

THE FY 2022
ANNUAL REPORT
JULY 1, 2021 - JUNE 30, 2022

BUILDING A FOUNDATION FOR JUSTICE

PUBLIC **JUSTICE** CENTER





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.

1,283

Number of new clients receiving legal services from the PJC

47

Number of know-your-rights presentations

\$234,685

Direct economic benefits for our clients resulting from PJC representation

183

Number of cases and advocacy actions taken to create systemic change

\$1.9 MILLION

Value of hours provided through co-counseling partnerships with private law firms

11 MILLION

Estimated number of individuals benefiting from the PJC's advocacy

AT A GLANCE
JULY 1, 2021 - JUNE 30, 2022
FY 2022

The Public Justice Center responded to current demands for justice and created change with a lasting impact in FY 2022. Our systemic advocacy is building the foundation for justice now and for future generations.

Highlights from the year include:

- **Making work pay by successfully litigating wage theft, discrimination, and retaliation cases** with low-wage workers and advocating for laws that hold employers accountable for paying employees fully and providing the benefits to which workers are entitled.
- **Educating workers on Maryland's sick leave law** and other COVID-19-related health and safety protections available under the law.
- **Litigating to correct systemic failures and federal violations in Maryland's unemployment insurance program** and expanding eligibility for federally funded unemployment benefits in future periods of high unemployment.
- **Advocating for equitable implementation and funding of Right to Counsel in Eviction laws** in Baltimore City and Maryland and representing Baltimore City tenants in eviction and rent escrow proceedings.
- **Reforming statewide landlord-tenant laws and court practices with Renters United Maryland** and advancing safe, stable rental housing priorities in Baltimore City with Baltimore Renters United.
- **Making water and sewer bills more affordable and equitable** for renters in Baltimore City with the Baltimore Right to Water Coalition.
- **Advocating for equitable and inclusive prenatal and postpartum health care coverage**, including Medicaid reimbursement for doula care and access to comprehensive medical care for pregnant individuals who would be eligible for Medicaid but for their immigration status.
- **Expanding access to health, behavioral health, and dental care and improving government agencies' practices related to language access and culturally and linguistically appropriate health information.**
- **Enhancing patient protections against harmful medical debt collection practices** through legislation that will require state agencies to develop a process to identify patients who paid for hospital services but may have qualified for free care and have hospitals reimburse them.
- **Combatting school pushout** by educating students, parents, and family service providers on the rights of students facing exclusionary discipline; representing students in school discipline proceedings; and reforming practices, like Prince George's County Public Schools' zero-tolerance approach, and policies, like Maryland's reportable offense law.
- **Defeating efforts to double mandatory state funding for school policing.**
- **Advancing workers' rights, taking on implicit bias and racism in the courts and in police practice, making records of police misconduct public, ensuring transparency in Baltimore City District Court digital records, and enforcing judicial oversight of a government agency's handling of discrimination complaints, all through appellate advocacy.**
- **Growing the national eviction right to counsel movement** by assisting with enactment and implementation of eviction right to counsel laws, advancing race equity, developing resources for the movement, and building public awareness of and support for a right to counsel.
- **Advancing a right to counsel in other civil matters**, including for youth in foster care, for parents in child welfare proceedings and private custody disputes, in domestic violence cases, and for patients facing forced medication.

“A committed social justice champion and exemplary, service-oriented nonprofit executive, Jeniece’s combination of expertise and passion will continue to energize and inform the vital, mission-driven work of the PJC for years to come.”

–Camille Blake Fall,
Board Chair

“We are incredibly excited for Jeniece to join the PJC. Jeniece is exactly the kind of leader we want in this moment, and we are excited to see how she helps the organization grow.”

–Miriam Nemeth,
Board Vice Chair

Introducing Jeniece Jones, MPA, JD, the Public Justice Center’s New Executive Director

Jeniece Jones has been a champion for social and economic justice and anti-racism throughout her career as a nonprofit leader, fundraiser, attorney, educator, and volunteer. Prior to joining the PJC in January 2022, she was Executive Director of Housing Opportunities Made Equal of Greater Cincinnati, where she led a team in advocating to eliminate unlawful discrimination in housing and promoting stable, integrated communities.

She has also led Community Shares of Greater Cincinnati (a community fund focused on building awareness of and fundraising for local social, economic, and environmental justice causes); worked as an attorney dealing with civil matters; and taught courses in nonprofit law, strategic planning, and best practices to students in Northern Kentucky University’s Master of Public Administration program. She served on boards of organizations working to create an affordable housing trust fund for Cincinnati, helping to resolve landlord-tenant issues, fighting to reduce infant mortality, and advocating on behalf of human services providers in Hamilton County, Ohio.

She has been honored for her contributions to social justice by the Cincinnati Women’s Political Caucus and with the Cincinnati Bar Association’s Academy of

Leadership for Lawyers Fellowship. In 2021, the National Council of Negro Women, Cincinnati Section, saluted her efforts in the advancement of racial justice.

Jeniece earned a Bachelor’s degree in Journalism from West Virginia University, a Master’s degree in Public Administration from Northern Kentucky University, and a Juris Doctorate in Law from Salmon P. Chase College of Law at Northern Kentucky University.

“The PJC’s work is the mission for the moment and the coming mid-century. I’m overjoyed to be joining such a deeply committed and impactful team of staff, board, volunteers, and community stakeholders. The PJC fights to dismantle the barriers to a just community; this systems-level approach to advocacy is fundamental to advancing basic human rights and ensuring that all people have equitable access to opportunity. The PJC’s amplification of anti-racism as a core value is an intensely personal and professional touchstone for me,” shared Jeniece on why she is excited to lead the PJC.

CONNECT WITH JENIECE

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Reflections from the Executive Director and Board Chair

Dear Friends,

Thank you for your strong support of the Public Justice Center's mission and advocacy in the last year! We are grateful to you and proud to share with you this annual report detailing our efforts to build a foundation for justice now and for future generations.

Every day, we respond to demands for justice—from individuals, from communities, and from coalitions of advocates seeking our legal expertise and partnership as they stand up for their own rights and confront racial inequities and economic injustices. For example, in the last year, we fought wage theft, disability discrimination, and retaliation claims with workers standing up to their employers. We pushed to get COVID-19-related rental assistance disbursed to landlords and renters quickly and effectively with the Baltimore Renters United coalition, and our attorneys negotiated with landlords to pause failure-to-pay-rent eviction proceedings while rental assistance was processed. We advocated with students calling for safer and more supportive school environments, rather than practices that push them out of school and/or into the juvenile or criminal systems—especially after pandemic-related school closures disrupted their education and social-emotional development for more than a year.

And, every day, we work strategically to change laws, policies, and practices that perpetuate injustices—systemic changes that will have an impact now and for years to come. We partnered with several coalitions of advocates to expand Maryland Medicaid coverage to include prenatal, birth, and postpartum doula care, medical care for noncitizen pregnant individuals, and dental care for adults under age 65—all of which will help to eliminate health inequities and promote the overall wellness of Marylanders. We supported efforts by allies in 50+ jurisdictions around the country working to enact effective and equitable eviction right to counsel laws, helping renters, their families, and their communities avoid the many consequences of eviction. We advocated for police accountability and government transparency in the appellate courts, authoring and joining amicus briefs that decried racist commentary and displays of symbols associated with race and racism in the courts, sought to define terms that facilitate constant racial profiling in policing, and made records of police misconduct public; the decisions in these cases will set legal precedent with far-reaching implications, particularly for BIPOC (Black, Indigenous, and other people of color) in Maryland and beyond.

You'll read many more examples of our work to build a foundation for justice in this annual report. None of it would be possible without you—our clients, partners, advocates, volunteers, and donors—and because of you, our long-term fight for racial and economic justice in Maryland and around the country will continue. Thank you, again, for joining us in this critical work!

Sincerely,



Jeniece Jones, MPA, JD
Executive Director



Camille Blake Fall, Esq.
Chair, Board of Directors

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ANTI-

RACISM

Anti-Racism and the Public Justice Center

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 (Black, Indigenous, and other people of color) 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 is 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 anti-racism 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: Organizational Alignment and Culture

Like many organizations, after George Floyd's murder and the Black Lives Matter uprisings across the nation in 2020, the PJC came face-to-face with internal race equity work that needed to be done¹. In November 2021, we hired Co-

Lab Consulting (Co-Lab), a women- and women-of-color owned consulting cooperative with experience facilitating race equity-focused assessments, conversations, learning spaces, and strategic planning for nonprofit organizations. Our short-term work with Co-Lab includes:

- A holistic assessment of organizational dynamics, policies, and practices (and recommendations for changes and/or new policies).
- Facilitated spaces for reflection, experimentation with new ideas and behaviors, and action around how power, race, and identify shape organizational dynamics and structure.

In the longer term, we expect our work with Co-Lab to deepen our skills and the tools available for creating a more racially equitable workplace and to equip staff to identify and address white supremacy culture within the PJC, which will help create a safer and more restorative environment for staff of color and the entire organization.

Anti-Racism in Practice: Advocacy and Community Engagement

The PJC strives to actively incorporate anti-racism and racial equity goals into our projects, cases, and strategies—using all the tools in the lawyer's toolbox to challenge the laws, policies, and practices that perpetuate racial inequities and injustice.

Litigation, Client Representation, and Appellate Advocacy.

We take cases that may involve one client or a small group of clients where the legal outcome could impact thousands by changing systems, laws, and policies. We file amicus briefs to influence the development of civil rights and poverty law. 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. For example:

- Wage theft, particularly misclassification of employees as independent contractors, is widespread in low-wage industries where workers of color and women are

overrepresented and exacerbates the persistent pay and wealth gap between workers of color and white workers. We partner with workers to fight wage theft in Maryland, enforce workers' rights to earned wages through collective and class action litigation, and force employers to make changes in their employment practices. (Read more about our Workplace Justice Project on page 7.)

- The undefined terms “high-crime area” and “unprovoked flight”—factors used when determining whether a police officer has reasonable suspicion to stop a person—are essentially proxies for race, facilitating constant racial profiling in policing. We filed an amicus brief supporting the call for the Maryland Court of Appeals to define and limit these terms. Other appellate advocacy challenged racist commentary in a court opinion, racist symbols in the courtroom, and disability-based discrimination. (Read more about our Appellate Advocacy Project on page 19.)

Education and Outreach. We work with our clients and the public to stand up for their own rights and the rights of communities of color. For example:

- Maryland schools routinely engage in exclusionary discipline and school policing that disproportionately harm Black and brown students and students with disabilities; these race-based disparities are not a product of measurable differences in behavior among students of different races. We conduct community-based outreach to educate students, parents, and family service providers on students' rights in school discipline hearings, how to enforce those rights, and the harms and failures of exclusionary discipline and the school policing model. (Read more about our Education Stability Project on page 16.)

Collaboration and Community Lawyering. 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,

1 This was not the start of the PJC's work to become an anti-racist organization. In 2014, we partnered with the Racial Justice Institute (RJI) at the Shriver Center on Poverty Law, Baltimore Racial Justice Action (BRJA), and Camille Holmes of the RJI faculty and the National Legal Aid and Defender Association 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. A staff Race Equity Team was formed at the end of that two-year training to coordinate, develop, and facilitate ongoing staff training and to keep racial equity at the center of our work.

Indigenous, and other people of color) and explore how they believe we can best support them in advancing their agendas. For example:

- Landlords in Baltimore City face few consequences for renting unsafe and unstable housing, particularly in historically and currently segregated neighborhoods. As a result, low quality, unaffordable, segregated housing continues to plague Baltimore City renters, particularly Black women, and nearly half (48%) of renters in Baltimore City renters live in substandard housing. We partner with Baltimore Renters United—a coalition of community advocates—to advance safe, stable rental housing priorities identified by renters, such as reducing mold in rental housing and ensuring COVID-19-related rental assistance is distributed quickly and effectively to prevent evictions of tenants. (Read more about our Human Right to Housing Project on page 10.)
- Tenants are at a disadvantage in eviction cases, especially Black female renters who have been disproportionately affected by the negative economic and health impacts of the COVID-19 pandemic and face long-standing income and wealth inequality, intentional discrimination, and a systemic power imbalance in the courts. Most tenants cannot afford a lawyer, and on average, in eviction proceedings across the country, only 3% of tenants are represented compared to 81% of landlords. The National Coalition for a Civil Right to Counsel is actively supporting local and state efforts to establish a right to counsel for tenants facing eviction in more than 50 jurisdictions, including the successful advocacy in Baltimore City and Maryland in collaboration with our Human Right to Housing Project team, Baltimore Renters United, and Renters United Maryland. (Read more about our National Coalition for a Civil Right to Counsel on page 22.)

Legislative and Administrative Advocacy. We infuse our legislative testimony with evidence of racial disparities and aim to show legislators and government officials how laws, rules, and regulations can advance (or hinder) racial equity. For example:

- Hospitals have long sued health care consumers who may have qualified for free care, mostly people

of color and women, for relatively small amounts of debt—garnishing wages, placing liens on homes, and threatening their financial and housing security. We successfully backed a bill in the 2022 legislative session that will require the Maryland Health Services Cost Review Commission along with state agencies to develop a process to identify people who were wrongfully billed for hospital services between 2017 and 2021 and make hospitals reimburse them. (Read more about our Health and Benefits Equity Project on page 13.)



- People of color, particularly Black and brown Marylanders, are more likely to experience incarceration in Maryland due to over-policing and racial bias in pre-trial detention proceedings. At the same time, inequities in health care quality and access put people of color at greater risk for COVID-19-related hospitalization, long-term health challenges, and death. We monitored the COVID-19 response in the Baltimore jail, ensured appropriate protocols once vaccines were available, and pushed back when the state wanted to start relaxing safety measures. (Read more about our Prisoners' Rights Project on page 18).

The Race Equity Team also provided testimony on two bills aimed at reducing over-policing and oversurveillance in communities of color.

- History has demonstrated that over-policing, oversurveillance, and lack of accountability for both disproportionately harm Black and other communities of color. HB 545 would have addressed this problem by ensuring the necessary checks and balances are in place for state agencies to use such invasive practices. Unfortunately, the bill did not make it out of committee in the 2022 legislative session.
- Criminalization of marijuana has long been a pretext for over-policing communities of color, and the Maryland General Assembly considered two bills during the 2022 session intended to repair longstanding racial disparities in the harms caused by criminalization: HB 837 and SB 692, which anticipated inequitable outcomes that HB 837 did not. We advocated for specific amendments to HB 837 that would implement cannabis reform while prioritizing race equity in enforcement outcomes and the legalized market. Examples of the stronger provisions in SB 692 for which we advocated include legalizing the paraphernalia associated with cannabis use, allowing community service in lieu of fines for cannabis-related civil offenses, and addressing the use of cannabis odor by law enforcement as a basis for reasonable suspicion to justify interrogation or search of an individual, their vehicle, etc. HB 837 passed and will have a positive impact by reducing interactions between law enforcement and the community related to cannabis; unfortunately, it passed without the stronger race equity provisions for which we advocated.

The PJC's Race Equity Team

Michael Abrams ■ Ashley Black ■ Erin Brock ■ Monisha Cherayil ■ Sally Dworak-Fisher ■ Debra Gardner ■ Sabrina Harris ■ Jeniece Jones ■ Gabriela Dickson La Rotta ■ Charisse Lue ■ John Nethercut ■ John Pollock ■ Renuka Rege ■ Russell R. Reno, Jr. ■ Tyra Robinson ■ David Rodwin ■ Olivia Sedwick ■ Lena Yeakey

WORK
PLACE

JUSTICE



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.

Making Work Pay

Holding an Employer Accountable for Wage Theft and Disability Discrimination.

Transportation dispatcher Whitney Davis and assisted living care providers Stephanie Crawford, LaShonda Dixon, and Octavia Parker achieved a very favorable settlement in the wage theft and disability discrimination case of *Davis, et al. v. Uhh Wee, We Care Inc., et al.* The employer, Edwina Murray, operated three assisted living facilities in Baltimore City, along with a transportation company. Ms. Davis contacted the PJC when she had not been paid anything for weeks and was then fired for a disability with no connection to her ability to do her job; we also learned that care workers at the assisted living facilities were misclassified as independent contractors, paid far less than minimum wage (sometimes as little as \$3.13 per hour), and never paid overtime wages.

We sued the employer for wage theft and wrongful termination, with Ms. Davis as lead plaintiff, in February 2017. Ms. Murray repeatedly attempted to dodge responsibility for paying workers fully and fairly, including failing to respond to notice of the lawsuit, providing falsified time records during discovery, failing to produce court-required records of employees, appealing the default judgment in favor of our clients, and refusing to pay after the court rejected her appeal. With the help of Louis Ebert of Rosenberg Martin Greenberg, we filed a successful involuntary bankruptcy petition that finally led Murray to settle for an amount close to the unpaid wages and damages owed to workers, including the compensatory and punitive damages for wrongful termination owed to Ms. Davis; the amount of the settlement is confidential under the agreement. Ms. Davis, Ms. Crawford, Ms. Dixon, and Ms. Parker finally received their checks in July 2022, more than five years after we filed the lawsuit!

Standing Up to a Home Care Employer for Unpaid Wages and Retaliation (and Winning!).

Three home care workers—Pamela Holden¹, April Wright, and Stephanie Williams¹—persevered through three years of litigation and ultimately won a victory that secured justice for themselves *and* set good case law that will help other workers enforce their rights. In March 2019, with representation from the PJC, Ms. Holden and Ms. Wright sued Bwell Healthcare, Inc. and its owner for unpaid wages for themselves and the many other current and former Bwell employees who were misclassified as independent contractors and not paid for overtime or travel time between clients' homes. When another co-worker joined the lawsuit, the defendants fired anyone they thought was connected to the lawsuit, including Ms. Holden's sister, Ms. Williams, who had no connection to the lawsuit. Ms. Williams joined the lawsuit, and together the plaintiffs asked the court for and were granted an order requiring Bwell to give Ms. Holden and Ms. Williams their jobs back, avoid retaliating against them or other home care workers for participation or interest in the lawsuit, and avoid communicating with any of the home care workers they employ about the lawsuit.

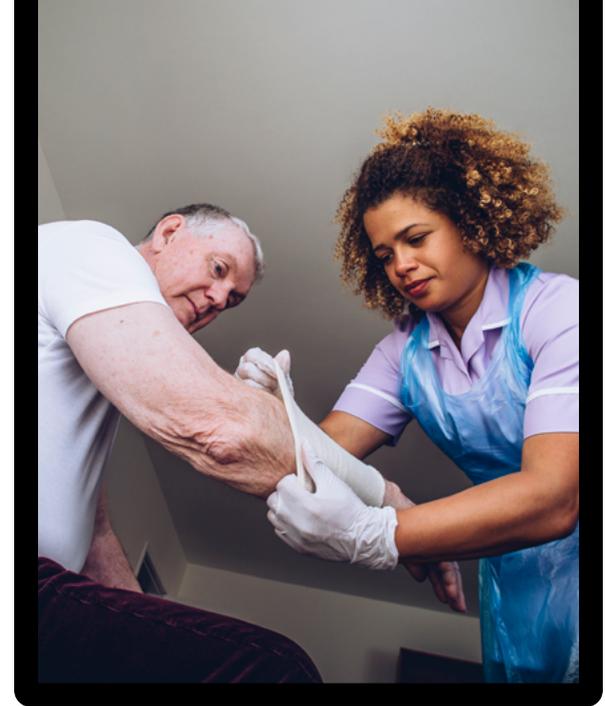
The court held in December 2021 that the plaintiffs were employees, not independent contractors; that the defendant violated the Fair Labor Standards Act's anti-retaliation provision by firing Ms. Holden; and that owner Femmy Kuti would be individually liable for any unpaid wages and damages in the case. The July 2022 settlement requires Bwell and its owner to compensate the three plaintiffs \$21,000 in unpaid wages and damages. The court's decision also addressed a previously unsettled area of case law related to when a worker can bring a Fair Labor Standards Act retaliation claim and rejected the defendants' argument that the workers should not be considered their employees because, although they set the workers' pay rates, most forms of control they exercised over the workers were attempts to comply with state Medicaid regulations. The decision will have far-reaching implications for thousands of underpaid home care workers, the vast majority of whom are Black women.

Ensuring Proper Classification of Home Care Workers.

Thanks to a new state law, policymakers will have the information they need to ensure that home care workers are not misclassified as independent contractors and robbed of the benefits to which they are entitled. SB 600 / HB 544 will require home care agencies to report to the Maryland Department of Health (MDH) the number of home care workers paid with Medicaid funds that the agency has classified as employees and the number that the agency has classified as independent contractors. The law also requires MDH to produce an annual report on Medicaid reimbursement rates, the cost of delivering home care services, and the employment classification of home care workers. This law will provide the state—for the very first time—with information on how state-funded businesses treat their workers paid with state money and whether those businesses are using that money to strip workers outside the social safety net of full pay and workplace protections by misclassifying them.

We advocated for this bill along with Sen. Delores Kelly, Del. Lily Qi, Del. Ariana Kelly, 1199SEIU, AARP – Maryland, Alzheimer's Association—Greater Maryland and National Capital Area Chapters, Complete Home Care, Comprehensive Nursing Services, Disability Rights Maryland, IMAGE Center of Maryland, Maryland Center for Economic Policy, Marylanders for Patient Rights, National Association of Social Workers—Maryland Chapter, National Domestic Workers Alliance, New America, and home care worker Stephanie Williams, who provided powerful oral testimony in both the Senate and House on her personal experience of being misclassified as an independent contractor and getting paid sub-minimum wages.²

Launching an Effort to Improve Wages for Home Care Workers Paid with Medicaid Funds. The PJC joined bill sponsors Del. Shaneka Henson and Sen. Cory McCray and other advocates* in backing a bill that would have required that the approximately 18,000 home care workers paid with Medicaid funds be paid at least \$16 per hour, while also raising the hourly rate that the state pays



Medicaid-funded home care agencies by about \$3 per hour. The hearings provided compelling and much-needed information to committee members about the critical shortage of home care workers in Maryland and how low wages—which are *especially* low in Medicaid-funded work—are driving that crisis. The hearings also presented a solution to committee members that would improve wages for home care workers while also ensuring that provider agencies receive enough money to cover their expenses and make a profit. While the House and Senate committees ultimately did not vote on the bill, the hearings laid the groundwork for future advocacy.

*1199SEIU, Alzheimer's Association – Greater Maryland and National Capital Area Chapters, Disability Rights Maryland, Maryland Center for Economic Policy, Marylanders for Patient Rights, National Association of Social Workers – Maryland Chapter, National Domestic Workers Alliance, and New America also provided oral and written testimony for HB 981 / SB 863.

1 Pamela Holden and Stephanie Williams were honored with the John P. Sarbanes Courage Award in 2019 for their bravery in their fight for their own rights and the rights of fellow workers to be compensated fully and fairly for their hard work. Read more at <https://bit.ly/3UgXfec>.

2 Watch Stephanie Williams' testimony in the Senate bill hearing starting at 28:55 at <https://bit.ly/3bXZ11h>.

Educating Workers on Maryland's Sick Leave Law and Other Health and Safety Protections

The PJC partnered with Centro de los Derechos del Migrante (CDM) to inform workers of their rights to sick leave. As one of the leaders in the Working Matters campaign for earned sick and safe leave in Maryland, we helped draft the bill and are well versed in the law, including what and who it covers, how much leave is provided and how the statute is enforced, and what the law's weaknesses are. We created four infographics for CDM to share with workers in their Protein Processing Worker Project. The infographics provided:

- An overview of Maryland's earned sick and safe leave law.
- Information on protections against punitive actions from employers in response to employee use of sick leave.
- How illness due to COVID-19, as well as COVID-related issues, are treated under the law in terms of rights to time off work.
- How workers may seek remedies for violations of their rights under state sick and safe leave law.

In December 2021, PJC attorney Tyra Robison and paralegal Lena Yeakey conducted a live Spanish-language training³ on the Contrataados Facebook page with Ricardo Ortiz of CDM on these topics and provided more detail on who is not eligible to earn sick and safe leave, including exclusions for agricultural workers and workers for staffing agencies; what sick and safe leave can be used for in Maryland; and how workers can use sick leave. More than 400 people have viewed the training to-date.

Fixing Maryland's Unemployment Insurance Program

Litigating to Correct Alleged Systemic Failures and Federal Violations in Maryland's Unemployment Insurance Program.

A group of Marylanders filed a lawsuit in

³ Watch the recording at <https://bit.ly/3SP716m>.

⁴ The complaint is available at <https://bit.ly/3en1Yfp>



November 2021 seeking to require Maryland Department of Labor (MDL) Secretary Tiffany Robinson to correct Maryland's systemic failures to administer unemployment insurance to Marylanders in accordance with the United States Constitution and federal Social Security Act. The PJC and Gallagher Evelius & Jones LLP represent the group in *Gorres, et al., v. Robinson*.⁴

The plaintiffs and many others complained to the PJC, highlighting key concerns with MDL's administration of unemployment insurance. These concerns were echoed widely on social media and in news coverage and included: Marylanders who applied for unemployment insurance and waited many months without receiving a determination of eligibility or unemployment insurance payments; Marylanders who started receiving unemployment insurance payments but whose payments were interrupted for long periods without explanation; and Marylanders who were granted and received unemployment insurance payments but were then told they had been overpaid without prior notice of—or an opportunity to refute—that

claim before their unemployment insurance payments were cut off or their taxes intercepted. This group sought to represent all others suffering from the dysfunctions alleged in the complaint and ensure that Secretary Robinson remedies these failures. The parties began settlement discussions soon after the complaint was filed and are formalizing a historic settlement as this annual report goes to print.

Expanding Eligibility for Federally Funded Unemployment Insurance. HB 253 / SB 655 corrects a complicated but very important issue with the way Maryland measured its eligibility for federally funded extended unemployment insurance, which is available only during prolonged periods of high unemployment. In future periods of high unemployment when the federal government fully funds extended unemployment insurance, jobless Marylanders unemployed through no fault of their own will be able to access those funds when jobs are especially scarce. This new law will improve the lives of many thousands of Marylanders and their families during periods of high unemployment. Thanks to Del. Julie Palakovich-Carr and Sen. Katherine Klausmeier for working with us on this important issue.

The PJC's Workplace Justice Project Team

Monisha Cherayil ■ Sally Dworak-Fisher ■
Tyra Robison ■ David Rodwin ■ Emily Woo Kee ■
Lena Yeakey

HUMAN

RIGHT

TO
HOUSING



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.

Advocating for Equitable Implementation and Funding of Right to Counsel in Baltimore City and Maryland

Equity, transparency, and accountability are central to the Maryland Attorney General's Access to Counsel in Evictions Task Force's eight recommendations for implementation and funding of a program to provide tenants the right to an attorney in eviction cases—thanks, in part, to the leadership of PJC attorneys Charisse Lue (co-chair of the Implementation Committee) and Matt Hill (member of the Funding Committee). Our attorneys brought the knowledge, experience, and national connections developed while advocating for passage of City and statewide legislation to the Task Force. The Task Force completed a marathon of fact finding and listening sessions from October to December 2021 that informed the goals and recommendations in its report¹ to the Governor and the Maryland General Assembly in January 2022.

The PJC played a key role in Renters United Maryland (RUM)'s concerted campaign in the 2022 General Assembly to fully fund implementation of Access to Counsel in Evictions. (RUM is a coalition of advocates, tenants, and community organizations around the state who believe that all people should have a human right to housing). We educated policy makers and the public through social media and press coverage and worked collaboratively with legislators, the Maryland Legal Services Corporation, the Attorney General, and other RUM partners to identify funding mechanisms. The result:

- The state budget will provide \$12 million from federal emergency assistance and the State's general funds for the first year of implementation.
- The General Assembly designated \$14 million from the Abandoned Property Fund through passage of SB 662 for the second year.
- Additional funding from certain cases litigated by the Office of the Attorney General's Division of Consumer Protection, designated through HB 571 / SB 279, will supplement regular appropriations.

¹ Read the press release and full report at <https://bit.ly/3poWnWy>.

The Baltimore City Department of Housing and Community Development (DHCD) allocated \$1.8 million in federal COVID-related funds for Right to Counsel in Evictions implementation through June 2023 and applied for additional American Rescue Plan Act (ARPA) funds for the second and third years of implementation. The PJC played a key role in Baltimore Renters United (BRU)'s advocacy for this funding through meetings with DHCD staff, legal services providers, and the Mayor's office and through social media advocacy. (BRU is a coalition of community advocates working together to make renting safer for individuals and families in Baltimore City.) The PJC continues to advocate with DHCD staff, the Judiciary, and other agencies for greater tenant outreach as well as new court rules to further implementation. Additionally, we are collaborating with other legal services providers, Civil Justice Network, and United Way 211 to create a coordinated intake system that, when complete, will provide one phone number and website statewide for tenants to access counsel in eviction cases.

Reforming Statewide Landlord-Tenant Laws and Court Practices with Renters United Maryland

Housing justice advocates won significant reforms in the 2022 legislative session, capping multi-year efforts on several campaigns. As a steering committee member of Renters United Maryland (RUM), the PJC had a key role in advocacy, education, and communications. We prepared educational materials for social media campaigns, met with elected officials, coordinated coalition testimony at bill hearings, and secured press coverage to amplify our call for housing justice with policymakers and the public. In addition to funding for Access to Counsel in the first two years, we successfully advocated with RUM for the following bills that will advance housing justice:

- Landlords will have no grounds to reject a rental assistance check from a government agency when a tenant exercises the right to "pay to stay" (HB 932 / SB 592).
- Tenants can challenge whether the landlord has a valid lead certificate in a failure-to-pay-rent eviction trial with verification from the Maryland Department



of the Environment's Lead Rental Certification and Accreditation database (HB 174).

- The Maryland Judiciary, starting in January 2023, will be required to collect and report to state and local agencies and academic researchers the following data for evictions and foreclosures: type of case, date of eviction, and county/zip code location of eviction (HB 824).
- Tenants will be able to petition the District Court starting in October 2023 to seal all records related to failure-to-pay-rent filings during the pandemic period (March 5, 2020 - January 1, 2022) under HB 521.
- Four new tenant protections were enacted through the Tenant Protection Act of 2022 (HB 86 / SB 6). The bill:
 - 1) Expands the ability of survivors of abuse to obtain early termination from their current lease with limited liability for future rent.
 - 2) Establishes statewide transparency requirements for "ratio utility billing" (when landlords charge each tenant in a building a portion of the total energy and water bill).
 - 3) Requires landlords to send tenants an estimate or invoice supporting any deductions from a security deposit.
 - 4) Requires landlords to make common space available for tenant associations.
- Qualifying renters will be eligible to apply for tax credits through the Renters' Property Tax Relief Program within three years after the year for which property tax relief is sought (HB 449).

With RUM, we successfully advocated for bills to pause failure-to-pay-rent eviction proceedings while rental assistance is processed (SB 384) and to stop illegally operating landlords from using the court to evict tenants. (SB 563). Governor Hogan vetoed these bills. We will re-introduce the bill to stop illegally operating landlords from using the court to evict tenants in 2023.

Thank you to all of our partners in Renters United Maryland and the many legislators and government officials who helped champion these bills, including Sen. Shelly Hettleman, Senate Judicial Proceedings Committee Chair Will Smith, Sen. Susan Lee, Sen. Craig Zucker, Senate Budget and Taxation Committee Chair Guy Guzzone, Senate President Bill Ferguson, House of Delegates Speaker Adrienne Jones, House Judiciary Chair Luke Clippinger, Del. Nicole Williams, Del. David Moon, Del. Wanika Fisher, Del. Mary Lehman, Del. Vaughn Stewart, Del. Jen Terrassa, Del. Melissa Wells, Del. Brooke Lierman, Del. Sandy Rosenberg, House Environment and Transportation Committee Chair Kumar Barve, Chair of the Housing and Real Property Subcommittee of the Environment and Transportation Committee Marvin Holmes, Sen. Chris West, Attorney General Brian Frosh, House Appropriations Committee Chair Maggie McIntosh, Del. Ben Barnes, and Sen. George Edwards.

Advancing Safe, Stable Rental Housing Priorities in Baltimore City with Baltimore Renters United

Ensuring Due Process in Evictions. The City Council voted in June 2022 to cut \$500,000 from the Baltimore City Sheriff's Office budget in response to the Sheriff's refusal to comply with the law and constitutional due process. The Sheriff's Office frequently posted eviction notices in common areas and outside apartment complexes instead of on tenants' doors, refused to provide tenants with dates and times for their scheduled evictions, and failed to bring back to court the cases of tenants who have exercised their right to "pay to stay". Our advocacy together with our partners in BRU included educating council members in advance of and testifying at a City Council hearing in January as well as drawing attention to the Sheriff's Office's unconstitutional practices through social media and press interviews

around the January² and June³ hearings. BRU's advocacy succeeded: the Mayor's office committed \$400,000 to the tenant outreach and education component of Baltimore City's Right to Counsel in Evictions implementation and to regular meetings with BRU to review the efficacy of the eviction prevention program run by the Mayor's Office of Children and Family Success and Baltimore City Community Action Partnership.

Reducing Mold in Rental Housing. An ad hoc task force of legal advocates, tenants, and public health experts convened by Councilman Kristerfer Burnett is examining mold in rental housing in Baltimore City and proposing legislation—a result of testimonials from renters, BRU, and the PJC on the impact of mold on tenants at a February 2022 City Council hearing. The PJC will research best practices from other jurisdictions, recruit researchers in the public health field to develop better data regarding the problem of mold in rental housing and to conduct a cost-benefit analysis of better regulation, and develop a strategy for proposing and passing legislation to better regulate and prompt the remediation of mold in Baltimore City.

Pushing for an Expedited, Effective Approach to COVID-19 Eviction Prevention Measures in Baltimore City. The Baltimore City Pandemic Rent Court Program—formed in part as a result of advocacy by BRU and the PJC—integrates COVID-19-related rental assistance with eviction cases at the District Court. The Baltimore City Community Action Partnership (BCCAP) works with tenants and attorneys at the courthouse and in periodic meetings to create new rental assistance applications, troubleshoot obstacles in the application process, and provide critical information to the parties and the court about the status of applications. The PJC works with BCCAP to resolve issues holding up applications and to expedite applications for tenants facing imminent eviction. With BRU, we pushed for two critical changes in BCCAP policies:

1) BCCAP will now pay rental assistance directly to tenants when the landlord refuses payment from BCCAP.

2 Sarah Y. Kim. "Tenants facing eviction not receiving proper notice." WYPR - 88.1 FM Baltimore. <https://bit.ly/3di1buy>

3 Emily Sullivan. "Baltimore City Council approves budget, but cuts \$500,000 from sheriff citing eviction concerns." *The Baltimore Banner*. <https://bit.ly/3xtHJBS> (Subscription required)

4 Detrese Dowridge. "Baltimore must get rental assistance directly to tenants in need." *The Baltimore Sun*. <https://bit.ly/3w4sChx>

5 Barry Simms. "I am entitled to it': Some Baltimore landlords refuse to accept eviction prevention funds". WBALTV11. <https://bit.ly/3CbbU42>

2) BCCAP has committed to paying up to 18 months' back rent, instead of 12, but has not yet implemented this policy change to scale.

Our advocacy included meetings with BCCAP and the Mayor's Office, a BRU op-ed in the *Baltimore Sun*,⁴ news coverage of the issue,⁵ and testimony at a January 2022 City Council hearing on evictions in Baltimore.

Making Water and Sewer Bills More Affordable and Equitable for Renters in Baltimore City

The PJC, as a member of the Baltimore Right to Water Coalition, advocated for three years to reform the city's billing practices, and in November 2019, the Baltimore City Council passed the Water Accountability and Equity Act. After a two-year delay and much prodding from the Baltimore Right to Water Coalition, the City finally implemented the law. The Baltimore Right to Water Coalition is now working with the Department of Public Works' Office of Equity and Environmental Justice to monitor full implementation of the law.

Representing Tenants in Eviction and Rent Escrow Proceedings

The PJC provides legal advice and represents Baltimore City tenants in eviction proceedings in order to:

- Prevent or delay evictions, avoid or obtain redress for illegal or unfair charges by the landlord, and enforce tenants' rights to safe, habitable housing;
- Challenge unjust practices that have a systemic impact on Baltimore renters in the trial and appellate courts;
- Enforce COVID-19-related eviction protections; and
- Enforce Baltimore City's licensing and inspections law.

We provided legal advice and/or full representation to 1,074 tenants and were successful in over 95% of representation

cases—preventing eviction, forcing landlords to make repairs, eliminating illegal charges and fees, and delaying evictions to provide tenants time to seek other housing. As federal and state COVID eviction protections ended in fall 2021, our representation often focused on confirming that landlords who had obtained judgments in their favor prior to the end of the protections were still entitled to an eviction (i.e., that the tenant had not already paid), negotiating with landlords to pause failure-to-pay-rent eviction proceedings while rental assistance was processed, ensuring that landlords who accepted rental assistance did not try to evict tenants in violation of the assistance agreement, requiring landlords to repair conditions that threaten the life, health, and safety of occupants, and bargaining with the landlord and BCCAP around the terms of assistance that would meet the goals of all parties and maintain housing stability of tenants. We also successfully moved to dismiss eviction cases brought by unlicensed landlords, citing the City's new licensing law.

The Circuit Court for Baltimore City issued two appellate decisions in favor of the PJC's clients. In *Wallace v. Greene*, the Circuit Court held in January 2022 that Baltimore City licensing requirements apply even when the landlord lives in one of the units of a multi-family building. In *Williams v. Endrich*, decided in June 2022, the Circuit Court held that the District Court erred in failing to grant the tenant's motion for a new trial after the District Court repeatedly and erroneously cut off the tenant when she tried *pro se* to present a defense of retaliation in the eviction trial.

The PJC's Human Right to Housing Project Team

Aaron Frazee ■ Matt Hill ■ Gabriela Dickson La Rotta ■ Charisse Lue ■ Patrick O'Toole ■ Carolina Paul ■ Russell Reno, Jr. ■ Zafar Shah ■ Juan Carlos Silen ■ Albert Turner



Health and Benefits Equity 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.

Advocating for Equitable and Inclusive Prenatal and Postpartum Health Care Coverage

Ensuring Equitable and Inclusive Implementation of Medicaid Reimbursement for Doula Care. Maryland began providing Medicaid reimbursement for doula care in February 2022, following several years of advocacy by the PJC, the Reproductive Health Equity Alliance of Maryland (RHEAM) and other maternal health advocates. Doulas are non-medical birth workers who provide emotional and physical support, information, and advocacy to birthing

people and families during the prenatal, birth, and postpartum period. We estimate that at least 26,000 Medicaid beneficiaries could now be eligible for doula coverage, which will improve outcomes for birthing parents and their infants.

The PJC participates in the Doula Technical Assistance Advisory Group—formed to help plan program design and rollout—and in December, we submitted public comments on the proposed regulations for doula Medicaid reimbursement. The Maryland Department of Health (MDH) incorporated two of our recommendations in the final regulations: MDH extended postpartum coverage for doula care from 180 days to 12 months, which will allow people to qualify for doula care for the first year of the child’s life (when most maternal deaths occur). MDH will also expand the list of

accepted certification organizations to include local programs, including those that specifically focus on racial disparities and address social determinants of health; in June 2022, MDH announced that it would be accepting nominations for doula training programs, including local programs. MDH has also expressed a commitment to ensuring that doulas participating in the program will provide person-centered, culturally competent care.

The \$8 million authorized by the Maryland Health Services Cost Review Commission for Medicaid to work on maternal and child health initiatives, including reimbursement of doula care, covers the first four years of reimbursement. HB 669 and SB 166—passed during the 2022 legislative session thanks to the leadership of Del. Jheanelle Wilkins, Sen. Clarence Lam, Del. Tony Bridges, and

Sen. Arthur Ellis—codified the regulations for Maryland Medicaid to make doula care for pregnant and postpartum beneficiaries a permanent feature of the program.

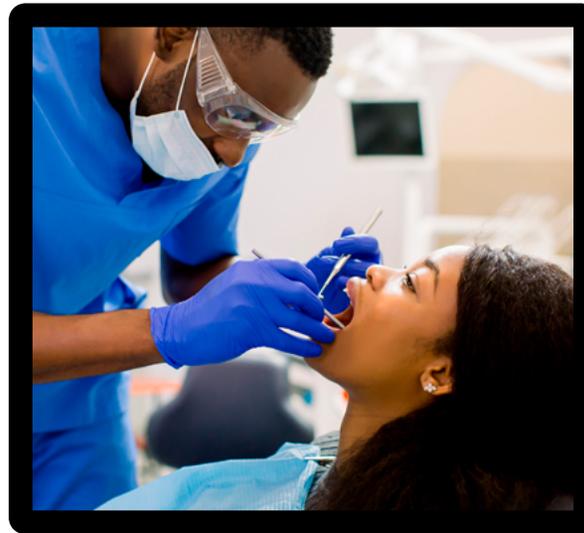
Securing Medical Care for Noncitizen Pregnant Individuals.

Access to quality health care should not hinge on immigration status. That's why we joined Del. Joseline Peña-Melnik, Sen. Clarence Lam and CASA de Maryland in advocating for the Healthy Babies Equity Act (HB 1080), which requires Maryland Medicaid to provide comprehensive medical care and other health care services to noncitizen pregnant individuals who would be eligible for Medicaid but for their immigration status. It also extends coverage to their children up to the age of one. Prior to this legislation, noncitizens who resided in the U.S. legally for less than five years were not eligible for Medicaid or the Maryland Children's Health Program. Noncitizens who were ineligible due to the five-year bar were eligible for Medicaid emergency services only, including labor and delivery. These laws had the impact of forcing low-income noncitizens who could not afford prenatal care out-of-pocket to wait until birth to identify potentially life-threatening issues to the health of the birthing parent and baby. This new law removes these harmful barriers by opening a clear path towards pregnancy and postpartum care for immigrant communities.

Expanding Access to Health, Behavioral Health, and Dental Care

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. Since 2020, our advocacy has sought to address clinicians' reports that managed care organizations (MCOs) were denying coverage for Hepatitis C treatment based on a person's history of substance use. Working with Hepatitis C treatment providers, we collected deidentified data on MCOs' denials of prior authorization for treatment and shared that data with Maryland Medicaid representatives to support our advocacy to remove the restriction. As a result of our advocacy, Medicaid released a new prior authorization form in November 2021. The new form eliminates the substance use criteria and prohibits MCOs from denying prior authorization for Hepatitis C treatment



for people with a history of substance use or those who are not engaged in a substance use treatment program. The PJC and the Maryland Hepatitis Coalition are now focused on removing prior authorization for Hepatitis C treatment altogether, as many other states have done, to ensure that patients receive treatment without delay or unnecessary administrative hurdles.

Expanding Access to Community Behavioral Health Services.

The PJC supported significant legislation to expand behavioral health community supports in the 2022 legislative session. Readily available behavioral health services in the community reduce the use of emergency rooms for crisis stabilization by children and adults and reduce unnecessary contact with law enforcement, which can be dangerous or deadly for individuals with behavioral health disabilities in crisis. We supported SB 241 / HB 293, which designates 988 as Maryland's suicide prevention and behavioral health crisis hotline and establishes a steady funding source for existing behavioral health crisis call centers throughout Maryland. By converting the existing ten-digit Lifeline number to 988, individuals in crisis will have an easy-to-remember number and much needed pathway to local crisis services, helping children and adults stay in the community and avoid unnecessary hospitalization.

Expanding Access to Adult Dental Care. The Maryland Dental Action Coalition led advocacy joined by the PJC to

expand Maryland Medicaid to provide adult dental coverage (HB 6 / SB 150) and to allow dental hygienists to co-locate/work within the practices of nurse practitioners, nurse-midwives and certified midwives to connect patients to dental care (HB 219 / SB 306).

Prior to the passage of HB 6 / SB 150, Maryland Medicaid only provided dental coverage to adults under age 65 who are dually eligible for Medicaid and Medicare, leaving many beneficiaries without any coverage. Maryland joined more than 30 other states that provide dental coverage to adult Medicaid beneficiaries. This new law, championed by Del. Bonnie Cullison and Sen. Malcolm Augustine, will help eliminate dental health disparities and promote the overall wellness of Marylanders.

We also supported HB 219 / SB 306 because dental care is important for birthing parents' health during and after pregnancy but often is difficult for people with limited income to access. This new law expands the types of health care practitioners with whom a dental hygienist must consult before providing treatment to a patient to include the patient's registered nurse practitioner, certified nurse midwife, or licensed certified midwife. We thank Del. Ariana Kelly and Sen. Clarence Lam for championing this legislation.

Advancing Reforms to State Agencies' Language Access Practices and Policies

PJC attorney Ashley Black leads the Governmental Access Workgroup (GAW)—a group comprised of language access advocates, including Homeless Persons Representation Project, CASA de Maryland, Maryland Hunger Solutions, Maryland Legal Aid, Health Care for the Homeless, La Clinica del Pueblo, and the Intercultural Counseling Connection—in its work to address language access issues that people with Limited English Proficiency face when seeking to access services from state agencies.

As part of a strategy to improve language access policies in individual state agencies, the Workgroup evaluated the policies and practices of the Maryland Department of Human Services (DHS) and found numerous issues. In meetings with DHS, the Workgroup successfully advocated for changes, including:

- Allowing callers to have a third party on the line to help them through the process,
- Prohibiting the use of Google Translate and requiring use of state-contracted translation services,
- Providing call center staff easier access to DHS's contracted interpretation services, and
- Making changes to the system that generates benefits letters to include additional languages.

We continue to monitor DHS's implementation of these changes to ensure DHS consistently provides language services that help people with LEP access public benefits.



Improving the Health Literacy of All Marylanders

In the 2022 legislative session, we supported HB 1082, which requires state and local agencies to use plain language in communications about health, safety, and social services benefits. The new law promotes informed decision-making for health care consumers, including people with limited English proficiency. When consumers cannot easily obtain

or understand health information, they may have difficulty seeking preventative health care and managing chronic illnesses. For individuals with limited English proficiency in particular, the lack of culturally and linguistically appropriate health information can lead to poor health outcomes, including undiagnosed or untreated illnesses. The new law designates the University of Maryland Herschel S. Horowitz Center for Health Literacy as the state's Consumer Health Information Hub. We advocated for this bill along with Del. Joseline Peña-Melnyk and consumer health policy champion Leni Preston; together, we elevated the importance of health literacy in Maryland.

Enhancing Patient Protections Against Harmful Medical Debt Collection Practices

The PJC and other medical debt advocates successfully advocated for legislation before the 2022 Maryland General Assembly to make patients who were wrongfully billed for hospitals services whole. Specifically, HB 694 requires the Maryland Health Services Cost Review Commission (HSCRC)—in coordination with the Department of Human Services, the state designated exchange, the Office of the Comptroller, and the Maryland Hospital Association—to develop a process for identifying patients who paid for hospital services but may have qualified for free care and for having the hospitals reimburse the patients. The bill, backed by Del. Lorig Charkoudian and Sen. Antonio Hayes, covers patients who were wrongly charged between 2017 and 2021. Maryland Consumer Rights Coalition, 1199SEIU, Maryland Volunteers Lawyers Service, Progressive Maryland, and other advocates joined us in supporting passage of this bill.

Maryland has the strongest medical debt consumer protection policies in the country, according to the Medical Debt Policy Scorecard developed by Innovation for Justice.¹ With a score of 94.5 out of 100, Maryland was one of only three states with policies classified as Good that reduce the instances of medical debt and that effectively assist people experiencing medical debt; California and Maine also scored well, and the other 47 states' policies were rated as weak or poor. Our rating is a result of tireless advocacy of medical debt advocates in Maryland over the last three years—on

the Medical Debt Protection Act of 2021 and HB 694—as well as the success of previous medical debt advocates in 2020 on HB 1420, the hospital financial assistance law championed by Del. Robbyn Lewis. This bill created several necessary protections for patients seeking financial assistance. The protections included increasing the family income threshold at which a hospital's financial assistance policy must provide free and reduced cost medically necessary care to patients, requiring hospitals to develop plans for uninsured patients with family income between 200% and 500% of the federal poverty level, and putting in place a process for a patient to request reconsideration.

Reforming the Temporary Cash Assistance Work Program

We joined Del. Geraldine Valentino-Smith, Sen. Katherine Klausmeier, Homeless Persons Representation Project, Catholic Charities of Baltimore, and other advocates in backing meaningful, trauma-informed changes to address serious inequities in Maryland's Temporary Cash Assistance (TCA) program. TCA is an important resource for over 22,000 low-income families in Maryland and supports basic needs, such as housing and food. Although adult recipients of TCA are required to work, more than 25% of recipients are working without pay. Unpaid work does not leave recipients with the necessary skills or training to secure unsubsidized employment. Our advocacy on HB 1043 / SB 828 led to changes in the law including parents' eligibility for exemptions from work and recipients' flexibility to choose work activities that align with their professional goals.

The PJC's Health and Benefits Equity Project Team

Ashley Black

¹ Innovation for Justice is housed at the University of Arizona and the University of Utah. View the scorecard's full ranking of Maryland's medical debt policies at <https://medicaldebtpolicyscorecard.org/>.



EDUCATION

STABILITY

Education Stability Project

We seek to advance racial equity in public education by combating the overuse of school pushout practices like suspension, expulsion, and involuntary transfers to alternative schools; school policing; and schools' culture of zero tolerance and punishment—all of which disproportionately target Black and brown children, hurt students' academic success and engagement at school, and often result in juvenile and criminal system involvement. We also seek to eliminate barriers to school enrollment and success facing children experiencing homelessness and children in foster care.

Combating School Pushout

Educating Students, Parents, and Family Service Providers on the Rights of Students Facing Exclusionary Discipline. We conduct community-based outreach to educate students, parents, and family service providers on students' rights in school discipline proceedings, how to enforce those rights,

and the harms and failures of exclusionary discipline and the school policing model. Our outreach also helps us gain insight from the people most impacted by exclusionary discipline and school policing on the nature of pushout in their school districts and strategies that are working well in schools. In the 2021-22 academic year, we held 17 outreach events and educated approximately 385 people, including:

- We partnered with the Office of the Public Defender and Disability Rights Maryland to conduct five trainings for about 250 Department of Juvenile Services (DJS) staff members. DJS staff are well-positioned to disseminate information about student discipline rights and to refer cases to the PJC and the Maryland Suspension Representation Project (MSRP) because they often work with students, including those who have been arrested in or disciplinarily removed from schools.

- PJC attorneys led a training for ten advocates with the Parents Place of Maryland—an organization that supports families with children with disabilities on school-related matters. Parents Place of Maryland often engages with students who have been removed from school for behavioral reasons related to their disabilities and who need behavioral supports as part of their special education services. The training focused on the particular legal protections available to students with disabilities and strategies for advocacy.
- We conducted a social media campaign during the Dignity in Schools Campaign's National Week of Action Against School Pushout in October 2021. In multiple posts per day, we shared detailed information on Maryland law related to exclusionary discipline and calls to reimagine student discipline to keep students in school while supporting their positive behavior and holding them accountable when they cause harm. We also shared examples from other states that have changed policies and practices to create school environments that treat students as people, not criminals, and are conducive to the success of all students.

Representing Students in School Discipline Proceedings.

The COVID-19 school closures caused an unprecedented disruption to the education and social-emotional development of students and wrought psychological damage and trauma. These challenges impacted student behavior, and in the 2021-22 academic year, as schools reopened for in-person learning, the PJC and our partners in the Maryland Suspension Representation Project began receiving a high volume of calls for assistance in school discipline cases.

In the 2021-22 academic year, we opened cases for 35 students ourselves and referred another 27 students to our partners in the MSRP. We provided legal advice and counsel to students and families and helped students revoke suspensions, avoid extended suspension or expulsion, remove suspensions from their student records, avoid prosecution, and obtain appropriate special education services.

Ending Zero-Tolerance Discipline in Prince George's County.

In Prince George's County, we noticed a pattern in calls from families: principals were automatically referring students for expulsion for certain alleged offenses, regardless of the particular circumstances of the incident. This zero-tolerance approach to school discipline violates state law, which requires restraint and an analysis of all relevant facts before imposing exclusionary discipline. Such an approach also excludes students from countless days of school, resulting in negative educational outcomes for students and further widening the race- and disability-based achievement gap. The Maryland State Department of Education has made clear that zero-tolerance discipline policies are an obsolete, ineffective, and counterproductive strategy to address school climate.

The PJC and our partners in the MSRP wrote a letter to Prince George's County Public Schools (PGCPS) expressing concerns about this practice, demanding that PGCPS revoke all formal and informal zero-tolerance discipline policies, proposing specific changes in policy and practice, requesting data on school discipline in the district, and requesting an explanation of how PGCPS has used the federal funding it received under the CARES Act and the American Rescue Plan Act (ARPA) to support the social-emotional needs of students and a positive school climate. In response, PGCPS expressed a shared commitment to end zero-tolerance discipline in the district, asked us to provide additional details about our cases and observations to facilitate the development of solutions, and negotiated with us throughout the school year to achieve the following positive results:

- PGCPS revoked the template letter that some schools had been using to automatically suspend students in response to certain offenses.
- PGCPS shared written guidance with all school administrators communicating that zero-tolerance discipline is prohibited by law and explaining how the student discipline process should work.
- PGCPS committed to providing all students facing extended suspension or expulsions with evidence packets containing witness statements and other



materials supporting the school's request for removal in advance of conferences concerning the proposed removal so that students and their families can adequately prepare. Previously, in our experience, students only received these packets if represented by an attorney.

- PGCPS updated the Community Resources List it provides to all students facing suspension or expulsion to include the Maryland Suspension Representation Project.
- PGCPS detailed training it had provided to its school administrators on procedures for suspending students in pre-kindergarten through second grade, and it committed to continuing such trainings.

These changes will create safer and more supportive educational climates in schools throughout Prince George's County that maximize student growth, accountability, and learning.

Reforming the Reportable Offense Law. School districts in Maryland previously had broad discretion to indefinitely remove a student from school, with minimal due process, if the student was arrested for or charged with any one of a wide range of criminal offenses (called a "reportable offense"), even if the offense was not alleged to have occurred at school. School districts frequently violated the minimum requirements of the reportable offense law, capitalized on loopholes in the law to remove students for long periods of time for offenses that had no connection to or impact on the school community, and used the reportable offense process as a workaround to more

protective student discipline regulations in connection with incidents that occurred at school.

That is why we advocated with the Office of the Public Defender, Disability Rights Maryland, and the Choice Program at the University of Maryland, Baltimore County during the 2022 legislative session to reform the law. Sponsored by Del. Vanessa Atterbeary, Del. David Moon, and Sen. Mary Washington, HB 146, in its final enacted form:

- Clarifies that a reportable offense is an offense that occurs off school property.
- Directs school systems to follow existing, relatively strong school discipline procedures for general education students and special education students if they propose to remove a student from school based on a reportable offense.
- Ensures that the student's counsel is included in the process of removal from school.
- Directs the Maryland State Department of Education (MSDE) to collect data on reportable offenses from local school systems.

After the bill passed in the Maryland General Assembly, the PJC, Disability Rights Maryland, and the Office of the Public Defender sent a letter to MSDE regarding implementation of the new law, specifically detailing actions the State Board of Education and MSDE should take to promulgate new regulations and issue guidance to local school systems. MSDE responded with a request to work together to implement these important protections for students.

Decriminalizing Disruption: The Start of a Multi-Year Advocacy Effort. A section of the Maryland Education Code currently allows students to be charged with a misdemeanor crime if they "willfully disturb or otherwise prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education" or "threaten" students or staff. Law enforcement and schools have used this statute to arrest children engaging in horseplay and other minor, developmentally anticipated behaviors, such as talking

back. We participated in a coalition led by the Office of the Public Defender that supported legislation (HB 84 / SB 119), sponsored by Del. Sheila Ruth and Sen. Mary Washington, to amend the law to no longer apply to students. Slightly different versions of the bill passed both the House and Senate, a major milestone in the campaign to ensure that kids are not criminalized for being kids. Unfortunately, the legislative session ended before the General Assembly could come to agreement on a single version of the bill. We will fight to pass this important bill in the next legislative session!

Reimagining School Safety

Advocating to Reimagine School Safety in Howard County. Students and advocates, including the PJC, testified in November 2021 in support of Del. Vanessa Atterbeary's local bill, HoCo 1-22, to reimagine school safety in Howard County Public Schools by expanding student mental health services and restorative justice instead of relying on police. Students and recent alumni offered powerful testimony, sharing their vision of schools that teach and support students rather than criminalizing them for childhood mistakes, as school policing does. While this bill was unsuccessful, we will continue to stand with students, parents, teachers, and community members calling for investment in student mental health services, restorative approaches, and wraparound supports instead of school policing.

Defeating Efforts to Double Mandatory State Funding for School Policing. HB 613 aimed to double mandatory state funding for school policing from \$10 million to \$20 million per year, starting in the 2023-24 academic year. We shared evidence with legislators that school policing makes schools less safe by subjecting students—particularly Black students and students with disabilities—to harsh criminal consequences for childhood behaviors while doing nothing to prevent school shootings or any other school-based violence; called on supporters to urge members of the House Appropriations Committee to vote no on HB 613; and helped to kill the bill in committee.

The PJC's Education Stability Project Team

Monisha Cherayil ■ Fredson Desravines ■ Renuka Rege ■ Bethany Straus



RIGHTS

PRISONERS'

Prisoners' Rights Project

We aim to eliminate pretrial detention to the extent possible; to eliminate unnecessary arrests and detentions that disrupt and destabilize families and communities; and to end pretrial detention practices that have a disparate impact on people and communities of color.

Protecting Inmates in Maryland's Jails and Prisons from COVID-19

No detainee deaths due to COVID-19 have been reported in the Baltimore jail, in part due to our advocacy for COVID-19-related safety protocols. In the early months of the pandemic, the PJC secured court-ordered COVID-19 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 and staff.
- Separate housing and medical quarantine and treatment for detainees diagnosed with

COVID-19, exposed to the virus, or at high risk of infection or serious disease.

- Training for staff on social distancing and other safety protocols.
- Daily temperature and symptom checks for staff and regular testing of staff.

This year, we monitored the COVID-19 response in the Baltimore jail, ensured appropriate protocols once vaccines were available, and pushed back when the state wanted to start relaxing safety measures.

The Prisoners' Rights Project Team

Debra Gardner

APPELLATE

ADVOCACY



The Francis D. Murnaghan, Jr.
Appellate Advocacy Fellowship

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.

Advancing Workers' Rights

Securing Compensation for Compulsory Travel Time. Two cases addressed the question of whether compulsory travel time—waiting at a parking area and traveling by company shuttle to the worksite—should be compensated as “work” under Maryland law. The PJC and the Metropolitan Washington Employment Lawyers’ Association filed amicus briefs in *Amaya, et al. v. DGS Construction, LLC, et al.* and *Rojas, et al. v. F.R. General Contractors, Inc., et al.*, arguing that the employers should pay workers for this travel time because it was both required by and benefited the employers. Our briefs addressed the pervasiveness of wage theft, the prevalence of wage theft in low-wage industries, the impact on the people who wage theft harms the most (women, Black

and Latine people, and immigrants, particularly those who are undocumented), and the impact of wage theft on communities and local economies. The briefs also illuminated how companies often utilize wage theft as a business model to cut their costs and gain unfair advantage over law-abiding companies. In July 2022, in a strong, undivided opinion, the Maryland Court of Appeals ruled in the workers’ favor, empowering workers in Maryland to claim wages for all the hours they are required to spend on the job traveling between worksites and setting a precedent for broader worker protection under Maryland law than under federal law.

Stopping Employers from Using Bankruptcy to Avoid Liability for Wage Theft. Also in July 2022, the PJC helped to secure a favorable ruling in *Cantwell-Cleary Co. v. Cleary Packaging* that will make it easier for workers to recover wages they earned but were not paid. The ruling ensures employers cannot use bankruptcy proceedings to dodge debts incurred in circumstances of fraud, willful and malicious injury, and other violations of public policy under the simpler bankruptcy process for some small businesses that Congress created in 2019. The case raised the issue of whether the provisions of the 2019 Small Business Reorganization Act that block the discharge of debt from fraud and malicious injuries applied not just to individuals but also to corporate entities. The lower court had held that only individuals remain on the hook.

The PJC and a diverse coalition of organizations filed an amicus brief urging the U.S. Court of Appeals for the Fourth Circuit to adopt the proper interpretation of the statute—that discharge exceptions apply to corporations and individuals alike. We provided the Court with context on how wage theft affects workers throughout the Fourth Circuit, described the challenges workers face in holding employers

accountable, and explained that businesses engaged in wage theft are especially likely to be the kinds of businesses utilizing this new, simpler bankruptcy process. The Legal Aid Justice Center, Mountain State Justice, the North Carolina Justice Center, CASA, Centro de los Derechos del Migrante, the Farm Labor Organizing Committee, the National Black Worker Center, and the National Employment Law Project joined our amicus brief in *Cantwell-Cleary Co. v. Cleary Packaging*—one of the first cases to test the interpretation of the new form of small business bankruptcy and the first appellate court to decide this issue.

Standing with Workers Asserting Their Rights in Appellate Cases. The PJC filed a petition for writ of certiorari¹ and an opening brief in two appellate cases asserting workers' rights.

- In *Romeka v. RadAmerica II, LLC*, we filed a petition for writ of certiorari in June 2022 in the Maryland Court of Appeals on behalf of a licensed radiation therapist bringing a claim under Maryland's Health Care Worker Whistleblower Protection Act. The statute, which has rarely been interpreted by Maryland courts, gives a private right of action to health care workers who face retaliation for reporting unsafe and unlawful conduct. The petition was granted in August. This is another case presenting to Maryland's high court a question of whether our employment laws provide stronger protections for workers than federal laws.
- We filed an opening brief in August 2022 in *In re Petition of Betelehem Dejene*, a case before the Maryland Court of Special Appeals to determine whether Ms. Dejene was unemployed as defined by law when she received unemployment insurance benefits and COVID-leave payments from Southwest Airlines while prevented from working. The Maryland Department of Labor, reversing its own prior interpretation, seeks to hold her liable for the \$15,880 in benefits paid to her after the agency determined her COVID-leave payments were part-time wages, a conclusion we argue has no support in Maryland law.

Calling for Police Accountability and Government Transparency

Taking on Implicit Bias and Racism in the Courts and in Police Practice. The PJC filed amicus briefs in three cases that take on racist commentary, racial profiling, and racist symbols in the courts and in police practice.

- The Maryland Court of Special Appeals' opinion in *Belton v. State*, a case concerning a Southwest Baltimore manslaughter, is steeped with racist commentary, as we argued—including characterizing Black defendants as monsters and drawing on harmful stereotypes about Black mothers and Black neighborhoods. We filed an amicus brief in April 2022 in support of the Maryland Office of the Public Defender's call for the Maryland Court of Appeals to order the lower court to recall the opinion and strike the racist comments. The brief was joined by the ACLU of Maryland, Maryland Criminal Defense Attorneys' Association, League of Women Voters of Maryland, Howard University School of Law Civil Rights Clinic, Clinical Law Program at the University of Maryland School of Law, and scholars of race and criminal law.
- We joined the Maryland Office of the Public Defender's call for the Maryland Court of Appeals to define and limit the widespread application of the "high-crime area" and "unprovoked flight" factors when determining whether a police officer has reasonable suspicion to stop a person. Our amicus brief in *Washington v. State of Maryland* filed in May 2022 with the ACLU of Maryland and the Washington Lawyers' Committee for Civil Rights and Urban Affairs explained how these factors are essentially proxies for race, facilitating constant racial profiling in policing. The Court of Appeals has agreed to hear the case.
- In *Smith v. State*, a 2020 Kent County criminal trial on appeal before the Maryland Court of Appeals, we filed an amicus brief in support of Mr. Smith's argument that the display of the "Thin Blue Line" American flag on COVID-19 facemasks in the courtroom as part of the bailiffs' required uniforms amounted to an "inherently

prejudicial" practice that violated Mr. Smith's right to an impartial jury in a criminal trial, even if viewed only as a symbol of support for law enforcement. But our brief dug much deeper. To show that racism and implicit bias were realistic potential influences on this jury, our brief—joined by the ACLU of Maryland, National Legal Aid & Defender Association, Baltimore Action Legal Team, Showing Up for Racial Justice Annapolis and Anne Arundel County, and Social Action Committee for Racial Justice (a prominent Eastern Shore community group)—argued that symbols associated with race and racism can prime implicit bias, provided background on the "Thin Blue Line" concept and the flag's rise to prominence as a symbol for white supremacy, and shared local history of racism on the Eastern Shore and in Kent County as well as contemporary local anti-racism activism by community groups. In the final days of its term this August, the Court of Appeals issued an opinion citing and relying heavily upon our amicus brief, ruling that the display of this symbol was inherently prejudicial during the trial.

Making Records of Police Misconduct Public. In the fight for police accountability, advocates use public information laws to shine a light on police misconduct. But government agencies frequently thwart these efforts by refusing to comply with requests for records under the Maryland Public Information Act (MPIA). In October 2021, the Baltimore Action Legal Team (BALT) and allies, including the PJC, scored a victory for government transparency with a Maryland Court of Special Appeals ruling that requires the Baltimore City State's Attorney's Office (SAO) to release its "Do Not Call" list of 305 police officers with known credibility issues that the office avoids calling to testify in prosecutions.

In March 2020, after three unsuccessful MPIA requests to examine the list and related materials, BALT sued the SAO over its refusal to provide the records. The Circuit Court ruled in favor of the SAO, agreeing that the release of the records would amount to releasing protected personnel records and/or attorney work-product. BALT appealed the case to the Court of Special Appeals, and in

¹ A petition for writ of certiorari asks the Court of Appeals to exercise its discretion to review a decision made by a lower court to determine whether the lower court has incorrectly decided an important question of law that is of significant public interest.

June 2021, we filed an amicus brief on behalf of a coalition of partners including the Maryland Office of the Public Defender, Common Cause Maryland, the University of Baltimore School of Law Civil Advocacy Clinic, the Clinical Law Program at the University of Maryland School of Law, and the MDDC Press Association. The brief discussed the legislative history of the MPIA, recent amendments that narrow the definition of the “personnel records” exemption, and the Maryland Office of the Attorney General’s findings that government agencies fail, more often than not, to comply with the spirit and letter of the MPIA.

We helped to win the favorable ruling in *Baltimore Action Legal Team, et al., v. Office of the State’s Attorney of Baltimore City, et al.*, and supported BALT’s subsequent successful request for the court to publish the opinion, giving it precedential weight.

Ensuring Transparency in Baltimore City District Court Digital Records. A victory in *Administrative Office of the Courts (AOC) v. Abell Foundation* in July 2022 creates valuable transparency in Baltimore City courts. The Maryland Judiciary’s public records website, Maryland Judiciary Case Search, uses an alphanumeric code to identify the judges in Baltimore City District Court records. An Edit Table for decrypting the codes exists but was not publicly available, anonymizing the District Court judges on Case Search. The Judiciary is not subject to the Maryland Public Information Act, instead following its own parallel set of judicial records rules. Under those rules, the Abell Foundation sought disclosure of the Edit Table; when the AOC denied the request, the Abell Foundation sued for access to the Edit Table. The Maryland Court of Special Appeals held that the Edit Table had to be disclosed, the AOC sought review in the Court of Appeals, and the Court of Appeals affirmed the lower court’s decision.

We filed an amicus brief—along with the Clinical Law Program at the University of Maryland School of Law, the Civil Advocacy Clinic of the University of Baltimore School of Law, the Legal Data & Design Clinic of the University of Baltimore School of Law, the Baltimore Action Legal Team, Common Cause Maryland, and the MDDC Press Association—that provided history on the longstanding principle of judicial transparency and how it translates

to the digital age. We emphasized that transparency is necessary for public confidence in the Judiciary and that these principles are incompatible with a policy of shrouding the identity of judges on the Court’s online platform.

Enforcing Judicial Oversight of a Government Agency’s Handling of Discrimination Complaints

Jennifer Rowe joined the martial arts training gym, Krav Maga Maryland (KMMD), to cope with her severe PTSD. In addition to working out and learning self-defense skills, Ms. Rowe was active in KMMD’s private Facebook group. KMMD deleted some of her Facebook comments politely challenging ableist ideas and discussing the stigma around mental and emotional disabilities, which led to a tense email exchange about Ms. Rowe’s disability and KMMD’s termination of her membership. She filed a disability-based public accommodation complaint with the Maryland Commission on Civil Rights (MCCR) and pursued it without legal counsel.

As we later argued, MCCR conducted an unfair investigation: explicitly directing Ms. Rowe to remove her retaliation claim from her complaint; mis-scheduling a fact-finding conference; meeting with KMMD and its counsel in private without Ms. Rowe; and complying with KMMD’s request to withhold its evidence from Ms. Rowe because of its “sensitive nature”, giving her no opportunity to respond to their evidence. The commission issued a finding of “no probable cause” for discrimination. Ms. Rowe filed for review in the circuit court, which affirmed MCCR’s decision without much analysis.

The PJC is representing Ms. Rowe in her appeal. We filed an opening brief with the Maryland Court of Special Appeals in November 2021, arguing that MCCR failed to provide due process and, regardless, its “no probable cause” finding was unsupported. During the February 2022 oral arguments, the case took an unexpected turn that ultimately broadened the potential impact of Ms. Rowe’s case when one of the judges raised, on her own, the question of the appellate courts’ jurisdiction to review MCCR no-probable-cause findings. We filed a supplemental briefing on that issue at the Court’s request, but in April, the Court of Special Appeals dismissed

Ms. Rowe’s appeal for lack of jurisdiction.

That issue will now be heard by Maryland’s highest court. We filed Ms. Rowe’s petition for writ of certiorari with the Court of Appeals in June 2022 on the jurisdictional question, and in August 2022, the Court of Appeals granted the petition and will decide this important jurisdictional question during its coming term. The answer will affect many MCCR claimants.

A remarkable coalition of civil rights organizations also filed an amicus brief in support of our June 2022 petition for writ of certiorari, written by Brown, Goldstein & Levy attorneys Andrew Levy and Anthony May (former Murnaghan Fellow). The brief emphasized that public accommodations discrimination is on the rise and deserves the fullest enforcement by the State, and the experience of co-amici described in the brief demonstrates that MCCR generally fails to provide adequate process and is effectively hostile to claimants. The ACLU of Maryland, Asian Pacific American Bar Association of Maryland, CASA, Council on American-Islamic Relations, Disability Rights Maryland, Equal Rights Center, FreeState Justice, Homeless Persons Representation Project, National Alliance on Mental Illness Maryland, National Federation of the Blind, and Washington Lawyers’ Committee for Civil Rights and Urban Affairs joined the brief.

The PJC’s Appellate Advocacy Project Team

Michael Abrams, Murnaghan Fellow (2021-22) ■ Debra Gardner ■ Olivia Sedwick, Murnaghan Fellow (2020-21)

Former Murnaghan Fellows Ejaz Baluch, Jr. (2018-19) and Dena Robinson (2019-20), as well as Sally Dworak-Fisher, Gabriela Dickson La Rotta, Carolina Paul, Becky Reynolds, David Rodwin, and Lena Yeakey also contributed to the appellate advocacy described above.



NCCRC

National Coalition for a
Civil Right to Counsel



National Coalition for a Civil Right to Counsel

Since 2003, the Public Justice Center has staffed and run the National Coalition for a Civil Right to Counsel (NCCRC). The NCCRC is the sole entity in the country devoted exclusively to establishing 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. Such a right serves to provide access to justice, fundamental fairness, racial equity, and protection of the rule of law. The NCCRC has more than 600 allies in 42 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.

Growing the National Eviction Right to Counsel Movement

Assisting with enactment and implementation of eviction right to counsel laws. Responding to the longstanding national eviction crisis that grew substantially worse during the pandemic, fifteen cities and three states have now enacted a right to counsel for tenants facing evictions. These jurisdictions and others working to enact such a right recognize the interests at stake for unrepresented tenants, the effectiveness of counsel, the power imbalance between landlords and tenants, and the potential cost savings to cities and states. The NCCRC is actively supporting efforts in another 50+ jurisdictions that are working to enact an eviction right to counsel, as well as assisting jurisdictions to implement enacted laws in a way that is effective and equitable. Our support for local and state efforts includes identifying and convening local stakeholders—from tenant organizers and legal services providers to policymakers and government agencies—and coordinating their efforts. We also assist with bill language, cost estimates, post-enactment concerns, funding identification, and strategies to further race equity and tenant empowerment.

In the last year, with the support of the NCCRC:

- Five jurisdictions (Toledo; Minneapolis; Kansas City, MO; New Orleans; and Detroit) enacted eviction right to counsel legislation. We supported these efforts by working closely with local allies to answer questions and concerns, helping with bill drafting, and/or submitting testimony.
- Dozens of jurisdictions allocated funds to increase legal representation for tenants in eviction cases, which often serves as a building block towards enactment of a right to counsel. We offered strategic advice to local coalitions and elected officials. We also worked to promote the availability of federal emergency funding, such as Emergency Rental Assistance and Fiscal Recovery Fund dollars, for expanded tenant representation and/or right to counsel; wrote resource guides on how to tap into these sources; and worked with other national partners on improving the U.S.

Treasury Department’s guidance on how such funds can be used.¹

- Maryland funded the first two years of implementation of its right to counsel legislation, originally passed in 2021. We provided testimony in support of legislation introduced during the 2022 General Assembly session.
- Connecticut launched its statewide right to counsel for tenants in January 2022, starting in the fourteen neighborhoods with the highest rates of eviction in the state. Philadelphia launched its right to counsel in February 2022 with representation available in two zip codes in North and West Philadelphia. Through our monthly national calls focused on implementation of the right to counsel, we shared best practices and lessons learned from other jurisdictions further along in rolling out their right to counsel programs.
- Cleveland, which enacted right to counsel legislation in 2019 with NCCRC support, released a new report compiled by Stout on the city’s right to counsel program. Key findings are as follows. Of tenants with representation, 93% avoided an eviction judgment or an involuntary move. 83% of tenants who desired rental assistance were able to obtain it. 92% of tenants who wanted additional time to move and 97% of tenants who sought monetary relief could get their request. The projected net savings to Cleveland (and Cuyahoga County) were approximately \$1.8-\$1.9 million.

Advancing race equity. We initiated work with The Case Made and the Law Firm Antiracism Alliance to center race equity in the tenant right to counsel movement. The Case Made—an organization with deep expertise in race equity, housing, and messaging on complex topics—conducted listening sessions with legal aid attorneys

that partner with the NCCRC and is scheduling similar sessions with organizers to learn the opportunities and barriers to infusing campaigns for eviction right to counsel legislation with a racial justice lens. The Law Firm Antiracism Alliance—an association of 300+ large law firms across the country devoted to attacking racial inequities in written laws—is interviewing stakeholders in the eighteen jurisdictions that have enacted right to counsel to document successful campaign strategies and lessons learned, including whether and how race equity was utilized in messaging and campaign strategy. The goal of this work is to develop a racial justice narrative strategy that can be shared with advocates around the country.

Developing resources for the movement. Over the course of many years, we’ve developed a comprehensive webpage of eviction right to counsel resources for advocates.² The page includes supportive data, links to implementation resources, press highlights, webinar recordings, and evidence of broad stakeholder support.

The ACLU and the NCCRC released a joint research brief in May 2022: *No Eviction Without Representation: Evictions’ Disproportionate Harms and the Promise of Right to Counsel*.³ The brief provides an overview of the devastating, long-lasting consequences of eviction and considers evidence on providing legal representation as a way to reduce evictions and help mitigate these harms. It ends with recommendations for federal, state, and local governments, which include establishing and fully funding a right to counsel for tenants.

To take stock of the immense progress of the eviction right to counsel movement in recent years, we kicked off 2022 with a virtual event—A Right to Counsel for Tenants: Celebrating the Makings and Makers of a Movement⁴—and developed a comprehensive resource about the enactments.⁵ The resource includes links to the ordinance

or state law text, details on the scope of right to counsel and eligibility in each city and state, information on the sources of funding and the status of implementation, and data on the impact of eviction right to counsel.

**3% OF TENANTS
vs.
81% OF LANDLORDS
are represented in court**

When facing an eviction, on average only 3% of tenants are represented, compared to 81% of landlords, according to our data.⁶ The stakes in evictions are high: tenants who have been evicted don’t just lose their housing, they also face losses of employment, physical and mental health, child custody, educational attainment, and physical property. Those made homeless by eviction risk incarceration and criminal prosecution. In addition, even a filing of eviction, regardless of the outcome, reduces housing opportunities and can remain on a tenant’s record for years. These consequences are not experienced equally: on average, Black female renters face eviction twice as often as white tenants.

Advancing a Right to Counsel in Other Civil Matters

For youth in foster care. In Colorado, legislation that adds a right to counsel for older children in abuse and neglect cases (HB 1245) passed and was signed into law by the Governor in April 2022. Previously, Colorado law required appointment of an attorney to represent children’s best interests in abuse and neglect cases. The new law requires the appointment of *client-directed counsel* for children twelve years of age or older and provides that when a youth

1 See <https://bit.ly/3Dsx9vg>.

2 See <https://bit.ly/evictionrtc>.

3 Read the report at <https://bit.ly/ACLU-NCCRC>.

4 Watch the webinar at <https://bit.ly/3QPawYm> and the “here’s to you” video that jurisdictions are now using in their advocacy at <https://bit.ly/3Uelfyl>.

5 See <https://bit.ly/3SRETJr>.

6 See <https://bit.ly/3QPvEhb>.

voluntarily seeks extended foster care, the youth must be appointed counsel for the hearing to establish such extended care. We provided supportive testimony for this bill.

For parents in child welfare proceedings. In Mississippi, we first began working with Casey Family Programs in 2012 to design pilot representation projects in four counties to test the impact of providing counsel to parents in child welfare and termination of parental rights cases. Since then, the pilot program has been expanded to eighteen counties with appropriations from the Mississippi legislature and grants from foundation partners. We worked with court personnel to release data from 2017 to 2019, which found that the number of children in foster care in the pilot counties declined substantially (from 2,701 to 1,513), translating to saving the State nearly \$6 million a year. Other benefits identified include:

- Parents are better informed of their rights and responsibilities to accomplish reunification with their children.
- Parents with attorneys get more access to services.
- Alternatives to foster care (e.g., relative care, adoption, etc.) are pursued more quickly.
- Children spend less time in foster care and experience fewer moves and placements, reducing trauma.

For parents in private custody disputes. In Alaska, existing caselaw (*Flores*) provides that when a parent in a child custody case faces an opponent with counsel funded by the state (such as counsel through legal services), the unrepresented parent is entitled to appointed counsel. A case arose in which one parent was represented by a pro bono lawyer supervised by legal services. The public defender program—which would be responsible for providing the appointed lawyer to the unrepresented parent—argued that this situation was not covered by *Flores*. The Alaska Legal Services Corporation (ALSC) disagreed and filed an appeal to the Alaska Supreme Court,

which we supported. In August 2022, the Court agreed with ALSC and ordered that unrepresented parents in such cases are entitled to appointed counsel.

In domestic violence cases. In Massachusetts, a case before the Supreme Judicial Court of Massachusetts (SJC)—*Commonwealth v. Leon G. Dufresne*—questioned whether defendants in civil protection order cases are constitutionally entitled to counsel. In this case, the defendant appealed his criminal conviction for violation of an abuse prevention order issued in a civil proceeding where he was not represented by counsel. The SJC solicited amicus briefs on the right to counsel issue specifically, and we responded. The NCCRC submitted an amicus brief with the Boston Bar Association, the Women’s Bar Association, and the Massachusetts Law Reform Institute arguing that the right to counsel for plaintiffs (alleged victims) and defendants (alleged abusers) are linked and, as such, the Court could not address the right to counsel for one without the other. In February 2022, the SJC issued its opinion in the case and explicitly declined to answer the right to counsel question. Our advocacy helped prevent an imbalance in representation: a ruling in this case would have secured a right to counsel for the defendant only.

For patients facing forced medication. The Maryland Court of Appeals, in *Mercer v. Thomas B. Finan Center*, held that when an involuntarily committed patient appeals a clinical review panel’s decision to forcibly medicate the patient, the patient has a right to counsel upon request up until the time of the administrative hearing. The Court of Appeals also held that the right to counsel cannot be waived without verification that the patient has knowingly and voluntarily waived the right to counsel, specifically that the patient understands the nature of the right and the consequences of waiving the right. The NCCRC consulted with the attorney representing the patient.

Building Public Awareness of and Support for a Right to Counsel

The NCCRC is deeply committed to increasing public awareness about the need for a right to counsel for low-income people in civil cases that impact basic human needs. We partner with nationwide organizations on events, host webinars, make presentations, coordinate strategy meetings, and regularly speak with the press. Highlights from the last year include:

- We co-hosted a webinar⁷ in October 2021 with the National League of Cities (NLC) to spotlight three cities—Baltimore, Denver, and Cleveland—that have used right to counsel as a tool to address their local eviction crises. We recruited Gene Sperling, White House American Rescue Plan Coordinator; Brandon Scott, Mayor, Baltimore, Maryland; Candi CdeBaca, Councilmember, Denver, Colorado; and Hazel Remesch, Supervising Attorney, Legal Aid Society of Cleveland, to present along with us. We also authored a blog post for NLC titled *Using Right to Counsel as an Eviction Diversion Strategy*.⁸ The webinar shared the blog post, as well as our interactive right to counsel map,⁹ data we compiled on federal funding available to support right to counsel,¹⁰ and our reference guide of enacted right to counsel legislation.¹¹
- Throughout the year, NCCRC attorneys participated in and presented at weekly virtual meetings convened by the National Low Income Housing Coalition, the American Bar Association’s Access to Justice COVID-19 Workgroup, and the National Housing Law Project’s COVID-19 Eviction Workgroup. We provided overviews of the status of the eviction right to counsel movement around the country and encouraged attendees—sometimes more than 900 in one meeting—to support or start eviction right to counsel efforts in their local communities.

7 Watch a recording of the webinar at <https://bit.ly/3dvZoBG>.

8 John Pollock. “Using Right to Counsel as an Eviction Diversion Strategy.” *National League of Cities*. <https://bit.ly/3QldXAM>

9 See <http://civilrightstocounsel.org/map>.

10 See <https://bit.ly/3Dsx9vq>.

11 See <https://bit.ly/3SREtJr>.

- Right to counsel was a featured recommendation in the June 19 episode of *Last Week Tonight with John Oliver*.¹² In the show, John Oliver did a deep dive on rent, discussing the rental housing crisis and issues faced by tenants in eviction proceedings, including the lack of representation. Prior to the episode airing, we spoke with the show's producers about the right to counsel content of the episode.
- We informed the right to counsel policies of two national think tanks: CityHealth and Democracy Policy Network. CityHealth ranks cities on evidence-based policies to further public and individual health, awarding medals (gold, silver, and bronze) based on how effective the policy is or no medal if the city has not adopted the policy. It also works with experts like the NCCRC to answer questions from municipalities about the policy. We helped CityHealth develop their "Legal Support for Renters" policy, co-authored a blog post on the health benefits of right to counsel,¹³ and are working with their policy team to answer questions from cities about the policy. Additionally, we partnered with CityHealth and Enterprise Community Partners on a new report: *Addressing America's Housing Crisis*.¹⁴ The report explores three of the housing policies contained in CityHealth's 2.0 Policy Package: affordable housing trusts, healthy rental housing, and legal support for renters.

Democracy Policy Network advances progressive policies at the state level. We worked with them to research and write their "Legal Aid for All" policy recommendation that includes expanding right to counsel beyond criminal defense to all civil case types and at no cost.

12 Watch the episode at <https://bit.ly/3QrtO6E> (Subscription required).

13 John Pollock, JD, and Kathryn Leifheit, PhD MSPH. "Legal Support for Renters: Preventative Legal Medicine." *CityHealth*. <https://bit.ly/3Pw8FqC>

14 See <https://www.cityhealth.org/addressing-americas-housing-crisis/>.

The media amplified calls for an eviction right to counsel. We were interviewed for and quoted in stories on the end of the federal COVID eviction ban, the eviction crisis, and right to counsel in several news outlets, including:

MARKETPLACE:

"As eviction deadline looms, more tenants have access to legal help"

by Amy Scott

<https://www.Marketplace.Org/2021/07/08/as-eviction-deadline-looms-more-tenants-have-access-to-legal-help/>

SHELTERFORCE:

"Anti-Eviction Advocates Want the DOJ to Support the Right to Counsel Movement"

by Josh Cohen

<https://shelterforce.org/2021/08/05/anti-eviction-advocates-want-the-doj-to-support-the-right-to-counsel-movement/>

FEDCOMMUNITIES:

"Eviction Moratorium Highlights Need for Tenants to Have Counsel"

by Jennifer Wilding

<https://fedcommunities.org/eviction-moratorium-tenant-counsel-rights/>

CNN:

"Here's What Renters Can Expect After the End of the Federal Eviction Ban"

by Anna Bahney

<https://www.cnn.com/2021/08/27/success/supreme-court-ends-eviction-moratorium-feseries>

KANSAS CITY BEACON:

"We can't represent everyone we want': In eviction court, most tenants fight their cases without a lawyer"

by Celisa Calacal

<https://thebeacon.media/stories/2021/09/23/representation-for-tenants-evictions-kansas-city/>

CNBC:

"After Hard Times for Renters, Cities and States Pass Dozens of New Protections"

by Annie Nova

<https://www.cNBC.com/2021/11/23/after-a-hard-time-for-renters-cities-and-states-pass-new-protections.html>

LAW360:

"5 Matters That Shaped Access to Justice in 2021"

by Marco Poggio

<https://www.law360.com/articles/1449777/5-matters-that-shaped-access-to-justice-in-2021>

and **"New Orleans, Detroit Join Tenant Right to Counsel Movement"**

by Andrew Strickler

<https://www.law360.com/articles/1495140/new-orleans-detroit-join-tenant-right-to-counsel-movement>

KQED:

"Power in the Courts: When Tenants Fight Back"

by Molly Solomon and Erin Baldassari

<https://www.kqed.org/news/11907091/power-in-the-courts-when-tenants-fight-back>

2022 AWARDS



Whitney Davis



Indigo Null



Jennifer Rowe



Deric Strickland and Tona Watkins

John P. Sarbanes Courage Awards

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

Whitney Davis courageously fought her former employer in the courts for more than five years—and prevailed—as the lead plaintiff in *Davis v. Uhh Wee, We Care Inc.*, a wage theft and disability discrimination case. She persevered through an intrusive deposition and years of litigation made more difficult and more protracted by her employer’s attempts to dodge responsibility. Her tenacity helped achieve a very favorable settlement¹ and was recognized by the court in the form of an incentive award for the time and effort she took to represent the interests of other workers. These outstanding results would not have been possible without Ms. Davis’s courage in standing up for her own rights and the rights of her co-workers!

Indigo Null is recognized with a John P. Sarbanes Courage Award for their unstoppable advocacy for the residents of the CopyCat Building. Fighting the illegal rental operations and dangerous housing conditions at their building, Indigo

took their case to the Maryland Court of Appeals and then to the General Assembly. In the face of adversity, Indigo found strength in tenant organizing.

Jennifer Rowe demonstrated courage and tenacity in litigating her disability-based discrimination claim, first on her own through the Maryland Commission on Civil Rights (MCCR) and in the court, without remedy, and now as our true partner in the appellate courts. Although the case is now about whether the court has the jurisdiction to review MCCR’s findings, and not Ms. Rowe’s personal experience, she persists. Ms. Rowe’s advocacy on behalf of unnamed others is an example for everyone and will make way for them to stand up for their civil rights.²

“In a better world, disabled people would not have to fight for inclusion. In this one, I’m grateful to the Public Justice Center for believing me when others didn’t, taking

my case when others wouldn’t, and guiding me through the elitist and (deliberately) confusing system,” says Jennifer Rowe.

Deric Strickland and Tona Watkins were appalled that thousands of Maryland tenants like themselves faced imminent eviction even after applying months earlier for emergency rental assistance in the wake of COVID-19. Mr. Strickland and Ms. Watkins fought their case successfully in court and testified in Annapolis on a bill that would have required a pause in the eviction case when a rental assistance application is pending. Because of their tenacity, SB 384 passed the General Assembly. Although the bill was ultimately vetoed by the Governor, the testimony of Mr. Strickland and Ms. Watkins drew public attention to the importance of eviction diversion and continues to influence legislative discussions around eviction.

¹ Read more about *Davis v. Uhh Wee, We Care Inc.* on page 7 of this annual report.

² Read more about Ms. Rowe’s disability discrimination case on page 21 of this annual report.



Karen Lash



anneke dunbar-gronke



Young People for Progress

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.

The National Coalition for a Civil Right to Counsel (NCCRC) is pleased to recognize **Karen Lash** for her outstanding efforts to further the work of the NCCRC and the civil right to counsel movement writ large. Among her contributions, Karen has helped the NCCRC secure sustained funding and ensured that both the NCCRC and the right to counsel are part of the conversation in a variety of access to justice initiatives at the national level.

“Karen has been a passionate advocate for the NCCRC for ages,” said John Pollock, the NCCRC Coordinator. *“Throughout her various roles in government and the private sector, she’s made sure that government agencies, policymakers, funders, NGOs, and others know what we do and involve us in their work, which is enormously valuable. She’s been a huge cheerleader both for us and for the civil right to counsel movement, which she’s effectively advocated for at times when she’s held really important positions.”*



The commitment of **Lawyers’ Committee for Civil Rights Under the Law attorney aneke dunbar-gronke** to centering tenants and tenant organizing in advocacy has enhanced the capacity of Baltimore Renters United and Renters United Maryland to advance housing justice. aneke’s indefatigable pursuit of racial equity and human rights has animated additional tenant organizing and policy campaigns, such as cutting the Baltimore Sheriff’s budget for evictions.



Outten & Golden LLP is known for its commitment to providing workers with top-quality representation—and just as importantly, doing so with dignity and respect. The PJC was proud to partner with this outstanding firm in two recent lawsuits, representing eighteen low-wage paratransit drivers denied minimum and overtime wages. The two suits recovered more than half a million dollars for these workers and set important legal precedent. We are grateful to current Outten & Golden attorneys Chauniqua Young, Darnley Stewart, Molly Brooks, Daniel Stromberg, and Hannah Cole-Chu, paralegal Rania Tootla, and former Outten & Golden attorneys Sally Abrahamson and Deirdre Aaron for their hard work, dedication, and partnership.



Young People for Progress (YPP) has been the leader in the fight for police-free schools in Montgomery County. They organized a large, diverse coalition of student groups and community groups from across the county to apply real pressure to both the County Council and the school board on this issue. They ensured that youth led the advocacy on an issue that most directly impacts them: the presence of police in their schools. They demonstrated to local leadership the true power of young people, achieving more progress toward police-free schools than adult advocates alone have ever been able to in Maryland. The PJC was honored to partner with YPP in the coalition, contributing legal and policy support to the campaign.

“The Public Justice Center has been a wonderful and strong partner in our local work for schools that listen to student voices and fully support all students rather than criminalize them. It is an honor to be presented with its Outstanding Partner Award,” stated Danielle Blocker, Executive Director of Young People for Progress.

FY 2022 Income & Expenses

July 1, 2021- June 30, 2022

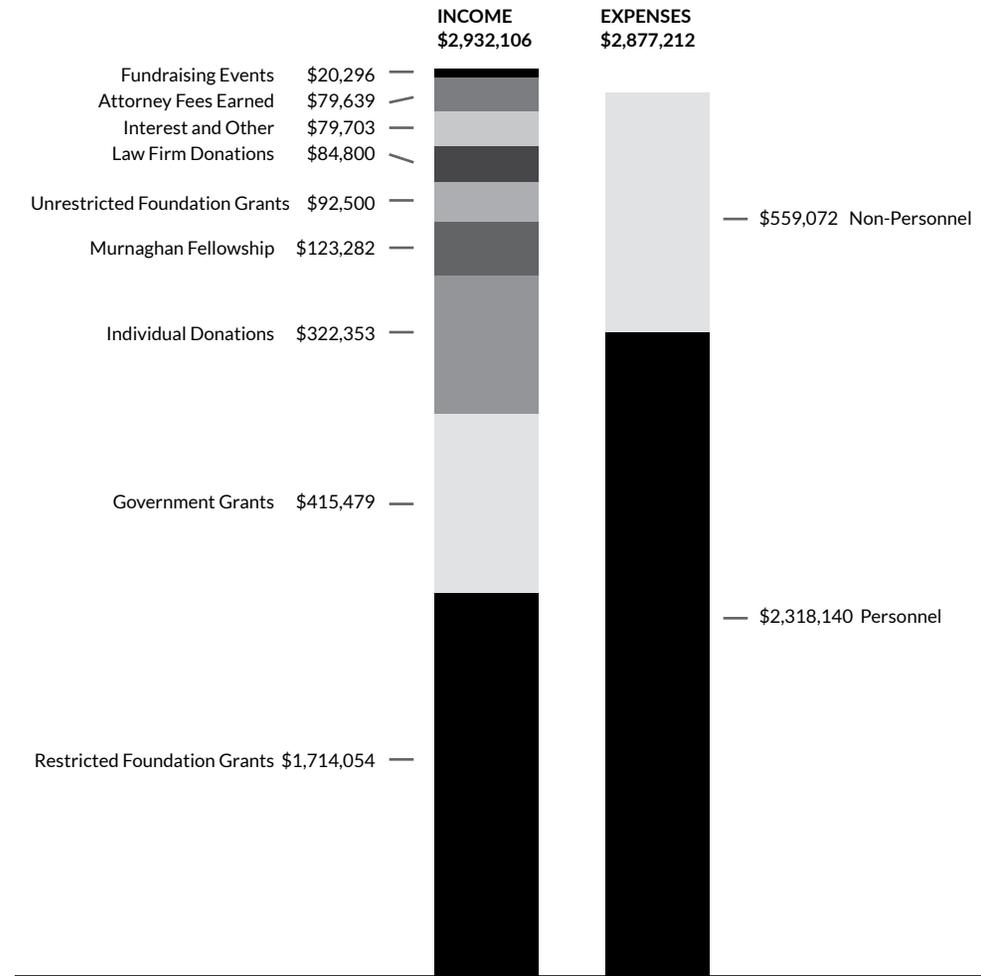
Thank you to our long time and new contributors for your strong support! FY 2022 was filled with uncertainty—of how the lingering pandemic-related economic hardships and rising inflation on the national level and our own executive leadership transition would affect our clients, the communities we serve, and the day-to-day operations of the PJC. You stood by us, trusted the PJC to use your contributions wisely, and continued or increased your financial commitment to our mission and advocacy; as a result, the PJC had a very strong year financially.

We started the year with a Board-approved budget projecting net income of \$68,459 and finished the year with a positive net income of \$54,864—just slightly less than projected. Support from foundations and individuals remained strong, with a slight dip in total contributions from both coming off our strongest year ever (FY 2021). COVID-specific funding nearly tripled the amount we received in government grants. A class action lawsuit against a construction company settled in April 2021 resulted in payment of earned attorney fees early in the fiscal year, and fees from fiscal sponsorships of three Black-led organizations increased significantly as they built their local and national base of supporters. At the end of the year, we have more than \$2 million in unrestricted net assets (reserves) that will help us weather any fluctuations in giving in the next year.

Our strong financial position in fiscal year 2022 meant that we could respond to current demands for justice and create change with a lasting impact. Thank you to the many supporters who make our work possible!



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.



Disclaimer: This financial summary was prepared from end of year (June 30, 2022) financial statements prior to completion of the annual independent audit. The audited financial statements will be available at <http://www.publicjustice.org/financials-and-annual-reports/> in December 2022.

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/charitable-solicitation-disclosures/> for more information.

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, 2021, and June 30, 2022.

Organizations

1199SEIU
AARP – Maryland
Access to Counsel in Evictions Task Force
Access to Justice Commission
ACLU of Maryland
Agenda DC
Alzheimer’s Association – Greater Maryland and National Capital Area Chapters
America Works
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Asian Pacific American Bar Association of Maryland
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Baltimore Black Worker Center
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Health Care for the Homeless
Homeless Persons Representation Project
Homes for All Coalition
Housing Justice Network
Housing Justice Task Force at Legal Aid
Howard University School of Law
Civil Rights Clinic
IMAGE Center of Maryland
Intercultural Counseling Connection
Jews United for Justice
Job Opportunities Task Force
Kennedy Krieger Institute, Project HEAL (Health, Education, Advocacy, and Law)
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Maryland Department of Juvenile Services

Maryland Employment Lawyers Association
Maryland Health Care for All Coalition
Maryland Hepatitis Coalition
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Maryland Legal Aid
Maryland Office of the Public Defender
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National Coalition for a Civil Right to Counsel Partners

Thank you to the many organizations and individuals who partnered with us to advance the right to counsel for low-income people in civil cases involving basic human needs, such as housing, health, domestic violence, civil incarceration, and child custody.

National Organizations

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 Democratic Socialists of America*
 Equal Justice Works
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 Housing Justice Network
 Law Firm Antiracism Alliance
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 Voices for Civil Justice

* National organizations with local chapters that partner with the NCCRC

Thank you to our donors!

Thank you to the many individuals and organizations who made gifts between July 1, 2021, and June 30, 2022. Together, we are building a just society!

Catalysts for Change

Thank you to the many individuals who give monthly or quarterly to power our pursuit of economic justice and racial equity. Our loyal Catalysts for Change give us the resources to stand with workers, tenants, students, parents, and communities advocating for systemic change.

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Thank you to the leading individual donors who contribute \$1,000 or more to demonstrate their commitment to systemic change. Our Champions of Justice afford us the strategic flexibility to meet injustice where it rises and to use the tools necessary to balance the scales of injustice—no matter how long it takes.

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Thank you to the many talented and inspiring volunteers who contributed their time between July 1, 2021, and June 30, 2022.

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Remembering Stephen Sachs and Brother Francis O'Donnell

We are saddened by the passing of former Maryland Attorney General and U.S. Attorney Stephen Sachs in January and retired educator and social justice attorney Brother Francis O'Donnell, Jr. in July.



After **Stephen Sachs** “retired” from public office and private practice, his work as a lawyer for the public interest never ended. He joined the Public Justice Center’s efforts in 2000 and was instrumental in the development of the PJC’s Appellate Advocacy Project, the founding of the Francis D. Murnaghan, Jr. Appellate Advocacy Fellowship, and the creation of the National Coalition for a Civil Right to Counsel. He frequently participated in moots for appellate arguments, giving advice on structuring an argument to make it compelling, easy to remember, and succinct. He argued the case *Frase v. Barnhart* with the PJC, seeking to establish a right to counsel in child custody cases in Maryland.

We are grateful for the many ways Steve advanced access to justice, and our thoughts are with his family. PJC Legal Director Debra Gardner, who worked with Steve for many years, said, “He was a giant. His care and attention to the skills of our Murnaghan Fellows for well over a decade knew no bounds. And he was generous with his counsel, which I soaked up like a sponge. May his memory be a blessing. And don’t worry, Steve, we won’t forget to add a little more garlic.”



Brother Frank O'Donnell (center) is pictured here with Keith Milligan (left), former PJC board president and volunteer, and Lavern Blackmon (right), former Human Right to Housing Project paralegal. Brother Frank was among the advocates who successfully stopped the practice of landlords dumping tenants' belongings on the streets when evicting them.

Brother Francis O'Donnell, Jr. was the director of the PJC’s Tenant Advocacy Project from 1991 to 1993. In that role, he trained and supervised paralegal volunteers to represent tenants in rent court and advocated for improvements in landlord-tenant laws. In 1992, Brother Frank’s work on our Tenant Advocacy Project was recognized with the Herbert S. Garten Special Project Award for pro bono work from the Maryland State Bar Association. He later served on our board of directors and on our Leadership Council.

We are so thankful for Brother Frank’s involvement in our fight for tenants’ rights and social justice over so many years. Mike Wasno, former board president, was inspired by Brother Frank and shared this fond memory: “Brother Frank invited people to experience social justice issues—that was his gift. He called me one day and asked me to set up a computer database for the Tenant Advocacy Project. When I installed the system in the rent court, I met the tenant advocates and a couple clients and became an ardent PJC supporter. Brother Frank was my social justice mentor and when I became board president, I could tell he was proud of me—but more importantly I was grateful to him for inviting me to be a part of the PJC family.” Christine Webber, who served on the PJC board and Leadership Council with Brother Frank, commented, “He added so much light and warmth to the world.”



Thank You to Sally Dworak-Fisher and John Nethercut

We send our best wishes to two long-time staff members—Sally Dworak-Fisher and John Nethercut—who started their next chapters in the last year. Sally and John leave incredible legacies at the PJC, and we are grateful to have counted them as colleagues.

For two decades, attorney **Sally Dworak-Fisher** was a passionate and persistent advocate for justice at the Public Justice Center. Sally worked in nearly every PJC project—from representing tenants in Baltimore’s eviction court and Walmart workers in a national gender discrimination lawsuit to advocating for humane conditions in the Baltimore City Detention Center. In recent years, Sally led the PJC’s Workplace Justice Project’s advocacy to combat wage theft and improve working conditions. In partnership with private law firms and other partners, Sally and the Workplace Justice Project team recovered millions of dollars in workers’ unpaid wages and damages, compelled employers to reform their pay practices, passed a law establishing access to sick and safe leave for hundreds of thousands of workers, and halted Governor Larry Hogan’s attempt to cut off federal pandemic unemployment insurance benefits early. Whether Sally was pushing for systemic change by representing clients or fighting in the legislature, her deep respect for low-wage workers and their right to work with dignity shone through.

John Nethercut had served as the PJC’s Executive Director for nearly 20 years when he announced his plans to retire. Starting in 2002, John led the board and staff to grow the scope and size of the organization. The PJC diversified its approach to legal advocacy, responding to injustice with a full complement of legal strategies, including client representation, class action lawsuits, legislative and administrative advocacy, public education, and collaboration with community and advocacy groups. Nearly a decade ago, the PJC began developing knowledge of systemic racism and centering racial equity and anti-racism in its projects, cases, advocacy, and organizational culture. Also under his leadership, the PJC’s revenue tripled; sustained growth over two decades means there are more attorneys and paralegals advocating for systemic change and more staff to provide management, infrastructure, capacity, and administrative support for the organization. As a result, the PJC built a strong local and national reputation as a leader in public interest law reform, using systemic legal advocacy to address laws, policies, and practices that perpetuate economic injustice and racial inequity.

John Nethercut Fund

The John Nethercut Fund was created to honor John’s nearly 20 years as Executive Director of the Public Justice Center. John was particularly proud of the PJC’s approach to legal advocacy, and this fund supports our capacity to respond to injustice with multiple legal strategies and build power among those most affected by injustice to fight for their rights. Thank you to the individual donors and sponsors to the John Nethercut Fund!

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Thank you to the dedicated staff whose work between July 1, 2021, and June 30, 2022, is detailed in the pages of this annual report.

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Staff Awards and Accomplishments

PJC Workplace Justice Project and Murphy Anderson Honored with Outstanding Achievement Award from Washington Lawyers' Committee for Civil Rights and Urban Affairs

The Outstanding Achievement Award—presented at the Wiley A. Branton Awards Luncheon in June 2022—recognizes the work of the PJC and Murphy Anderson in partnership with the Washington Lawyers' Committee in settling a case alleging unpaid wages and employment discrimination against a construction company. Approximately 250 workers are eligible for payments under the terms of the April 2021 settlement, which totals approximately \$1,050,000 for the workers. The employer also agreed to make changes to certain employment practices.

Congratulations to all the attorneys who worked on the case, including PJC attorneys Monisha Cherayil and Sally Dworak-Fisher, and Murphy Anderson attorneys Mark Hanna, Roseann Romano, and Adam Breihan; and thank you to our co-counsel at the Washington Lawyers' Committee, Danny Katz and Joanna Wasik.

Russell (Ronnie) R. Reno, Jr. Honored with Retired Pro Bono Volunteer Maryland Pro Bono Service Award

The Pro Bono Resource Center of Maryland honored PJC attorney Ronnie Reno with the Retired Pro Bono Volunteer Maryland Pro Bono Service Award in June 2022. The award is presented to “an individual who is making a significant pro bono contribution while retired.” After more than 50 years at Venable practicing real estate law, Ronnie Reno joined the PJC in 2010 as a full-time, volunteer attorney with our Human Right to Housing Project. He has been an integral part of the PJC's mission of building a just society, providing legal representation, support for advocacy campaigns, networking, and mentoring.¹ We are grateful for his commitment to ensuring that tenants have the information and resources that they need to pursue justice. Ronnie is a model for pro bono service that improves access to justice, and this award is well-deserved recognition.

Tyra Robinson Graduated from Maryland State Bar Association Leadership Academy

Tyra Robinson graduated in July 2022 from the Maryland State Bar Association Leadership Academy fellowship program, a 12-month program designed to assist lawyers in becoming better leaders in their own organizations and within the bar at large. Tyra was one of just 15 fellows selected through a competitive application process. During the program, fellows attend MSBA events, develop and implement a public service project,² and attend programs intended to further develop their leadership capacities. Tyra reflected on their experience with the following: “I am thankful to have been selected for this prestigious opportunity. I decided to apply because I was seeking community in the legal profession. Through this program, I have been exposed to different ways of lawyering and connected with lawyers and others who I may not have met otherwise. I look forward to growing and maintaining these connections. The Leadership Academy has changed my legal trajectory and my life.”

1 Read more at <http://www.publicjustice.org/en/news/ronnie-reno-honored-with-retired-pro-bono-volunteer-maryland-pro-bono-service-award/>.

2 Watch a recap of the 2021-22 Leadership Academy Class's public service project introducing youth to conflict resolution skills at <https://www.youtube.com/watch?v=HGm-CQeQRkw>.



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