluded from school if suspended from another school system; and
- expansion of the time within which a parent may appeal a decision to suspend or expel their child.

City Schools leadership met with us in March to discuss our proposals, accepted the majority of our proposed changes to its student discipline policy and procedures, and presented an amended version of the disciplinary policy to the school board for approval.

## COMBATING EXCLUSIONARY DISCIPLINE IN PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS

With Disability Rights Maryland and the Office of the Public Defender, we continued to systemically address the excessive and racially disproportionate use of suspension and expulsion in Prince George's County Public Schools (PGCPS), where Black students comprise 58% of all students enrolled but represent 78% of those suspended from school. Our approach included filing an administrative special education complaint with the Maryland State Department of Education (MSDE) on behalf of three PGCPS students with disabilities who were repeatedly subjected to exclusionary discipline for disability-related behavior when PGCPS failed to identify them as having disabilities. MSDE issued favorable findings in two of the students' cases. The PJC and our partners are reassessing the state of PGCPS' school discipline practices and strategizing on next steps now that schools are open again.

## ADVOCATING FOR EQUITY IN COVID-19 RECOVERY PLAN FOR EDUCATION

When schools closed due to COVID-19 and then shifted to virtual instruction, we recognized that school closures and the pandemic itself would severely exacerbate pre-existing barriers to education, particularly for students of color, English language learners, students who are homeless, students with disabilities, and others. In July 2020, as a member of the Maryland Education Coalition, the PJC co-authored a letter to then-State Superintendent of Schools Karen Salmon urging MSDE to incorporate ten education equity principles in its COVID-19 recovery plan for education. We also pushed MSDE to require local school systems to specify how they will address each principle under each model of education under consideration: all distance learning, a hybrid model of distance and in-person learning, or all in-person. The PJC and a group of service providers and advocates who work with families and youth experiencing homelessness also met with Baltimore City Public Schools' leadership to develop and implement strategies to serve students who are homeless during the COVID-19 pandemic.

## CHALLENGING A “NO SUSPENSION” CONDITION OF PROBATION

The PJC signed on to an amicus brief in April 2021 authored by the National Center for Youth Law in the Maryland Court of Appeals in the case of *In re: S.F.* which involves the critical issue of the impact of implicit biases and systemic racism on juvenile probation orders. Specifically, the case questions whether a juvenile court could properly require that a juvenile defendant avoid any suspensions from school as a condition of probation, in order to avoid likely arrest and criminal detention. The brief argued that such a condition is fundamentally unjust in light of research demonstrating that schools disproportionately subject Black students to exclusionary discipline, even when they engage in the same behaviors as white students, particularly for amorphously defined offenses like “disruption” or “disrespect”. The “no suspension” condition therefore placed an unfair burden on the Black defendant in this case, and, if replicated in other cases, such a condition would create a precedent in juvenile proceedings that would disproportionately burden Black



defendants generally. The PJC contributed substantially to the brief with an analysis of relevant state and local data. In May, the Maryland Court of Appeals agreed to hear the case, and in September, the Court of Appeals heard oral arguments.

## The PJC's Education Stability Project Team

Monisha Cherayil • Renuka Rege •  
Bethany Straus, Episcopal Service Corps  
(2020-21) • Kelly Webber, Episcopal  
Service Corps (2019-20)

# PRISONERS' RIGHTS PROJECT

We aim to make pretrial detention rare, brief, and humane; to eliminate unnecessary arrests and detentions that disrupt and destabilize families and communities; and to end pretrial practices that have a disparate impact on people and communities of color.

The PJC's Prisoners' Rights Project Team

Debra Gardner



## DEMANDING POLICE ACCOUNTABILITY

The nationwide calls for police accountability in summer 2020 following the violence against and murders of George Floyd, Breonna Taylor, and many other Black people renewed the urgency of the decades-long struggle for racial justice and police reform in Maryland. More than 95 grassroots, community, and advocacy groups from across the state—including the Public Justice Center—united with individuals and families impacted by police violence to revitalize the Maryland Coalition for Justice and Police Accountability (MCJPA) and demand five critical police reforms.

Led by the ACLU of Maryland and with strategic and legislative advocacy support from the PJC, MCJPA developed a strategy for the 2021 legislative session, continued to build community support for police reform, and worked with state legislators to strengthen the Maryland Police Accountability Act of 2021 by incorporating many of the requirements of our bills described below. The General Assembly passed this omnibus bill and overrode Governor Hogan's veto. The Coalition's five reform demands and progress in the 2021 legislative session included:

- 1. Make investigations into police conduct transparent.** Anton's Law (SB 178) amends the Maryland Public Information Act to allow public disclosure of records of police misconduct investigations. Named for 19-year-old Anton Black, who was killed by police in Greensboro, Maryland, Anton's Law will allow communities to know whether their police departments are appropriately handling complaints of police abuse and police misconduct. The General Assembly passed SB 178 and overrode Governor Hogan's veto.
- 2. Repeal the Law Enforcement Officers' Bill of Rights (LEOBR).** HB 670 repealed and replaced LEOBR. The legislation removed provisions like permissive expungements and the five-day grace period before an officer can be compelled to provide a statement after an incident. But it does not create a truly

independent civilian entity to oversee and ensure police accountability to the communities they serve. The General Assembly passed a weakened version of HB 670 and overrode Governor Hogan's veto.

- 3. Limit use of force by law enforcement.** SB 71 raises the legal standard to authorize force when it is necessary and proportional, based on the totality of the circumstances, to prevent an imminent threat of physical injury or to effectuate a legitimate law enforcement objective. It requires officers to attempt to de-escalate, to intervene to prevent excessive force, and to promptly obtain medical assistance for people injured in use-of-force incidents. Raising the legal standard is an important step to reduce police violence. The General Assembly passed a version of SB 71 and overrode Governor Hogan's veto.
- 4. Restore control of the Baltimore City Police Department to Baltimore City residents.** SB 786 creates a pathway to give Baltimore City control over its police department by forming an advisory board to oversee the transition from state control and to make recommendations on the best method to effectuate the change. The Governor allowed the bill to become law without his signature, and the final decision will be made in the next election, when Baltimore City residents will vote on a charter amendment on the ballot.
- 5. Remove police from our children's schools.** During the 2021 session, the Maryland General Assembly failed to take action to address the harmful impacts of school police and to re-imagine school safely. (Read more about our advocacy for police-free schools on page 4.)

These new laws begin to address MCJPA's five priorities, but further action is needed to ensure that police are truly accountable to communities.



## PROTECTING INMATES IN MARYLAND'S JAILS AND PRISONS FROM COVID-19

Along with advocates, family members of people who are incarcerated, and public health experts, the PJC argued for the reduction of prison and jail populations to reduce the spread of the COVID-19 virus. We filed an extraordinary petition, an emergency motion, and an amicus brief in another extraordinary petition case—all of which were denied by the courts. However, our advocacy did result in orders from the Governor and Chief Judge of the Court of Appeals requiring the release of hundreds of adults and youth from Maryland prisons and detention facilities as well as new court-ordered safety protocols in the Baltimore jail, including:

- Reconfigured intake and housing procedures to minimize the spread of COVID-19.
- Improved access to testing and protective equipment for detainees.
- Separate housing and medical quarantine and treatment for detainees diagnosed with COVID-19, exposed to the virus, or at high risk of infection.
- Training for staff on social distancing and other safety protocols.
- Daily temperature and symptom checks for staff and regular testing of staff.

We have continued to monitor the COVID-19 response in the Baltimore jail and to advocate for additional protections, including more aggressive testing protocols and better vaccination access and education.

## ENDING GENDER INEQUITIES IN MARYLAND'S PRERELEASE SERVICES

We joined advocacy led by Out for Justice, Maryland Justice Project, and the Montgomery Women's Democratic Club in the 2021 legislative session to push the Maryland General Assembly to override Governor Hogan's veto of the 2020 Gender-Responsive Prerelease Act (2020 SB 684 / HB 801). Our support included authoring a guest commentary in *Maryland Matters*<sup>7</sup>. The 2020 bill addressed the significant gender disparity in Maryland's prerelease services: since the Maryland Department of Corrections closed the Baltimore Prerelease Unit for Women in 2009, the state has denied women equal access to prerelease programs intended to facilitate gradual and effective re-entry into the community, such as job, education, housing, health care, mental health, and family-reunification support. This year, the Maryland General Assembly overrode the Governor's veto; the new law requires the Department of Corrections to operate a comprehensive rehabilitative prerelease facility for women incarcerated in Baltimore City.

## REDUCING OVER-RELIANCE ON PRETRIAL DETENTION

As a member of the Coalition for a Safe and Just Maryland, the PJC helped advocate for reform of the excessive and unlawful use of pretrial detention in Maryland's criminal system. Adopted by the Maryland Court of Appeals in 2017, Rule 4-216.1 requires judicial officers to operate on the presumption that defendants should be released on their own recognizance or on an unsecured bond while awaiting trial. While the number of people held on bail decreased under the rule, the number of individuals held without bail increased dramatically—exactly the opposite of the rule's intent. We contributed to op-eds published in the *Baltimore Sun* in July<sup>8</sup> and September<sup>9</sup> 2020, drawing public attention to the harmful effects of pretrial detention on those detained, their families, and their communities—particularly with the life-threatening risk of COVID-19 infection—and the disproportionate impact of pretrial detention on people and communities of color. The PJC also submitted recommendations to the Rules Review Subcommittee of the Judicial Council's Committee

on Equal Justice in July 2021 on behalf of the Coalition for a Safe and Just Maryland. We called for changes to court rules aimed to inhibit judges from relying reflexively on preventive detention (hold without bail) or from ordering conditions of release that, in effect, prevent release. These changes, intended to ensure that judges adhere to both the spirit and the letter of the rule, would require judges to make a clear and detailed record of their individualized considerations in each case, require higher standards of proof for preventive detention, and close loopholes that allow unjust pretrial detention in specific contexts like violations of probation.

## ELIMINATING COSTLY HOME DETENTION FEES

We joined the calls led by the Job Opportunities Task Force for passage of HB 316 / SB 23 (Conditions of Pretrial Release—Home Detention Monitoring) during the 2021 legislative session. Maryland state law allows courts to place individuals awaiting trial in home detention, rather than hold them in jail. The fees for home monitoring devices can exceed more than \$300 per month; individuals who default on payments can face incarceration and debt collection for unpaid fees. Court closures and postponements due to the COVID-19 pandemic have delayed trials and therefore increased the total cost of home detention. The new law—which will remain in effect for one year after the expiration of the COVID-19 state of emergency—will eliminate the cost of home detention for income-qualified individuals and shift the fees for private home detention monitoring to the state. It also established a workgroup to study the costs of home monitoring systems in Maryland.

7\_ Debra Gardner. "End Sex Discrimination Against Women Offenders." *Maryland Matters*. <https://bit.ly/3Ax37oc>

8\_ Iman Freeman, Nicole Hanson, and Caryn York. "Further bail reform needed in Maryland." *Baltimore Sun*. <https://bit.ly/2X4GNow>

9\_ Doug Colbert and Colin Starger. "Bail injustice in the time of COVID-19." *Baltimore Sun*. <https://bit.ly/3iN3JA3>

# WORKPLACE JUSTICE PROJECT

We advance justice and equity in the workplace by defending and expanding the rights of workers. We promote worker power through know-your-rights education, litigation to combat wage theft and other workplace violations, and policy advocacy to expand the rights of low-wage workers. We work with community partners and focus on low-wage industries where wage theft is more common, knowing that discrimination and occupational segregation too often relegate workers of color to those low-wage, high-violation industries.



## PROTECTING FEDERAL PANDEMIC UNEMPLOYMENT BENEFITS IN AN HISTORIC VICTORY

The COVID-19 pandemic has resulted in mass layoffs, business closures, and unemployment levels not seen in the United States since the Great Depression. More than a year after the coronavirus brought much of the economy to a halt, more than 300,000 Marylanders were still unemployed and relying on the expanded federal unemployment benefits provided by the Coronavirus Aid, Relief, and Economic Security (CARES) Act passed by Congress in March 2020. Loss of these benefits would have exacerbated existing inequities laid bare by the pandemic: nearly 59% of people receiving Maryland unemployment insurance benefits were Black, Latine, or other people of color.

When Governor Hogan announced his plan to end federal pandemic unemployment benefits two months early—the benefits were set to expire on September 6, 2021—Maryland’s unemployment rate was almost twice the pre-pandemic rate of 3.5%. Nearly 85% of those receiving unemployment benefits would have been cut off completely under the Governor’s plan, putting them at significant risk of falling farther into housing and food instability and poverty. The early termination of unemployment benefits would have deprived Marylanders of an estimated \$1.5 billion—funds that were sustaining people while they looked for work, helping businesses reopen, and creating jobs.

Six Marylanders filed a lawsuit against Governor Hogan and Maryland Secretary of Labor Tiffany Robinson in June 2021 to halt the state’s early exit from the federal pandemic unemployment benefits program. The plaintiffs alleged that the Governor’s and Secretary’s decision violated statutory and constitutional obligations to secure federal unemployment benefits for eligible state residents to the fullest extent possible, and that it violated the equal protection guarantees of Maryland’s Declaration of Rights.

Represented by the Public Justice Center and Gallagher Evelius & Jones—and standing with hundreds of thousands of Marylanders who received life-sustaining unemployment benefits—the six plaintiffs sought an order requiring the state to continue to administer federal unemployment benefits.

Baltimore City Circuit Court Judge Lawrence Fletcher-Hill issued a ruling in early July ordering the state to continue

to provide benefits while the case moved forward. Ten days later, after a lengthy hearing, the Court again decided in our favor, finding that although the executive branch indisputably has discretion to make policy judgments, our state unemployment insurance law limits that discretion and requires officials to maximize the state's receipt of federal unemployment insurance funds. Marylanders relying on federal pandemic unemployment benefits were therefore able to continue to receive them throughout the summer.

**The decision was a huge victory** for the six workers represented by the PJC and Gallagher Evelius & Jones, including members of UNITE HERE! Local 7, as well as for members of the Unemployed Workers Union, who were represented by Alec Summerfield and Robbie Leonard of Leonard & McCliggott Law Group in a separate similar case. It was also a huge victory for the approximately 200,000 Marylanders who continued to receive federal pandemic unemployment insurance benefits because of the Court's decision.

*"Plaintiffs have shown by very particularized affidavits that they face significant personal hardship if their remaining unemployment benefits terminate now rather than on September 6, 2021. Plaintiffs have been strained economically and emotionally by the pandemic. In its global scope and in the anxiety that almost all people experience over the threat of disease, the impact of the pandemic has been universal, but the brief stories of these Plaintiffs reminds the Court that the impact of the pandemic has been cruelly uneven. Some have suffered death or debilitating illness themselves, in their families, or among their friends. Others have experienced severe economic hardship from involuntary unemployment or the inability to work because of the need to take on childcare and elder care responsibilities. As one who has enjoyed the privilege of continuous, secure employment, the Court is particularly struck by the plight of those who have had to struggle with irregular or no employment."*

—Judge Lawrence Fletcher-Hill

# COURAGE

## John P. Sarbanes Courage Awards

The plaintiffs in *D.A. v. Hogan* were each indisputably courageous in sharing their experiences and participating in the case to fight the early termination of federal pandemic unemployment benefits, even while often struggling to resolve their individual unemployment-related issues on their own time. They demonstrated bravery in trusting the attorneys to represent them in a case whose success was uncertain and in sharing personal details of how a loss of these benefits would affect their lives with the Court and in news interviews. Their courage and candor impressed the Court and was essential to the victory.

- **Dominique Andrews** showed immense courage in her honesty about how unemployment during the pandemic caused her to change job paths to have a better chance of making ends meet for her family.
- **S.B.** showed immense courage by being open about how his unemployment during the pandemic impacted his family and pushed them to the brink of homelessness.
- **Kevin Baxter** showed immense courage in speaking on behalf of the plaintiffs in several interviews and at a news conference, where he spoke openly about his personal experiences.
- **Jennifer Graham** showed immense courage in disclosing the mental health implications of the early loss of federal unemployment benefits on her life, including in news interviews.
- **Daniel Mason** showed immense courage in revealing the mental health ramifications of losing federal unemployment benefits early.
- **Alonzo Mitchell** showed immense courage in detailing the physical health consequences of losing federal unemployment benefits early.



**"It's an honor to receive this award, and I am glad that I was able to be an advocate for the citizens of Maryland."**

—Kevin Baxter

**"I would like to thank everyone who worked so hard on this lawsuit for helping me find my voice and a new sliver of hope for humanity. It's people like you that deserve an award for sticking up for the people who need it most."**

—Jennifer Graham



**"Stand up and fight for all your rights. Your life depends on it!"**

—Alonzo Mitchell



# OUTSTANDING

## Outstanding Partner Awards

"Outstanding" does not begin to describe the truly incredible work of the attorneys at **Gallagher Evelius & Jones LLP**, who worked with the PJC to sue Maryland officials to reverse a decision to prematurely terminate the federally financed unemployment insurance benefits available during the COVID-19 pandemic. Attorneys Meghan Casey, Paul Caiola, and Hannah Perng, along with law clerk Tory Trocchia and paralegal Julie Pfanstiel, successfully reversed the State's early termination decision, enabling tens of thousands of Marylanders to continue to receive life-sustaining benefits and bringing more than one billion dollars of federal monies to the state. We enjoyed working with such smart and tenacious advocates, and we are truly grateful for their outstanding partnership!

**GALLAGHER**  
GALLAGHER EVELIUS & JONES  
ATTORNEYS AT LAW

**UNITE HERE! Local 7**, and Roxie Herbekian in particular, were instrumental and invaluable partners on the path to victory to restore federal pandemic unemployment benefits in Maryland. Their incredible commitment to their members and unemployed workers throughout Maryland, and their determination to fight regardless of the outcome, were inspirational. They were instrumental in helping identify workers willing to advocate for their own financial security and that of other unemployed Marylanders. They also kept members and others informed about the status of the litigation, effectively using virtual platforms to host events, and coordinated with the press to amplify the victory.



## LITIGATING AGAINST WAGE THEFT AND EMPLOYMENT DISCRIMINATION (AND SUCCEEDING!)

The PJC, Murphy Anderson, and the Washington Lawyers' Committee for Civil Rights and Urban Affairs represented hundreds of workers in a class action lawsuit alleging unpaid wages and employment discrimination against a construction company. The case was settled in April 2021, and approximately 250 workers are eligible for payments under the terms of the settlement, which totals approximately \$1,050,000 for the workers. The employer also agreed to make changes to certain employment practices.

# OUTSTANDING

## Outstanding Partner Award

**Murphy Anderson PLLC** lives up to its reputation for being "lawyers serving the public interest." Their attorneys Mark Hanna, Roseann Romano, and Adam Breihan worked tirelessly on an important case alleging wage theft and discrimination against a large business and achieved a significant victory for the workers. The PJC was proud to partner with such dedicated, smart, and passionate advocates. As just one example of how Murphy Anderson PLLC lives its values, the firm generously donated a portion of their attorneys' fees to the PJC. We appreciate their financial support as well as their legal partnership.

**Murphy Anderson**  
PLLC

*"Murphy Anderson is honored to be recognized for our longstanding partnership with PJC. We value working with the Workplace Justice Project's nationally renowned experts in representing low-wage workers and combating wage theft, and we will continue to fight alongside them for the expansion of workers' rights everywhere."*

—Mark Hanna, Founding Partner,  
Murphy Anderson PLLC



## DEMANDING WORKPLACE SAFETY DURING THE COVID-19 PANDEMIC

The pandemic took a devastating toll on hundreds of thousands of Marylanders. The PJC worked to ensure that essential workers and others who had to report to work were not unlawfully or unnecessarily put in harm's way. Unfortunately, many employers did not supply employees with adequate personal protective equipment (PPE) or provide the opportunity for social distancing. Some required employees to come to work with COVID-19 symptoms and retaliated against employees for requesting COVID-19 protections. We fought to hold employers accountable for violations of workplace safety in several ways:

- With Marylanders for Food and Farmworker Protection—a coalition of more than 120 organizations—we called on Governor Hogan to use an executive order to enact mandatory COVID-19 protections for Maryland farm, poultry, and seafood processing workers; we supported bills in the 2021 legislative session to strengthen workplace safety standards for food workers, farmworkers, and other essential workers; and we demanded that Tyson Foods protect workers by slowing line speeds, enforcing social distancing, and providing PPE and paid sick leave.



- We filed a complaint with the National Labor Relations Board on behalf of a restaurant worker alleging that working conditions were unbearably unsafe. The worker alleged he was forced to resign after he talked with co-workers and sought to address the unsafe working conditions. The restaurant settled the claim in September 2020.
- On behalf of workers at a local manufacturing company, we filed complaints in May 2020 with Maryland Occupational Safety and Health (MOSH), raising concerns regarding insufficient protection from COVID-19 as well as the ongoing safety risks from the manufacturing process. MOSH's response was inadequate. It relied first on the employer to self-investigate, and, after multiple complaints from the PJC, it conducted an in-person investigation in July 2020 but did not talk directly to workers. As a result, in December 2020, we filed a Complaint About State Program Administration with the federal Occupational Safety and Health Administration for MOSH's apparent dereliction of duty and its refusal to use the law's "general duty clause," which protects workers against workplace hazards, to protect workers during the COVID-19 pandemic.
- We filed several complaints with county departments of health pursuant to the Governor's executive order granting those departments the ability to investigate and enforce social distancing guidelines.

### ADVOCATING FOR PUBLIC HEALTH EMERGENCY PROVISIONS IN THE HEALTHY WORKING FAMILIES ACT

We teamed up with workers' rights advocates, unions, and economic and public health experts to fight for a bill (HB 1326 / SB 727) that would have strengthened the existing Healthy Working Families Act by adding a public health emergency section that would have provided 14 paid sick days to eligible employees upon declaration of a public health emergency. The bill would also have removed exemptions in the current law that deny agricultural workers, temporary workers, and on-call health professionals (such as PRNs) the right to earn sick leave. The Maryland General Assembly failed to address these weaknesses, however. The bill was withdrawn, and more limited sick leave provisions were added to the Essential Workers Protection Act.

### IMPROVING JOB QUALITY FOR HOME CARE WORKERS

All too often, home care agencies misclassify home care workers as independent contractors, denying them protections like workers' compensation and unemployment insurance and saddling them with extra taxes. The PJC and a broad coalition of advocates, including home care agency workers, pushed a bill in the 2021 legislative session to help address this illegal practice. SB 384 / HB 652, which became law without the Governor's signature, will create a guidance document to educate home care agencies about their legal responsibility to properly classify their employees, and which agency owners will be required to read and sign every three years. Agencies will also have to indicate every three years whether any of their home care workers are classified as independent contractors. The bill requires the state Departments of Labor and Health to report to House and Senate committees on the steps they have taken to improve the quality of home care jobs. Correcting misclassification will increase financial stability for home care workers—90% of whom are women and 70% of whom are Black—as well as improve job quality and attract more workers to an industry with a worker shortage worsened during the COVID-19 pandemic.

### The PJC's Workplace Justice Project Team

Monisha Cherayil • Sally Dworak-Fisher • Tyra Robinson • David Rodwin • Lena Yeakey

# HUMAN RIGHT TO HOUSING PROJECT

We stand with tenants to protect and expand their right to safe, habitable, affordable, and non-discriminatory housing and their right to fair and equal treatment by Maryland's landlord-tenant laws, courts, and agencies. We defend renters facing eviction, demand repair of unsafe housing conditions, and represent renters seeking systemic relief from predatory landlord practices.

We advocate to change the law regarding evictions and to demand the development of equitable and sustainable affordable housing.



## PREVENTING EVICTIONS IN THE COVID-19 PANDEMIC

The COVID-19 pandemic exacerbated Maryland's pre-existing affordable housing and eviction crises as well as the inequities in our landlord-tenant system—all of which take a particularly heavy toll on Black and brown residents. Nearly two in ten Maryland renters are behind on rent and facing eviction in the wake of COVID-19, and 75% of those households are headed by people of color. Evictions contribute to job loss, destabilize neighborhoods, interrupt children's education, and harm people's health.

Renters, community groups, and housing advocates, including the Public Justice Center, called for equitable housing policies to stop evictions—thereby slowing the rate of COVID-19 transmission and addressing these racial disparities. We advocated for a true, statewide eviction moratorium, rental assistance integrated with legal services, and legal reforms to better protect renters' rights.

## Raising the volume for renters' rights

With the Renters United Maryland (RUM) coalition, we raised public awareness about the needs of renters and the pending eviction tsunami through the press and social media. We participated in and organized virtual and socially distanced in-person rallies to demand action from local and state government officials and agencies to implement a broad eviction moratorium that would protect all tenants. The eviction defense orders that the CDC and Governor Hogan ultimately issued included many loopholes that landlords exploited to evict thousands of Maryland families during the pandemic. In the media and with policymakers, we exposed these loopholes and advocated for stronger protections for renters.



### Representing tenants in eviction actions during COVID-19

We defended clients against eviction actions brought by landlords under the loopholes in the CDC's and Governor's orders. We provided full representation to 144 tenants and were successful in over 95% of cases by preventing evictions, forcing landlords to make repairs, eliminating illegal charges and fees, and/or delaying evictions to provide tenants time to seek other housing. We provided legal advice to another 531 tenants facing eviction.

### Advocating for effective rental assistance

We pushed for Governor Hogan to allocate a substantial portion of federal funds for rent relief statewide, and the Governor ultimately allocated \$30 million for this purpose in the early months of the pandemic. In Baltimore City, we advocated with the Mayor's Office of Children and Family Success (MOCFS) for efficient and equitable disbursement of the more than \$80 million in federal and city funds allocated for rental assistance. While the payout of funds has been slow, we successfully advocated for policy changes that will protect tenants from eviction when landlords take rental assistance funds and that will provide for relocation in other cases. We continue to press MOCFS to pay rental assistance directly to tenants when landlords refuse to participate in the rental assistance program and to pay at least 18 months of back-due rent as needed.

### Advocating for Housing Justice in the Maryland General Assembly

As a member of Renters United Maryland (RUM), we called on state legislators to pass the 2021 Housing Justice Package, a package of bills to address the emergency needs of renters and homeowners during the pandemic, to enact an

eviction right to counsel (see page 16), and to overhaul Maryland's massive eviction system. The COVID-19 Eviction and Housing Relief Act (HB 1312 / SB 910) would have strengthened emergency protections for renters across the state and would have required landlords to utilize emergency rental assistance before they could initiate a lease non-renewal. HB 52 / SB 454 would have established an eviction diversion program in eight district courts, including pre-trial hearings in the failure-to-pay-rent eviction process, allowing both tenant and landlord to access eviction diversion resources such as mediation, rental assistance, and legal assistance. Unfortunately, the Maryland General Assembly declined to enact these emergency protections in the 2021 legislative session.

### Protecting tenants from eviction after state and federal orders expired

The PJC led advocates in a successful campaign to change the eviction process proposed for evictions following the expiration of the CDC's and Governor's eviction "moratoria." Tenants would have been subject to imminent eviction after the expiration of these orders—without any notice or opportunity to challenge the eviction. In part because of our advocacy, the District Court amended the process in June 2021 to require notice and a hearing on any eviction judgment that had been paused by the CDC's and Governor's orders.



*"Through all of our struggles, we were built to last. We may have been bruised along the way, but never broken."*

—Monique Dillard  
(pictured right)

## COURAGE

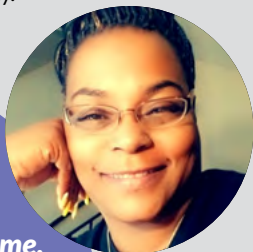
### John P. Sarbanes Courage Award

Mia Ballou and Monique Dillard showed courage, tenacity, and readiness to help others in standing up to their landlord's multiple attempts to evict them during the COVID-19 pandemic. Sisters living in the same unit, Ms. Ballou works hard to pay the bills and care for Ms. Dillard, who has several medical issues. They have been on the brink of eviction twice because of pandemic-related loss of income. We helped them apply successfully for rental assistance under the CDC order, and their eviction hearing was scheduled while they were waiting on funds to pay their past-due rent. We filed an emergency motion to reserve judgment under the CDC order, which delayed their eviction at least until October 2021. Then, their landlord refused to accept rental assistance funds from Baltimore City, so the sisters are working with us to get relocation funds. Throughout the months-long process, the sisters have shared their story publicly in the hope that it will help people in the same situation.

# COURAGE

## John P. Sarbanes Courage Award

Shalonda Glascoe's persistence in the face of multiple eviction actions and public scrutiny demonstrates courage and is an inspiration. Ms. Glascoe rents her home in Baltimore and fell behind on rent when she lost income during the pandemic. We represented Ms. Glascoe against several eviction actions, including her landlord's attempt to evict her by not renewing her lease rather than claiming failure to pay rent. The judge ultimately found in her favor and renewed her lease because of a local law that protects tenants from any eviction filings within six months of a complaint about serious habitability defects; she and her landlord had recently settled a dispute over unsafe living conditions in her home. Without representation, Ms. Glascoe likely would not have been able to raise a defense against her landlord. She has spoken to the press, including the *Washington Post*<sup>10</sup> and the *Baltimore Brew*<sup>11</sup>, and at a legislative hearing about the importance of having counsel in eviction cases to assert and defend tenants' rights. By speaking out publicly, she helped pass the eviction right to counsel bill in Baltimore City.



***"In their eyes, you're complaining too much. They constantly come after me, regardless. It's very stressful. And without Matt [Hill] and [his] help, I wouldn't have made it through this."***

—Shalonda Glascoe  
in an interview with Ian Round  
for *Baltimore Brew*<sup>11</sup>

10. Kyle Swenson. "Renters thought a CDC order protected them from eviction. Then landlords found loopholes." *Washington Post*. <https://wapo.st/3Dtm5OD>

11. Ian Round. "Bill Introduced to Provide Free Lawyers to Renters Facing Eviction." *Baltimore Brew*. <https://bit.ly/3jfHxFu>

# OUTSTANDING

## Outstanding Partner Award

Dr. Tim Thomas of the Urban Displacement Project at the University of California, Berkeley created The Eviction Study's Baltimore Map, a dynamic and interactive visualization, highlighting which neighborhoods are at the highest risk of scheduled evictions and eviction removals and illuminating race and gender disparities in the eviction crisis. To collect the local data, he partnered with Dr. Malcolm Drewery, a professor at Coppin State University; Linda Morris, an attorney for the ACLU Women's Rights Project; and Dr. Meredith Greif, a professor at Johns Hopkins University. Dr. Thomas' work proved essential in our advocacy for an eviction right to counsel in Baltimore City and the state's access to counsel legislation.



***"Racial equity legislation requires a collaborative, three-legged-stool approach: academic research to reveal things people can't see, stakeholders and community based organizations to bring the stories and experiences to the front, and policymakers and attorneys to design and propose effective legislation. With this, we can change policies rooted in structural bias against Black, Indigenous and communities of color."***

—Timothy Thomas, PhD.  
Urban Displacement Project  
at the University of  
California, Berkeley

**80% of tenants facing eviction could raise a defense.**

Baltimore Renters United

**1% have access to representation.**

*Representation Matters*

## ENACTING RIGHT TO COUNSEL LEGISLATION IN BALTIMORE CITY AND MARYLAND

In late 2020, Baltimore City became the seventh jurisdiction in the country to provide a right to counsel for tenants in eviction cases. Baltimore Renters United (BRU) and the PJC worked with bill sponsor Mayor Brandon Scott (who at the time was Council President) and other officials to introduce and pass this critical legislation. The new law will help prevent the disruptive displacement of eviction, which often leads to homelessness and the crippling individual and social costs it incurs. The law will also address racial disparities in evictions: the number of Black women that landlords and the courts evict is nearly four times higher than the number of white men evicted. We are now working with Mayor Scott's administration to implement the right to counsel over the next four years. We have assisted in gathering stakeholders for implementation, identifying funding sources for the program, and proposing the adoption of best practices learned from other jurisdictions.

Building on the momentum from Baltimore's right to counsel victory, RUM, the PJC, and the National Coalition for a Civil Right to Counsel successfully advocated for Maryland to become the second state in the country to enact right to counsel legislation. Passed in spring 2021, HB 18 (Access to Counsel in Evictions), sponsored by Senator Shelly Hettleman and Delegates Wanika Fisher and Sandy Rosenberg, establishes a blueprint for providing free legal representation in eviction cases to all income-eligible tenants by 2025. Thousands of Marylanders were evicted despite the CDC's and Governor's eviction orders, showing that renter protections are only as good as their enforcement. We thank our sponsors and General Assembly leadership for enacting this important legislation. Unfortunately, a bill that would have funded implementation of the Access to Counsel law did not pass, so we have been urging Governor Hogan to fund this new law with federal COVID-19 relief dollars, and we continue to work with our allies on funding implementation.

## GIVING MARYLAND RENTERS MORE TIME TO FIGHT EVICTIONS

Maryland was one of the only states in the country in which a landlord did not have to send tenants a notice to pay prior to filing a court complaint for eviction—that is, until successful advocacy by the PJC and the RUM coalition. Part of the Housing Justice Package introduced in the 2021 legislative session, HB 18 requires landlords to provide notice to tenants at least 10 days prior to filing an eviction complaint for past-due rent, effective October 1, 2021. The pre-filing notice must provide tenants information about the rent purportedly past due as well as tenants' rights and resources. Pre-filing notice has been a centerpiece of our rent court reform campaign for the last two decades because it provides renters the opportunity to access legal assistance and rental assistance and will ultimately reduce the heavy volume of fees and eviction court filings that have burdened renting families in Maryland for decades.

## PUSHING FOR IMPLEMENTATION OF THE WATER ACCOUNTABILITY AND EQUITY ACT

As a member of the Baltimore Right to Water Coalition, we have advocated for years for reforms to Baltimore City's water-billing practices, and in November 2019, the Baltimore City Council passed the Water Accountability and Equity Act. Unfortunately, in early July 2020, when the new law was supposed to go into effect, then-Mayor Jack Young signed an executive order to indefinitely block its implementation, citing delays due to the coronavirus crisis. Baltimore Right to Water Coalition members pushed back and pressed the City Council to implement the new law's income-based affordability provisions and bill dispute process as soon as possible, given the added pandemic-related financial pressures and risk to renters of eviction or debt collection actions based on unpaid water bills. The City Council passed legislation in October 2020 to update the implementation timeline for the Water Accountability and Equity Act provisions.

## IMPROVING HOUSING SECURITY FOR RENTERS IN BALTIMORE CITY

The PJC and BRU collaborated on a number of City Council bills that affect housing security for renters:

- Enacted in March 2021, CB 21-0021 requires landlords to provide tenants with a 10-day grace period before charging a late fee. Tenants receiving a monthly public benefit, such as Supplemental Security Income (SSI), may be eligible for even longer grace periods.
- CB 21-0031 requires landlords to offer tenants the option to renew their lease unless the landlord has good cause not to do so, which does not include failure to pay rent during a pandemic. This legislation—effective in July 2021—lasts for 180 days beyond the end of Governor Hogan's declaration of emergency and will likely be subject to legal challenge. Regardless of the legal challenge, its passage is a victory for tenants who have been advocating for years to increase housing security for Baltimore families.
- We stood with renters and housing advocates from BRU to defeat City Council Bill 21-0022. The bill would have promoted the use of "security deposit insurance," which is often a predatory surety-bond product that strips tenants of certain protections in landlord-tenant law and leaves tenants vulnerable to large damages claims by debt collectors.

### The PJC's Human Right to Housing Project Team

Aaron Frazee, Jesuit Volunteer Corps (2020-21) • Matt Hill • Gabriela Dickson La Rotta • Charisse Lue • Carolina Paul • Russell R. Reno, Jr. • Zafar Shah • Beck Sigman, Jesuit Volunteer Corps (2019-20) • Juan Carlos Silen

## OUTSTANDING

### Outstanding Partner Award

Greater Baltimore Democratic Socialists of America (GBDSA) works to empower renters and stands up publicly and loudly for housing justice in Baltimore and Maryland. As a member of Baltimore Renters United, GBDSA advocates for justice in public transportation, housing, education, and other public services in Black working-class neighborhoods. During the last year, GBDSA organized tenants, helped plan rallies, and supported campaigns to advance housing justice—for example, helping defeat a security deposit bill (21-0022) in the City Council that would have harmed tenants and advocating for renter protections during the COVID-19 pandemic.



*"Safe and dignified housing is a core demand of Greater Baltimore Democratic Socialists of America. Focusing on organizing around housing justice issues in and around Baltimore City directs us to a more collectively built future. We are bolstered in our efforts by the invaluable services of the Public Justice Center. The information they have helped us provide tenants regarding their rights, their quick response to residents with housing issues, and the support they give to those in rent court. We are honored to accept the PJC Outstanding Partner Award."*

—Michael Lent,  
Housing Justice Committee Chair,  
Greater Baltimore Democratic  
Socialists of America

# NATIONAL COALITION FOR A CIVIL RIGHT TO COUNSEL

The Public Justice Center has led a national coalition since 2003 that works to establish the right to an attorney for low-income people in civil cases where basic human needs are at stake, such as shelter, safety, sustenance, health, and child custody. The National Coalition for a Civil Right to Counsel (NCCRC) is the only entity in the country dedicated solely to establishing the right to counsel in civil cases in order to provide access to justice, fundamental fairness, racial equity, and protection of the rule of law. The NCCRC has more than 600 allies in 41 states, including civil legal aid organizations, the private bar, public interest law firms, academia, bar associations, access to justice commissions, nonprofit organizations, public defender offices, and community organizing groups.



## **BUILDING A RIGHT TO COUNSEL MOVEMENT AMID AN EVICTION CRISIS**

COVID-19 has wreaked havoc on the country's civil justice system and has put millions more people at risk of eviction. The NCCRC has worked to ensure that the most vulnerable among them have a guarantee of counsel to protect their basic human needs. We support local and state right to counsel campaigns, federal right to counsel legislation, and allocation of federal eviction relief funds for right to counsel. The NCCRC also supported federal and state eviction moratoria preservation efforts as a way of obtaining more time for right to counsel campaigns to develop during the pandemic.

With NCCRC support, seven cities and three states—Boulder, Baltimore, Seattle, Louisville, Denver, Toledo, Minneapolis, Washington State, Maryland, and Connecticut—enacted a right to counsel for tenants in the last year. Two other jurisdictions—Milwaukee County, Wisconsin and Rochester, New York—implemented universal representation programs. We also lent our expertise to eviction right to counsel efforts in dozens of other cities and states, including assistance with bill drafting, cost estimates, implementation strategies, legal obstacles, stakeholder identification, coalition building, and written and oral testimony. We also planned and co-hosted a multi-part webinar series<sup>12</sup> with the Right to Counsel NYC Coalition on successful advocacy and organizing efforts in Baltimore, Cleveland, San Francisco, and New York.

To build awareness of the growing eviction crisis and tenants' need for counsel as an integral part of the solution,

<sup>12</sup> NCCRC and RTCNYC 2021 Webinar Series Pt 1 – Overview.  
<https://bit.ly/2X5uNDg>

we wrote op-eds in *Newsweek*<sup>13</sup> and *The Hill*<sup>14</sup>. We also partnered with Stout Risius Ross to develop an interactive, web-based tool that shows how many tenants are at risk of eviction in all fifty states. Released in September 2020, the tool proved critical in amplifying the need for tenant representation to address the looming spike in evictions caused by rent debt that accumulated during the pandemic.

At the federal level, \$20 million in funding for tenant representation was appropriated to the U.S. Department of Housing and Urban Development in December 2020, in response to a bill from U.S. Representatives James Clyburn and David Price, on which we provided input. Looking beyond this modest appropriation, we worked with U.S. Senator Jeff Merkley and Representative Rosa DeLauro to reintroduce federal legislation in 2021 that would provide more substantial tenant representation grants to states and cities, with priority for jurisdictions that have enacted a right to counsel in eviction cases.

To assist efforts to defend federal and state eviction moratoria from landlord lawsuits, we researched and compiled a comprehensive legal issues memo; maintained the national repository of information relating to landlord lawsuits against the moratoria, including case status updates and a brief bank; and coordinated communications between advocates defending the federal and state moratoria.

We advanced awareness, understanding, and effectiveness of resources available for local jurisdictions to pursue right to counsel through the federal CARES Act and American Rescue Plan funding. We developed materials<sup>15</sup> explaining in detail the multiple sources of federal funding available; hosted a webinar<sup>16</sup> on using CARES Act funding to expand tenant representation; and maintained the national clearinghouse for information on jurisdictions that used federal funding for tenant representation and right to counsel, including sources, amounts, and specific uses. We also collaborated with other national organizations to provide feedback to the U.S. Treasury Department on its



Emergency Rental Assistance program guidance related to the use of funds for legal representation. Since we began this work, several jurisdictions (including Connecticut; Louisville, Kentucky; Milwaukee County, Wisconsin; and Charlottesville, Virginia) have used this federal funding to advance right to counsel initiatives or to fund enacted legislation.

13\_ John Pollock and Emily Benfer. "Congress, States Haven't Ended the Eviction Crisis ... But They Could." *Newsweek*. <https://bit.ly/2YB4ENr>

14\_ John Pollock. "CDC ban on evictions expires Dec. 31; Congress must act to prevent 30 million evictions." *The Hill*. <https://bit.ly/3uZpVfv>

15\_ NCCRC. "Legal Services Use Fed. Funds for Tenant Rep / Right to Counsel."

16\_ NCCRC/National Housing Law Project/National Low Income Housing Coalition 2021 presentation on federal funding for eviction RTC. <https://bit.ly/3iQJzFH>

## OUTSTANDING

### Outstanding Partner Award

Stout Risius Ross has been a key partner in providing data and expertise that has raised the national profile of the eviction crisis as well as supported civil right to counsel efforts around the country—including in Baltimore City and Maryland. Stout's meticulous, thorough reports on the costs and benefits of providing a right to counsel have helped convince policymakers in many jurisdictions to enact such a right. Stout staff have graciously and tirelessly served as a resource to advocates all over the country looking for help and guidance with thinking through data or cost considerations. Finally, Stout's interactive tool providing easy-to-read, 50-state data about the number of at-risk tenants and predicted eviction rates, which it developed in cooperation with the National Coalition for a Civil Right to Counsel, has helped drive policy reform at the federal, state, and local levels.



**"Stout is honored to be recognized by the PJC for its commitment to the issues of access to justice and eviction right to counsel. We are grateful to apply our experience and expertise in valuation, finance, and economics to matters that can inform policies, programs and initiatives intended to improve access to justice in our communities."**

—Neil Steinkamp,  
Managing Director,  
Stout Risius Ross



### SECURING A RIGHT TO COUNSEL FOR INVOLUNTARY ADOPTIONS IN OHIO

The Ohio Supreme Court ruled in a 5-2 decision that parents with low incomes have a right to counsel in involuntary adoption cases under the Equal Protection Clauses of the federal and Ohio constitutions. The case, *In re Y.E.F.*, argued disparate treatment when low-income parents faced with permanently losing parental rights in a juvenile court termination hearing are entitled to appointed counsel while parents facing the same loss in a probate court adoption are not so entitled. The Court concluded that parents in both situations face permanent severance of their parental rights and that the state had offered no compelling justification to treat the parents differently. The Court added that ensuring an accurate decision furthered the state's interest because it ensures the best interests of the child are met. The NCCRC worked with Ohio advocates for years to reach this outcome by assisting several appeals prior to this case that was ultimately accepted by the Supreme Court of Ohio and then working with counsel for the parent and amici on strategy and briefing in the *Y.E.F.* case.

### SAVING RIGHT TO COUNSEL FOR CHILDREN IN CUSTODY PROCEEDINGS IN OREGON

Oregon House Bill 3022, introduced in the 2021 legislative session, would have stripped children of their guaranteed right to counsel in child custody proceedings and replaced it with court discretion to appoint counsel (or not), while also requiring children to meet with a mental health professional prior to appointment of counsel. We identified this bill as part of our efforts to track relevant right to counsel legislation at

the federal, state, and local levels. Oregon is the only state in the country to guarantee counsel for children in custody proceedings, so protecting the existing law was of paramount national importance. We partnered with the National Association of Counsel for Children to alert other Oregon advocates about the bill, then worked with those advocates to plan and attend a meeting with the bill sponsor, which led to the bill being killed.

### STRENGTHENING PARENTS' RIGHT TO COUNSEL IN CHILD WELFARE CASES IN HAWAII

In 2014, we identified a case in Hawaii for raising the right to counsel for parents in child welfare proceedings (*In re T.M.*), then worked with local advocates to win that case before the Supreme Court of Hawaii. However, the ruling in *T.M.* did not clearly specify how early in a case parents should be appointed counsel, and the trial courts had been denying access to counsel in the initial phases of proceedings. We identified a case with which to raise this timing issue and worked with Lawyers for Equal Justice, the ACLU of Hawaii Foundation, and the Legal Aid Society of Hawaii to get it before the Court. In March 2021, the Court ruled that counsel must be appointed in child welfare cases upon the filing of the petition and not later, that failure to timely appoint counsel is a reversible error, and that the right to appointed counsel extends to petitions for family supervision and not just where the state is seeking custody of the child. The decision significantly strengthens parents' rights to counsel.

### EXPANDING CHILDREN'S RIGHT TO COUNSEL IN NORTH DAKOTA AND WASHINGTON STATE

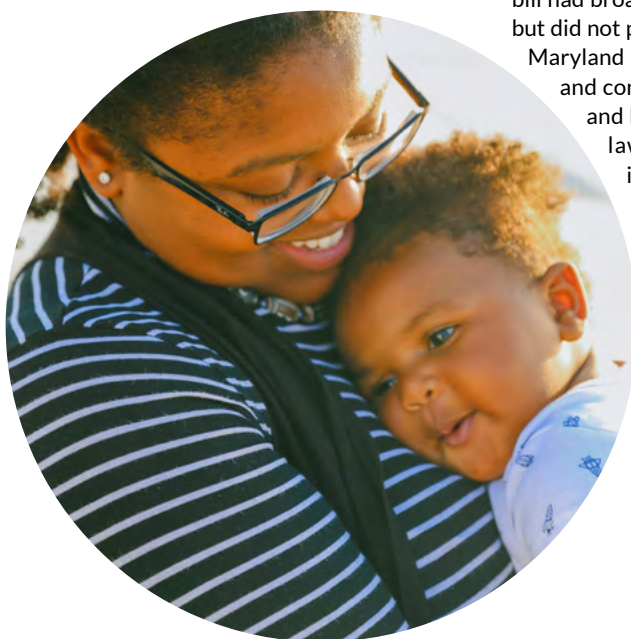
North Dakota and Washington State passed bills in their 2021 legislative sessions establishing a right to counsel for children in child welfare proceedings. In North Dakota, the bill requires appointment of counsel for all children that are of "sufficient age and competency to assist counsel," regardless of income. The legislation in Washington State, which will be phased in over six years, provides the right to counsel for children at all stages of a child welfare proceeding. The legislation recognizes the profound effect of dependency hearings on children's future and the positive benefits of appointing attorneys. The bill also seeks to address the unequal access children have to the court process, with the state much more likely to remove Black and Indigenous children and other youth of color from their parents' care, place them in foster care, and keep them in the child welfare system longer than white children. The NCCRC provided supportive testimony and gave feedback on bill language.

The PJC's National Coalition for  
a Civil Right to Counsel Team

John Pollock • Maria Roumiantseva

# ACCESS TO HEALTH AND PUBLIC BENEFITS PROJECT

We advocate to protect and expand eligibility for health care coverage and access to appropriate, affordable, effective, and culturally competent health care. We seek to eliminate racial and ethnic disparities in health outcomes and access to benefits.



## IMPROVING BLACK MATERNAL HEALTH

Thanks to the dedicated advocacy of the Reproductive Health Equity Alliance of Maryland (RHEAM) and other maternal health advocates, Maryland will begin providing Medicaid reimbursement for doula care in January 2022, joining a handful of states across the country that are expanding access to doula care for low-income women and families.

A coalition of birth workers, women with lived experience with pregnancy complications, clinicians, researchers, reproductive health advocates, and the Public Justice Center, RHEAM has been working to expand access to evidence-based maternal health interventions, primarily doula care, since 2019. The PJC and RHEAM drafted legislation in 2020 to create a Doula Technical Assistance Advisory Group (DTAAG) to study barriers to doula Medicaid reimbursement and make recommendations on reimbursement and a statewide certification program. The bill had broad support from maternal health professionals but did not pass due to the pandemic. We worked with the Maryland Department of Health to recruit stakeholders and convene the Advisory Group without legislation and built momentum by educating state agencies, lawmakers, and community members on the importance of doula care.

In May 2021, the Maryland Health Services Cost Review Commission authorized \$8 million in funding over four years to be directed to Medicaid for maternal and child health initiatives, including reimbursement of doula care. Medicaid will seek matching funds from the federal government, a portion of which will go to establishing doula care reimbursement.

# 4X

Black women in Maryland die in childbirth at four times the rate of white women, regardless of income and education, and the gap is growing. Community-based doula care can help address this crisis.

### Community-based doulas:

- provide information, advocacy, and emotional and social support during pregnancy, birth, and the postpartum period;
- offer intensive 24/7 support designed to address social determinants of health for pregnant and postpartum women; and
- improve health outcomes for women and their infants, including shorter labors and lower rates of cesarean deliveries.

With our allies, we are now advocating administratively for authentic and meaningful stakeholder involvement in the Medicaid reimbursement program design and rollout so that the program is inclusive of community-based doula care and provides a fair reimbursement rate. We are also encouraging Medicaid to work with DTAAG in determining the scope of doula services that will be reimbursed, eligibility criteria, and outcome measures and to build funding into the budget to cover doula care permanently.

We also successfully advocated for two bills related to maternal health care in the 2021 session of the Maryland General Assembly, both of which went into effect without the Governor's signature:

- The Maryland Prenatal and Infant Care Grant Program Fund (SB 777 / HB 1349) will provide grant funds to federally qualified health care centers, hospitals, and other prenatal care providers so that pregnant women who are uninsured and unable to access health insurance can access prenatal care. We advocated for this bill with Health Care for the Homeless, Marylanders Against Poverty, and RHEAM.
- SB 923 will extend Maryland Medicaid postpartum coverage for medical, dental, and other health care services from 60 days to one year. This new law will help ensure that during the postpartum period (the 12 months following birth during which most maternal deaths occur), women are able to receive comprehensive care and do not suddenly lose insurance coverage. We worked with many allies on this bill, including Marylanders Against Poverty, RHEAM, Maryland Dental Action Coalition, American College of Nurse Midwives, Maryland Nurses Association, Advocates for Children and Youth, and others.

## OUTSTANDING

### Outstanding Partner Award

MOMCares and Executive Director Ana Rodney have been allies in collaborating with the PJC on legislative advocacy to improve maternal health care and expand access to doula care. Ana is a doula, former co-chair of RHEAM, and an appointed member of the Maternal Mortality Review Board for Baltimore City. In her work, Ana provides birth and postpartum doula support to mothers navigating a high-risk pregnancy or Neonatal Intensive Care Unit (NICU) involvement after a traumatic birth outcome.



***"Honoring the Black birthing body is integral to building and uplifting communities. Everything begins in the womb."***

—Ana Rodney,  
Executive Director,  
MOMCares

**The PJC's Access to Health and Public Benefits Project Team**

Ashley Black

### ENDING HARMFUL MEDICAL DEBT COLLECTION PRACTICES

The PJC and End Medical Debt Maryland, a coalition of 57 organizations and more than 350,000 advocates and individuals with lived experience with medical debt, teamed up during the 2021 Maryland legislative session to successfully push for the passage of one of the strongest medical debt laws in the country. While advocating for the Medical Debt Protection Act (SB 514 / HB 565), the coalition demonstrated hospitals' tendency to sue patients, mostly people of color and women, for relatively small amounts of debt—an average of \$944. Hospitals receive millions of dollars in charity care funding that could cover the cost of care for patients who cannot afford their medical bills. But hospitals choose instead to garnish wages, place liens on homes, and devastate the lives of low-income Marylanders.

The new law includes several provisions to relieve the burdens of medical debt on patients. Hospitals are now prohibited from the garnishing wages of patients who qualify for free or reduced-cost care. Hospitals also cannot seek body attachment\*, an arrest warrant, or a lien on a patient's primary residence to collect medical debt. SB 514 / HB 565 places restrictions on when hospitals can report adverse information to consumer reporting agencies or file lawsuits to collect debts. It also requires hospitals to develop a financial assistance policy and individualized income-based repayment plan. To make the system more transparent, hospitals must report certain aspects of their legal actions and debt collection, including demographic information, to the state's Health Services Cost Review Commission. We will monitor the implementation of this new law and continue to partner with End Medical Debt Maryland to advocate for additional safeguards to ensure that people can access health care without worrying about the cost.

\*A brief explanation of body attachment in Maryland: A creditor can ask a court to issue an order directing law enforcement to arrest a debtor and bring them before the court to answer questions about their ability to pay the debt. <https://ricelawmd.com/body-attachment-warrant-maryland/>



Credit: End Medical Debt Maryland

### ADDRESSING HEALTH INEQUITIES

We joined health care advocates in securing passage of three bills to address decades-old disparities in health outcomes for people of color, including those inequities exposed and exacerbated by the COVID-19 pandemic. The Maryland Health Equity Resource Act (SB 172 / HB 463), legislation led by the Maryland Citizens' Health Initiative, will create and provide grant funding for Health Equity Resource Communities, which are designed to expand access to health care, improve community residents' health, and reduce racial disparities in health outcomes. The second bill (HB 107/ SB 499) repealed the ban on the sale of over-the-counter medication in vending machines, ensuring Marylanders who live in pharmacy deserts or far from 24-hour pharmacies have access to the medications they need when they need them. With the Maryland Dental Action Coalition, we advocated for SB 485 / HB 547, which will increase the flexibility Medicaid recipients have in scheduling preventive dental services.

### REDUCING BARRIERS TO ACCESSING HEPATITIS C MEDICATION

The PJC partners with legal and policy advocates, clinicians, and researchers in the Maryland Hepatitis Coalition to challenge state restrictions on eligibility for Hepatitis C treatment. This curable disease can impair liver function and cause severe health complications if left untreated. In monitoring Maryland's adherence to federal and state Medicaid law, we discovered that managed care organizations were denying prior authorization for Hepatitis C medication for beneficiaries if they have a history of substance use or are currently using—a practice that violates federal and state law and is not supported by science. We met with representatives of Maryland Medicaid in late 2020 and early 2021 to advocate for the removal of the substance use criteria when

determining eligibility for treatment. The PJC along with our allies shared our concerns about this discriminatory practice, drawing attention to the research on the effectiveness of Hepatitis C treatment among people with substance use disorders. As a result of this advocacy, in May 2021, Maryland Medicaid informed us that they will remove the substance use questions from the prior authorization form and no longer deny medication to beneficiaries with substance use disorders. Also in May—which is Hepatitis Awareness Month—we led a PJC Justice for Breakfast<sup>17</sup> discussion, along with allies in the Maryland Hepatitis Coalition, about our advocacy to ensure that all Medicaid beneficiaries with this devastating disease are given equal access to treatment.

**PUBLIC JUSTICE CENTER**

## JUSTICE FOR BREAKFAST

The Fight for Hepatitis C Medicaid Access among Medicaid Beneficiaries

**Presented by:**

- Ashley Black, Esq., Staff Attorney, Public Justice Center
- Chara Bauer, Steering Committee Member, Maryland Hepatitis Coalition
- Catherine Fowler, Co-Chair, Maryland Hepatitis Coalition
- Joanna Diamond, Director of Public Policy, Health Care for the Homeless
- Dr. Amanda Rosecrans, Clinical Chief, Baltimore City Health Department

17\_ Public Justice Center. "Justice for Breakfast: The fight to eliminate Hepatitis C among Maryland Medicaid beneficiaries." <https://bit.ly/3p5UPSz>

# APPELLATE ADVOCACY PROJECT

We advocate in appellate courts to influence the development of civil rights and poverty law. We represent individuals whose cases can reform the law and write friend-of-the-court briefs (also known as amicus briefs) in appeals to help judges understand the impact of their decisions on people with low incomes and communities of color. The project is staffed by the Francis D. Murnaghan, Jr. Appellate Advocacy Fellow.



## The Francis D. Murnaghan, Jr. Appellate Advocacy Fellowship

### PROTECTING RESIDENTS FROM ILLEGAL THREATS OF EVICTION

Landlords and others seeking to take possession of a home cannot do so, or threaten to do so, without a court order and without first making a reasonable inquiry into whether someone lives there. That is the premise of *Wheeling v. Selene Finance*, a case the Public Justice Center and Consumer Law Center LLC began arguing in Maryland's appellate courts in 2017. In April 2021, the Maryland Court of Appeals issued a precedent-setting ruling that will protect residents from illegal threats of eviction.

*Wheeling* is the first case to interpret a 2013 law that the PJC and allies helped pass that prohibits landlords and foreclosure sale purchasers from evicting or locking out a homeowner or tenant without court process or the presence of the local Sheriff. While the law also prohibits threats of non-judicial eviction, it does have one narrow exception: it allows non-judicial evictions when the owner conducts a reasonable inquiry to confirm that the resident has abandoned or surrendered the property. Even then, the owner must still provide notice to the resident and wait 15 days for a response. If they do not receive a response, the owner can proceed with regaining possession of the property.

The PJC joined the plaintiffs' trial counsel, Consumer Law Center LLC, for the appeal to help ensure residents' rights under this important statute were protected. We argued that the owner did not make a reasonable inquiry into whether the property was occupied before posting the notice, and that therefore the notice itself constituted an illegal threat to evict under the statute.

The Court of Special Appeals held that the law did not apply. With pro bono co-counsel from Rosenberg Martin Greenberg, we then successfully persuaded the court to hear the appeal. Our opening brief challenged the ruling from the Court of Special Appeals, arguing that threats of eviction like the ones made by Selene Finance violate the law as the law's plain language states, even if the threat does not result in the resident vacating the property. The brief, filed in October 2020, also argued that residents are entitled to pursue damages for emotional distress under the Maryland Consumer Protection Act without first having to describe specific details in their complaint because such details are not required in other civil cases. We filed a reply brief in December 2020 and argued the case before the Court of Appeals in January 2021.

The Court of Appeals of Maryland agreed with the PJC's arguments that the residents sufficiently pleaded their case that the property owner made an unlawful threat of eviction and that residents are entitled to pursue emotional distress damages. The Court rejected Selene Finance's no-harm-no-foul argument that no relief was available to residents because they did not vacate the property in response to the threatening notice and instead asserted their legal rights.



Dena Robinson,  
Murnaghan Fellow  
(2019-20)

### TACKLING WAGE THEFT THROUGH THE APPELLATE COURTS

Two cases before the Maryland Court of Appeals—*Amaya, et al. v. DGS Construction, LLC, et al.* and *Rojas, et al. v. F.R. General Contractors, Inc., et al.*—argue that unpaid travel time is wage theft. The workers sued their employers, who required workers to ride a bus from a parking lot to a worksite and never paid employees for travel time. Under both the Fair Labor Standards Act (FLSA) and Maryland wage laws, employees must be compensated for all hours worked. The federal Portal-to-Portal Act (PPA)—which was not adopted by the Maryland General Assembly—allows employers a narrow exception to the FLSA requirements that workers be paid for certain work time before and after their principal work shift. The circuit court found that Maryland laws follow the FLSA as amended by the PPA. In August 2020, the PJC and the Metropolitan Washington Employment Lawyers' Association (MWELA) filed an amicus brief in support of the workers in both cases. Our briefs showed how engrafting the PPA onto Maryland wage laws would cheat Maryland workers out of significant wages and would sanction a pervasive form of wage theft (unpaid travel time). The briefs also addressed the prevalence of wage theft in low-wage industries, how businesses often utilize wage theft as a business model to cut costs and gain unfair advantages over law-abiding competitors, the impact of wage theft on communities and local economies, and the



Olivia Sedwick,  
Murnaghan Fellow  
(2020-21)

disproportionate harms of wage theft on people of color, women, and immigrants. In spring 2021, the Court of Special Appeals affirmed the circuit court rulings in the two cases. The workers appealed the cases to the Court of Appeals. We filed our second amicus briefs in each of the cases asking the Court of Appeals to review the decision of the lower court, and the court agreed to hear the cases. The PJC filed its third amicus briefs in these cases in September 2021, and we await the Court of Appeals' final word on this issue.

### CONTESTING IMPLICIT BIAS AND SUBJECTIVITY IN THE ASYLUM APPLICATION PROCESS

The PJC and allies filed an amicus brief in August 2020 in the case of *B.C. v. Barr* in support of a Cameroonian asylum applicant, describing how credibility determinations can be detrimental to an asylum applicant who is a trauma survivor or is from a non-Western or non-European country. Our brief addressed the subjectivity of credibility determinations made as part of the asylum application process, including, for example, the use of vague terms such as "demeanor," "credibility," and "candor." Our brief detailed how demeanor is an unreliable gauge for assessing one's credibility because it relies on typically Eurocentric, white standards for how one should speak and act when in court. For example, in Western cultures, maintaining eye contact is associated with honesty. However, maintaining eye contact, especially with

an authority figure, can be considered rude or threatening in Eastern cultures. Our brief also addressed how trauma, like that experienced by B.C., changes how our brain stores information and how we mentally recall and verbally recount traumatic experiences. Finally, we addressed the pervasiveness of implicit biases within legal institutions generally, tracing those biases back to Eurocentric stock stories and understandings about the importance of time or the amount of context someone must share when telling a story; the racism and white supremacy embedded in immigrations laws; and enduring racial stereotypes that may contribute to an immigration judge's implicit biases. Our brief was joined by the Black Alliance for Just Immigration, the Capital Area Immigrants' Rights Coalition, and Dolores Street Community Services. In September 2021, the U.S. Court of Appeals for the Third Circuit reversed the denial of B.C.'s asylum application and remanded for a new hearing because B.C. was denied due process. Due process requires that an interpreter be provided, for the entirety of the removal proceedings, to noncitizens with limited English proficiency and that immigration judges must meaningfully evaluate whether an interpreter is needed. The Court concluded that failure to make these provisions can impermissibly affect an adverse credibility determination.



### ENSURING LANDLORDS FOLLOW BALTIMORE'S RENTAL LICENSING LAW

Baltimore law\* and Maryland precedent states that unlicensed landlords cannot use the court's streamlined failure-to-pay-rent eviction procedure. We filed an amicus brief in *Velicky v. The CopyCat Building, LLC* describing how landlords who are unlicensed and who fail to comply with the City's minimum habitability standards are using the tenant-holding-over (THO) process to unjustly evict their tenants when a tenant remains in the property after the lease has ended. The brief argued that landlords used THO proceedings to skirt both the licensing requirement and the pandemic tenant protections that prohibit evictions in failure-to-pay-rent cases. The brief asserted that Baltimore's rental license ordinance extends to THO proceedings just as it applies to summary ejectment for failure to pay rent, especially where

landlords allege rent is due. The brief also illuminated for the Maryland Court of Appeals the human toll of evictions, describing deep racial disparities in evictions, as well as the ways evictions create housing instability and result in negative health outcomes. Maryland Legal Aid represents the tenant in this case, and the PJC submitted the brief together with the Homeless Persons Representation Project and Pro Bono Resource Center of Maryland.

\*The PJC, with other members of the Baltimore Renters United coalition, successfully advocated to expand Baltimore's licensing law to all residential rental properties, not just multi-family properties, in 2018.

### The PJC's Appellate Advocacy Project Team

Debra Gardner • Dena Robinson, Murnaghan Fellow (2019-20) • Olivia Sedwick, Murnaghan Fellow (2020-21)

Zafar Shah and Murnaghan Fellows K'Shaani Smith (2017-18), Ejaz Baluch, Jr. (2018-19), and Michael Abrams (2021-22) also contributed to the appellate advocacy described above.

### TAKING ON ACCENT BIAS AND IMPLICIT BIAS IN HIGHER EDUCATION AND THE COURTS

We filed an amicus brief in December 2020 in *Yu v. Idaho State University* in support of doctoral candidate Jun Yu, who sued the university for discrimination based on accent bias. The university repeatedly stonewalled Mr. Yu's progress toward his degree, saying that he could not adequately communicate with patients in English. The university terminated him from the program, despite his high scores on the Test of English as a Foreign Language exam, his completion of all academic requirements, and his successful defense of his dissertation, verbally, in English. Although Mr. Yu's plan was to return to China to work as a clinical psychologist, the university still felt that his accented spoken English was insufficient for their doctoral program. In the amicus brief filed in the U.S. Court of Appeals for the Ninth Circuit, we urged the Court to recognize how implicit bias negatively impacts speakers of non-standard, accented English. The brief described the history and science of accent bias and how it is often a proxy for discrimination based on race or national origin, and it demonstrated how such biases exist in higher education and in the courts. The Fred T. Korematsu Center for Law and Equality, Chinese American Progressive Action, Dr. Russell M. Jeung, LatinoJustice PRLDEF, and Chinese for Affirmative Action joined the brief. On August 31, 2021, the U.S. Court of Appeals for the Ninth Circuit unfortunately affirmed the trial court's judgment in Mr. Yu's case that he had not produced sufficient evidence of discrimination by the university. But the Court also made clear that evidence of implicit bias is relevant to a claim of intentional discrimination. A mixed result but one that vindicated the legal principle we advanced in the case.

# FY21 INCOME & EXPENSES

JULY 1, 2020 - JUNE 30, 2021

Your continued and increasing support resulted in a very strong year financially for the PJC. We are mindful that the ongoing pandemic has caused significant economic hardship for people who were already struggling to make ends meet. Yet our long-time and new supporters have trusted the PJC to use their contributions wisely, and we trust that the work and successes illustrated in this annual report will lift your spirits and resolve.

We began the year with a Board-approved deficit budget of (\$99,943) and finished the year with a positive net income of \$363,610. There are several reasons for this turnaround. Support from foundations and individuals was stronger than ever, including an influx of gifts from first-time donors following the national protests of police brutality and structural racism after George Floyd's murder. Charity Navigator named the Public Justice Center as one of the top civil rights organizations with a national scope, helping donors from around the country who were inspired to work for economic and racial justice to find us. We also received a Paycheck Protection Program loan, which was forgiven since we did not lay off any staff. At the end of the year, we have nearly \$2 million in unrestricted net assets (reserves) that will help us ride out any uncertainties and fluctuations in the next year.

Our strong base of support amid the economic uncertainty of fiscal year 2021 meant we could pivot to strongly advocate for our clients' needs in the pandemic, and our work continues undiminished. Thank you to the people and organizations who make our work possible!

## DISCLAIMER

This financial summary was prepared using end-of-year (June 30, 2021) financial statements prior to completion of the annual independent audit. The audited financial statements will be available at [www.publicjustice.org/financials-and-annual-reports/](http://www.publicjustice.org/financials-and-annual-reports/) in December 2021.

The Public Justice Center, Inc. is a 501(c)(3) organization, gifts to which are deductible as charitable contributions for federal income tax purposes. The Public Justice Center is incorporated in the State of Maryland. Copies of current financial statements are available upon request by contacting the Public Justice Center at 201 N. Charles Street, Suite 1200, Baltimore, MD 21201 or by telephone at 410-625-9409. Documents and information submitted to the State of Maryland under the Maryland Charitable Solicitations Act are available from the Office of the Secretary of State, Annapolis, MD 21401 for the cost of copying and postage. The Public Justice Center is registered to request contributions in the states that require charitable solicitation registration. See <http://www.publicjustice.org/en/charitable-solicitation-disclosures/> for more information.



The Standards for Excellence evaluate principles of honesty, integrity, fairness, respect, trust, responsibility, and accountability in nonprofit program operations, governance, human resources, financial management, and fundraising. The Public Justice Center was re-certified by Maryland Nonprofits in August 2019.

**INCOME**  
\$3,088,823

**EXPENSES**  
\$2,725,213

Attorney Fees Earned \$6,000  
Interest and Other \$14,896  
Murnaghan Fellowship \$105,225

Individual Donations \$527,015

Law Firm Donations \$60,800

Government Grants \$149,416

Unrestricted Foundation Grants  
\$72,500

Restricted Foundation  
Grants \$2,152,971

— Personnel  
\$2,263,550

— Non-Personnel  
\$461,663

# THANK YOU TO OUR PARTNERS!

Thank you to the many organizations and individuals that led us and partnered with us in advocating for good laws, policies, and practices at the local, county, and state levels between July 1, 2020, and June 30, 2021.

## ORGANIZATIONS

1199 SEIU  
AARP Maryland  
ACLU of Maryland  
Advocates for Children and Youth  
AFL-CIO, Maryland State & D.C.  
Afro-American Newspapers  
AIDS Interfaith Residential Services, Inc.  
Alzheimer's Association, Maryland Chapter  
Alzheimer's Association, Washington, D.C., Chapter  
American College of Nurse Midwives  
Anne Arundel Conflict Resolution Center  
Anti-Racist Education Alliance, Inc.  
Architects of Justice  
Baltimore Action Legal Team (BALT)  
Baltimore Algebra Project  
Baltimore City Department of Housing & Community Development  
Baltimore City Health Department  
Baltimore City Office of Equity and Civil Rights  
Baltimore County Youth Justice Advocates United  
Baltimore Healthy Start  
Baltimore Movement of Rank and File Educators  
Baltimore Renters United  
Baltimore Right to Water Coalition  
Beyond the Boundaries  
Black Alliance for Just Immigration  
Black Lives Matter at School 365 Coalition of Howard County  
Bloom Collective  
Bolton House Tenants' Association

Brown, Goldstein & Levy, LLP  
Capitol Area Immigrants' Rights Coalition  
Caroline Center  
CASA de Maryland  
Center for Dispute Resolution  
Centro de los Derechos del Migrante  
Charm City Land Trusts  
Chesapeake Physicians for Social Responsibility  
Chinese American Progressive Action  
Chinese for Affirmative Action  
Civil Justice Network  
Coalition for a Safe and Just Maryland  
Cohen Milstein Sellers & Toll PLLC  
Common Cause Maryland  
Communities United  
Community Action Network  
Community Legal Services of Prince George's County  
Community Mediation Maryland  
Conflict Resolution Center of Montgomery County  
Consumer Law Center LLC  
COVID-19 Coalition  
Disability Rights Maryland  
Dolores Street Community Services  
Eastern Atlantic States Regional Council of Carpenters  
Education Civil Rights Alliance  
End Medical Debt Maryland  
End Racism FCPS (Frederick County Public Schools)  
Enoch Pratt Free Library  
Equal Justice Society  
Fair Development Roundtable  
Fair Housing Action Center of Maryland  
Family Values @ Work  
Gallagher Evelius & Jones LLP  
Greater Baltimore Democratic Socialists of America  
Green & Healthy Homes Initiative  
Health Care for the Homeless  
HoCo for Justice  
Homeless Persons Representation Project  
Housing Our Neighbors  
Howard County Police Free Schools Coalition

Jews United for Justice  
Job Opportunities Task Force  
Fred T. Korematsu Center for Law and Equality  
Language Access Task Force  
Latin American Youth Center  
LatinoJustice PRLDEF  
Law Offices of Elizabeth Alexander  
Legislative Black Caucus  
Leonard & McCliggott Law Group  
The LGBT Health Resource Center of Chase Brexton Health Care  
March for Our Lives Maryland  
March of Dimes  
Maryland Access to Justice Commission  
Maryland Association of Counties  
Maryland Attorney General's COVID-19 Access to Justice Taskforce  
Maryland Center on Economic Policy  
Maryland Centers for Independent Living  
Maryland Citizens' Health Initiative  
Maryland Coalition for Justice and Police Accountability  
Maryland Coalition to Reform School Discipline  
Maryland Consumer Rights Coalition  
Maryland Democratic Party's Health and Wellness Committee  
Maryland Dental Action Coalition  
Maryland Education Coalition  
Maryland Hepatitis Coalition  
Maryland Justice Project  
Maryland Legal Aid  
Maryland Legal Services Corporation  
Maryland Legislative Coalition  
Maryland Nurses Association  
Maryland Office of Public Defender  
Maryland Philanthropy Network's Health Funders Group  
Maryland State Bar Association  
Maryland State Bar Association Delivery of Legal Services Section  
Maryland State Conference NAACP  
Maryland State Education Association  
Maryland Suspension Representation Project  
Maryland Volunteer Lawyers Service  
Marylanders Against Poverty

Marylanders for Food and Farmworker Protection  
Marylanders for Open Government  
Marylanders for Patient Rights  
Mayor's Office of Children and Family Services  
James McHenry Elementary Middle School  
MDDC Press Association  
Metropolitan Washington Employment Lawyers' Association  
Migrant Clinicians Network  
MoCo Against Brutality  
MOMCares  
Montgomery County Defund Policing & Invest in Communities Coalition  
Montgomery County Renters Alliance, Inc.  
Montgomery County Students for Change  
Montgomery County Women's Democratic Club  
Mount Rainier Organizing for Racial Equality  
Murphy Anderson PLLC  
NAACP Legal Defense Fund  
National Center for Law and Economic Justice  
National Center for Youth Law  
National Domestic Workers Alliance  
Northeast Housing Initiative  
Office of the Baltimore County Executive  
Office of the Maryland Attorney General  
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Thank you to the dedicated staff whose work between July 1, 2020, and June 30, 2021, is detailed in the pages of this annual report.

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## Staff acknowledgments

**Congratulations to PJC attorney Charisse Lue**, who was appointed to the Maryland Attorney General's Access to Counsel in Evictions Task Force<sup>18</sup> in August 2021! Charisse is a key leader in the campaign to ensure that Maryland tenants have an attorney when facing eviction, and her voice will be critical as the Task Force develops recommendations for funding and implementing the access to counsel program statewide.

**Congratulations to PJC attorney Tyra Robinson**, who was selected for the Maryland State Bar Association Leadership Academy in August 2021! They were among just 15 Fellows chosen from more than 100 applicants for a 12-month program designed to assist lawyers in becoming better leaders in their own organizations and within the bar at large. Over the next year, Tyra and the other MSBA Fellows will attend MSBA events, develop and implement a public service project, and attend special programs on public speaking, media relations, interviewing skills, conducting effective meetings, budgeting, and more. This is an incredible opportunity for Tyra to build relationships with past and current bar leaders, to learn more about the MSBA and enhance their leadership skills.

The Maryland Attorney General's COVID-19 Access to Justice Task Force worked for over six months to find solutions to critical issues facing individuals and families resulting from the COVID-19 pandemic. The final report<sup>19</sup>, released in January 2021, provided detailed reforms and recommendations to ensure that Marylanders are housed, economically secure, healthy and have enough food to eat, are safe, and have meaningful access to the civil justice system. **Several PJC attorneys participated in the Task Force, and Ashley Black and Zafar Shah served in leadership roles:**

- **Ashley Black** chaired the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Need Families (TANF) subcommittee and served on the Economic and Food Security committee and Medicaid subcommittee.
- **Zafar Shah** co-chaired the Housing Security committee.
- **Sally Dworak-Fisher** and **Matt Hill** were also members of Task Force committees, serving on the Economic and Food Security committee and Civil Legal Aid Funding committee, respectively.

18\_ Brian E. Frosh. "Attorney General Frosh Announces Members to the Access to Counsel in Evictions Task Force." Press Release. <https://bit.ly/3v4g2gy>

19\_ Attorney General's COVID-19 Access to Justice Task Force.  
"Confronting the COVID-19 Access to Justice Crisis." <https://bit.ly/3piPF5s>

Photo credits: Page 3 and 8 by Clay Bands on Unsplash. Page 9, prison bars by De an Sun on Unsplash. Page 21 by Lawrence Crayton.



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**AN HISTORIC VICTORY:** *The Public Justice Center partnered with Gallagher Evelius & Jones and UNITE HERE! Local 7 to protect \$1.5 billion in federal pandemic unemployment benefits for Maryland workers—funds that sustained people while they looked for work, helped businesses reopen, and created jobs. (page 10)*

***"This is a truly a David-and-Goliath victory, where unemployed workers have beat the Hogan administration, and this is going to give people a few more weeks – until September 6—to be recalled or find other work. It's going to help so many people."***

—Roxie Herbekian,  
President, UNITE HERE! Local 77  
(In her statement at a July 13 press  
conference announcing the  
victory in D.A. v. Hogan)

***"Gallagher Evelius & Jones has a long history of partnering with the PJC to advance justice. Our litigation team was particularly proud to co-counsel with PJC to stop Governor Hogan's effort to end federal pandemic unemployment benefits early—a significant victory for Maryland workers and the state's economy. Achieving this victory was a team effort—including our attorneys and paralegals, PJC's attorneys and paralegals, the UNITE HERE! organizers, and the plaintiffs, whose courage and dedication were inspiring."***

—Paul Caiola,  
Partner, Gallagher Evelius &  
Jones LLP

***"I'm glad that we did win because a lot of Maryland unemployed people will not have to worry about how they are going to pay their rent, how they are going to pay their gas and electric, how they are going to pay all their necessary bills. This gives us enough time for people to find a job."***

—Kevin Baxter, plaintiff in D.A. v. Hogan  
(In his statement at the  
July 13 press conference)