



MEMORANDUM

TO: MLSC Grantees
FROM: Annie Speedie, Director of Programming
DATE: July 18, 2018
RE: FY 2018-2019 Litigation Fund

The Pro Bono Resource Center of Maryland (PBRC) administers a *Pro Bono / Judicare Litigation Fund*, an annual grant funded by the Maryland Legal Services Corporation (MLSC). Below please find a brief update on the status of the *Litigation Fund*.

Eligibility: Attorneys who handle Judicare or pro bono cases through MLSC-funded legal services programs may be eligible for reimbursement through the *Litigation Fund*. If your program engages attorneys to provide low bono/reduced fee legal assistance, please contact me to determine eligibility. Reimbursements are based on the availability of funds and subject to review by PBRC. Restrictions apply, and there is no guarantee that requests will be approved.

Please be advised that the Litigation Fund for FY 2017-2018 was closed on July 1, 2018. All remaining requests for FY 2017-2018 expenses will be denied. On July 1, 2018, however, FY 2018-2019 expenses became eligible for reimbursement under the FY19 Litigation Fund and are now being processed.

Reminder regarding fee waiver procedures: Starting July 1, 2015, under Maryland Rule 1-325, indigent clients became entitled to an automatic waiver of prepaid costs¹ if their attorney is representing them through an organization identified by the Maryland Legal Services Corporation under section (d) of the amended rule. Attorneys will still be required to file a request for a waiver of final costs, and the request will still require an affidavit. A summary of the changes, the list of approved providers, and relevant forms are available at <http://mdcourts.gov/courts/feewaiverprocedures.html>. The form for automatic waiver of prepaid costs is also enclosed here. **Volunteers should follow this procedure instead of requesting reimbursement from the Litigation Fund for prepaid costs like filing fees and appearance fees.**

Reminder regarding small estate expenses: In FY19, volunteers may again submit requests for small estate expenses in “tangled title” cases. Please encourage volunteer attorneys handling cases for which resolution has been delayed due to a client’s inability to pay the various costs associated with opening an estate and/or re-titling a property to contact PBRC about utilizing the Litigation Fund. The following is a list of small estate expenses that PBRC anticipates covering; volunteers should contact PBRC regarding possible coverage of a small estate expense not listed below:

- Probate fees for opening a small estate (under \$100K)
- Bonding
- Publication fees
- Lien certificate
- Deed recordation fees
- Certified mailing fees
- Copies of death certificate

NOTE: The *Litigation Fund cannot* be used toward a client’s unpaid bills such as water bills or property taxes. If the client previously covered some of the necessary estate administration fees in the case, those fees will not be eligible for reimbursement.

Updated Forms and Guidelines: PBRC made minor formatting updates to the policy and reimbursement request forms for the *Pro Bono / Judicare Litigation Fund*. Consistent with last year, attorneys should still submit a reimbursement request form, a Mileage Tracking Sheet (Attachment A) (if applicable), and any and all receipts/documentation which support the claimed expenses. Copies of receipts remain acceptable, but no request will be approved without full documentation and submission of all forms. As a reminder, all volunteer attorneys are still encouraged to seek pro bono or discounted services prior to requesting reimbursement.

Enclosed please find hard copy versions suitable for inclusion in new attorney case acceptance packets. An interactive, fillable PDF version is also available at <https://www.probonomd.org/for-lawyers/litigation-fund/>. **Please update your records, case acceptance packets, and website accordingly.**

¹ Rule 1-325 includes a Committee Note which states, “[p]repaid costs” may include a fee to file an initial complaint or a motion to reopen a case, a fee for entry of the appearance of an attorney, and any prepaid compensation, fee, or expense of a master, examiner, or family magistrate. See Rules 1-501, 2-541, 2-542, 2-603, and 9-208.

FY 2018-2019 Pro Bono / Judicare Litigation Fund Guidelines

Administered by: PRO BONO RESOURCE CENTER OF MARYLAND, INC. (PBRC)

1. AVAILABILITY OF FUNDS

Please be aware:

- Funds are available to Judicare and pro bono attorneys handling cases through MLSC-funded agencies **ONLY**.
- Funds are limited and may be exhausted before the end of the fiscal year. Reimbursement is subject to the availability of funds and is disbursed on a first come, first served basis. **There is no guarantee that requests will be approved**, and reimbursements are subject to review by PBRC.
- **The FY 2018-2019 Litigation Fund is available only for eligible expenses incurred July 1, 2018 to June 30, 2019.**
- ***PLEASE NOTE: PBRC will not issue reimbursements for requests that total \$10.00 or less.***

2. SUBMISSION DEADLINES

Requests must be submitted within 60 days of the incurred expense. **However, please note that the FY 2019-2019 Litigation Fund closes on July 1, 2019.** Requests for reimbursement of expenses incurred on or before June 30th **must** be received at PBRC by July 1, 2019 in order to be considered.

3. MAXIMUM ALLOWABLE LIMIT

There are two caps:

- \$1,000 per attorney per fiscal year (July 1 – June 30), whether single fee or aggregate.
- \$1,500 over the lifetime of a case, whether single fee or aggregate.

4. REQUEST PRO BONO OR DISCOUNTED SERVICES PRIOR TO SUBMISSION

Because funds are limited, all legal service programs and pro bono attorneys are encouraged to seek pro bono or discounted services prior to requesting reimbursement.

5. CONTRIBUTIONS FROM OPPOSING PARTY

The Litigation Fund was not intended to subsidize costs for the opposing party. Unless court rules indicate otherwise, pro bono attorneys are encouraged to seek contribution for discovery and other litigation costs from the opposing party.

6. DOCUMENTATION REQUIRED

For each individual case: Fill out a separate Reimbursement Request Form, Mileage Tracking Sheet (Attachment A) (if applicable), and attach all receipts/documentation of your expenses. Required documentation includes receipts, invoices, billings of amounts payable, etc. Copies are acceptable, but no request will be approved without full documentation.

7. COURT COSTS

Starting July 1, 2015, under Maryland Rule 1-325, indigent clients in an original action in a circuit court or the District Court became entitled to an automatic waiver of prepaid costs (e.g., fee to file an initial complaint or a motion to reopen a case, a fee for entry of the appearance of an attorney, and any prepaid compensation, fee, or expense of a master, examiner, or family magistrate) if their attorney is representing them through an organization identified by the Maryland Legal Services Corporation under section (d) of the amended rule. **Volunteers should review and follow 1-325 instead of requesting reimbursement from the Litigation Fund for prepaid costs like filing fees and appearance fees. Visit <http://mdcourts.gov/courts/feewaiverprocedures.html> for more information.** At present, bankruptcy filing fees **will not** be reimbursed.

8. OFFICE EXPENSES

The expenses involved must be non-routine cash expenditures outside the normal scope of office operations. There will be no reimbursement for such items as the value of secretarial time, local phone calls, minor numbers of copies made on office copiers or postage for routine correspondence. PBRC reserves the right to deny requests that are excessive. The following is the list of routine reimbursable items:

- Mileage: \$0.50 per mile
- Substantial photocopies: up to \$0.10 per page
- Faxes: \$1.00 per page
- Large mailings and registered mail
- Courthouse copies

PRO BONO / REDUCED FEE LITIGATION FUND
REIMBURSEMENT REQUEST FORM

Funds are available to Judicare and pro bono attorneys handling cases through MLSC-funded agencies only. There is no guarantee that requests will be approved. Reimbursements are based on the availability of funds and subject to review by PBRC.

Sponsoring Agency: _____
 Attorney Name: _____ Phone #: _____
 Firm: _____ Email: _____
 Attorney Mailing Address: _____
 Case Type: Pro Bono (free) Judicare Low bono/Reduced Fee Agency Case No.: _____
 Collaborative Family Law Case through Judicare Project Court Case No.: _____
 Client Name: _____
 Make Check Payable to: _____

Checklist:	Comments:
<input type="checkbox"/> All expenses were incurred within the past 60 days	
<input type="checkbox"/> I understand that all requests for FY18 expenses (7/1/18-6/30/19) are due by 7/01/2019	
<input type="checkbox"/> I sought pro bono or discounted services	
<input type="checkbox"/> The following supporting documentation is attached:	
<input type="checkbox"/> All receipts, invoices, billings of amounts payable	
<input type="checkbox"/> Attachment A: Mileage tracking sheet* (if requesting mileage)	
<i>*form available at https://probonomd.org/for-lawyers/litigation-fund/</i>	
<hr/>	
Itemized List of Expenses:	
<i>In the space below, provide an itemized list of expenses for which you are seeking payment through the Litigation Fund.</i>	
Type of Expense	Cost
<i>(e.g., postage, mileage, discovery, etc.)</i>	
(1) _____	\$ _____
(2) _____	\$ _____
(3) _____	\$ _____
(4) _____	\$ _____
(5) _____	\$ _____
(6) _____	\$ _____
(7) _____	\$ _____
(8) _____	\$ _____
TOTAL REQUESTED:	\$ _____
<input type="radio"/> Preapproval Only <input type="radio"/> Reimbursement or <input type="radio"/> Direct Pay? (select one)	

Attorney Signature: _____ Date: _____

Please review the Litigation Fund Policy (available at www.probonomd.org/for-lawyers/litigation-fund) for requirements, restrictions, required forms, and additional information.

For PBRC Use Only	Lit Fund Request: 201__-LF
Recommendation: <input type="checkbox"/> Preapproval Only <input type="checkbox"/> Approve in full <input type="checkbox"/> Partial Approval <input type="checkbox"/> Deny	
Comment(s): _____	
<hr/>	
For PBRC Executive Director Use Only	
Final Decision: <input type="checkbox"/> Preapproval Only <input type="checkbox"/> Approve in full <input type="checkbox"/> Partial Approval <input type="checkbox"/> Deny	
Signature: _____ Date: _____ Check No.: _____	
Comment(s): _____	

**PLEASE SEND THIS FORM AND
 REQUIRED DOCUMENTATION TO:**
 Caitlin Goldblatt (cgoldblatt@probonomd.org) OR
 Pro Bono Resource Center of Maryland, Inc.
 520 W. Fayette St., Baltimore, MD 21201

PRO BONO / REDUCED FEE LITIGATION FUND
ATTACHMENT A: Mileage Tracking Sheet

Funds are available to Judicare and pro bono attorneys handling cases through MLSC-funded agencies only. There is no guarantee that requests will be approved. Reimbursements are based on the availability of funds and subject to review by PBRC. Attorneys are encouraged to attach documentation for claimed mileage (e.g., from Google Maps or MapQuest) to expedite processing.

Sponsoring Agency: _____ Client Name: _____
 Attorney Name: _____

Date of Trip	Miles	\$0.50 per mile	Origination Address	Destination Address	Purpose	PBRC-use only
		\$				
		\$				
		\$				
		\$				
		\$				
		\$				
Total		\$				

Attorney Signature: _____ Date: _____ (Attachment A, Page _____ of _____)

Please review the Litigation Fund Policy (available at www.probonomd.org/for-lawyers/litigation-fund) for requirements, restrictions, required forms, and additional information.

ATTACH TO REIMBURSEMENT REQUEST FORM AND SEND TO:

Caitlin Goldblatt (cgoldblatt@probonomd.org) OR
 Pro Bono Resource Center of Maryland, Inc.
 520 W. Fayette St., Baltimore, MD 21201

For PBRC Use Only
 Lit Fund Request: 201____-LF_____