THE DAILY RECORD

Maryland Law friday

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Law Notes

Raising the Bar

The manner in which words are conveyed is as important as the words themselves, Paul Mark Sandler writes in "Style, delivery and opening statements," Part VII of his "Anatomy of a Trial" series.
Page 3B

'Secret' divorce

A circuit court judge erred in refusing to vacate an order of default in a divorce action where the wife claimed the husband kept the filings a secret, even though they were living in the same house, appellate panel holds.
Page 4B

New leader picked for AOC

Chief Justice John Roberts picked Washington lawyer and former Rehnquist aide James Duff to head the Administrative Office of the Courts, saying he hoped Duff could improve the judiciary's strained relationship with Congress.
Page 4B

Nonrenewal upheld

A Prince George's County vendor's application to renew its liquor license was properly denied, and the liquor board had no duty to notify the circuit court that subpoenaed witnesses failed to testify, the Court of Special Appeals has held.
Page 5B

Mathias chairs group

DLA Piper Rudnick Gray Cary has named James D. Mathias litigation chair of its Baltimore office. Mathias is co-chair of the firm's banking and financial services litigation group and a member of its policy committee. He has focused on general corporate, securities and business litigation. In his new role, he will oversee general management of the 75-lawyer strong litigation practice. Mathias follows Neil J. Dilloff in this position. Dilloff will continue his work as a partner in the group.

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MAXIMILIAN FRANZ

'We owe it to the communities not just to close the file once they're sentenced,' Public Defender Nancy S. Forster said about her clients. 'We really do want them to pick up their lives and not be in the recidivism trap.'

Defenders take the offensive

With pilot programs, Office of Public Defender hopes 'holistic' approach will reduce recidivism

BY CYNTHIA DI PASQUALE
Daily Record Legal Affairs Writer

When a hypothetical "Indigent Joe Offender" commits a crime in Maryland, he maybe serves a little time, is rehabilitated and goes on to become a model citizen. Right?

Well, sometimes. In fact, only about half the time, according to the Department of Public Safety and Correctional Services.

Public Defender Nancy S. Forster suspects that's because the offender never receives the help he needs in other areas of his life to steer him on the right path.

Her plan to break this cycle is a holistic approach to criminal defense — one that not only attacks the specific charge that brought the client into her agency, but also helps deal with the client's housing eviction, drug addiction, child custody dispute or public benefits bureaucracy. While the lawyers in her office can't handle all those needs, they can refer the client to someone who can.

"We owe it to the communities not just to close the file once they're sentenced ... ," Forster said about her clients. "We really do want them to pick up their lives and not be in the recidivism trap."

A pilot program testing this "one-stop-shop" concept has been in the works in Montgomery County for a year now, although it won't be running at full speed until the end of May. The Baltimore office is looking for space in the northwest part of the city to begin a second.

Forster borrowed the idea from public defenders in Brooklyn, N.Y., which she has been studying for several years now.

The programs won't sap funds from other initiatives, such as a three-year plan funded by Gov. Robert L. Ehrlich Jr. starting in 2005 to bring the criminal defenders' caseloads down and into compliance with American Bar Association standards, Forster assured. It also won't require additional funding for her annual budget, which totaled $74.3 million this fiscal year. Instead, offices participating in the pilot will reorganize their client intake structure to conform to the new approach.

If the pilots are successful in meeting client civil and social support needs, and in reducing their likelihood of re-entry into the criminal justice system, she plans to expand the community defense strategy statewide.

Piloting the program

The usual welcome for a defendant assigned to the public defender's office, as it is run today, is a meeting with a lawyer to prepare for court proceedings, and then a meeting with a social worker if they're sentenced, Forster explained. The focus is almost solely on defending the client against criminal charges.

Defendants going to the planned pilot programs, however, will meet with teams made up of a lawyer, an investigator and a social worker.

While assistant public defenders will continue to manage their legal defense, the social workers will examine what other civil legal or social issues the client is dealing with and will refer them either to an in-house civil attorney or to an outside source better able to handle their specific need, she said.

The office can work on certain issues related to education or housing if they are related to a criminal case, according to Forster. However, the clients more likely will be put in direct contact with pro bono lawyers, outside government agencies or organizations such as the **Legal Aid Bureau** Inc., which has agreed to a formal collaboration.

They will not be required to make use of these ancillary services.

Charged with coordinating the first

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■ ZONING Page 3B



MAXIMILIAN FRANZ

Opponents of Loyola College's plans to build a religious retreat center in Parkton got their day in court yesterday — although it may not be their last. Even Baltimore County Circuit Judge Ruth A. Jakubowski expects there will be an appeal, no matter what she rules.

Announcing

Maryland Consumer Law: Sales, Leases and Financing

by Prof. Charles B. Shafer

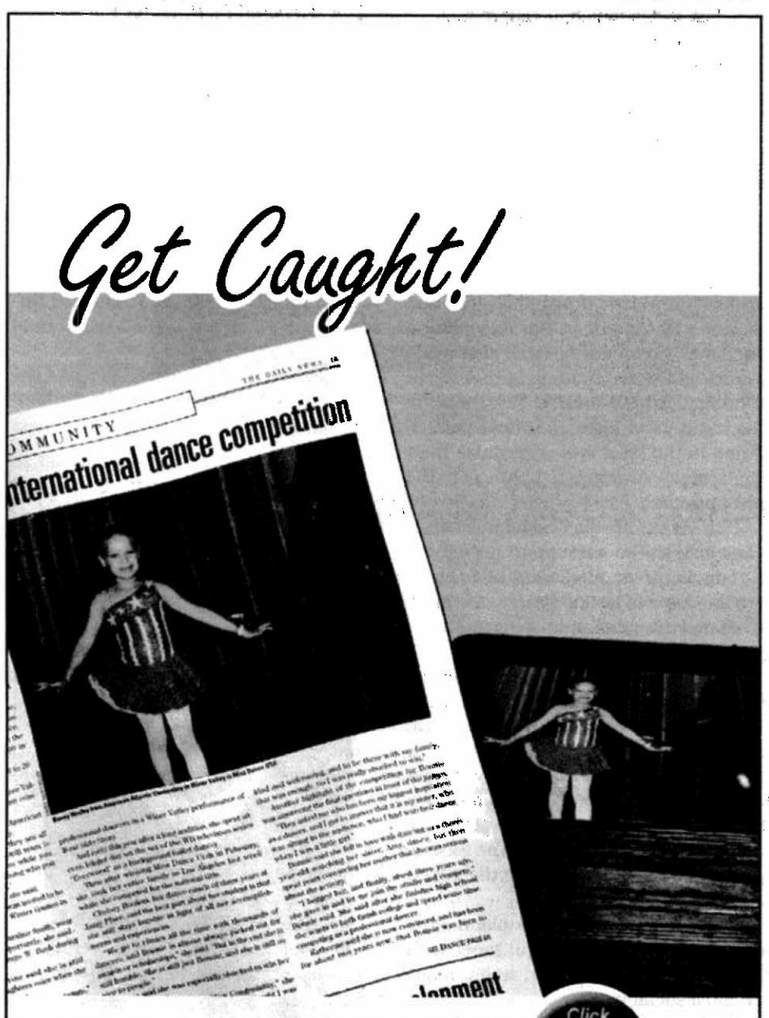
Maryland Consumer Law: Sales, Leases and Financing is a practical guide for lawyers handling Maryland and federal statutory and common law actions that protect consumers in the areas of sales, leasing and financing. In nine well organized and clearly written chapters, Prof. Charles Shafer thoroughly covers all of the elements and all of the considerations in consumer protection cases. Topics include:

- **Traditional Tort Actions** (including intentional and negligent misstatements);
- **Sales under the Uniform Commercial Code** (as well as the Wheelchair Lemon Law and the Consumer Guaranty Act);
- **Leases of Personal Property and** the Maryland Rental-Purchase Agreement Act;
- **Electronic Commerce**, including UETA and UCITA;
- **Automobile Sales and Leases** (including automotive warranty and lemon law for sales and leases and financing of motor vehicle sales in Maryland);
- **the Consumer Protection Act and the Federal Trade Commission Act** (including transactions covered, potential defendants, definition of unfair or deceptive trade practices, as well as provisions in the Commercial Law Article of the Annotated Code of Maryland governing practices in specific industries and specific consumer products);
- **Consumer Credit** (including transactions covered by federal preemption of consumer credit regulation; real estate mortgages, interest and loan classifications; retail credit accounts, installment sales and revolving credit, including the Home Ownership and Equity Protection Act; insurance; assignments; and security interests);
- **Debt Collection** (including common law causes of action for defamation, conversion and intentional infliction of emotional distress for debt collection practices); and,
- **Attorney's Fees and Sanctions**

Maryland Consumer Law: Sales, Leases and Financing is a unique resource for the Maryland bar and bench. It is the first and only practice guide to consumer protection actions. Consumer law involves a wide array of complex statutory law, as well as traditional common law, that governs conduct and products in a wide variety of businesses and industries. Prof Charles Shafer's new book is a must for all attorneys who want to competently handle cases in this burgeoning area of law.

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Cycle

Continued from page 1B

pilot program in the state, Montgomery County District Public Defender Paul B. DeWolfe Jr. has contacted civil legal service providers and other community-based organizations in his district specializing in such areas as youth opportunities, mental health or immigration services. The groups will receive referrals from the district office.

By adjusting funds already in its budget, his office has hired a new attorney to head up its client services division, an educational advocacy attorney for its juvenile division and a social worker, DeWolfe said. It also plans to bring on two additional social workers, a paralegal, support staff and social work interns.

DeWolfe couldn't say how much these new hires drew from his budget, but Forster explained they were already authorized positions.

"We're just taking positions that we already have and changing their function," she said. "Hopefully down the line this will end up saving us money."

In addition to changes within his office regarding the holistic approach to serving clients, staff attorneys will regularly work out of a youth center in the county to educate the public about its legal rights.

This is so the "public defender's office can be seen not as just an arm of the government, but also as a service to the community," DeWolfe said.

The Montgomery County district public defender's office already is in an accessible location for clients, so the pilot doesn't have to move to a new location, according to Forster.

Baltimore City's office, on the other hand, doesn't have much space available in its downtown office and prefers to be where a majority of its clients can travel to more easily — in the Northwest part of the city. That second pilot program won't get its start until the agency can secure new office space.

Forster plans to hire a consultant to measure the success of the program once it's been up and running for at least one year. The goal is to decrease recidivism rates, which are measured by the Department of Public Safety and Correctional Services over three years' time.

"Clients aren't cases; they're people that come into the criminal justice system for a wide host of reasons."

Robin Steinberg

Two-way street

Although the community defense initiative is being spearheaded by the public defender's office, referrals will probably run a two-way street with its partner organizations.

"I imagine that newly hired civil attorneys [at the public defender's office] will rely a lot on us for training and for referrals," said Lisa W. Schifferle, supervising attorney in the Legal Aid Bureau's Riverdale office serving the Washington suburbs.

But its own lawyers will also refer clients, especially those who need non-convictions — acquittals, dismissals, nolle prosses, stets and probations before judgment — expunged from a criminal record. Even non-convictions can discourage potential employers or landlords, according to information provided by the **Homeless Persons Representation Project** Inc.

Schifferle declined to speculate on how much additional work her organization may receive from the collaboration. Her office only plans to seek grant money jointly with the Montgomery County district public defender's office for one education attorney.

The alliance will rely on face-to-face meetings, exchanging phone numbers and understanding what the other organization does, she said.

The collaboration officially kicked off earlier this month with a joint training session in Montgomery County for both public defender staff attorneys and Legal Aid Bureau staff.

Both learned about the ways civil and criminal law intersect, and how each agency can better serve its clients by considering the whole picture.

Training was run by Cait Clarke, a lawyer and consultant with Washington-based Watershed Associates specializing in leadership instruction for public defense and community justice centers. The event included discussions on case scenarios and presentations by service groups such as the **YMCA** and **Identity** Inc., serving Montgomery County's Latino population.

The Montgomery County district public defender's office has also arranged with the local prison warden to have its staff reconnect with clients as they are released, to offer assistance as they re-enter society.

Bronx model

Forster opted to model Maryland's pilot on several programs now running in New York, including **The Bronx Defenders**. It is one of several nonprofit organizations contracted by the city for public defense services.

"Clients aren't cases; they're people that come into the criminal justice system for a wide host of reasons," said Robin Steinberg, executive director of the group, in an interview at the Maryland training session.

"Whether it's homelessness, mental illness, drug addiction, family violence, family dysfunction, lack of access to education, lack of access to health care," she said, "whatever the causes are that are bringing most people into the criminal justice system, we sort of sit down with the client and not only defend their case in the criminal court, but try to begin to address those underlying root causes of their involvement in the criminal justice system to begin with."

Representatives from district public defender offices statewide traveled to the Bronx site last year on a grant from the **Soros Foundation** to help in planning the pilot programs. Another group of about 10 went again yesterday.

Forster herself has been studying that program and another one in Harlem for the last four years, both with her predecessor, Stephen E. Harris, and since she assumed her post as public defender in May 2004.

Similar to the out-of-state endeavors, Forster considers the possibilities for her office's one-stop shop as unbound. Assistant public defenders must stay within their own legal mandate, but she hopes they can at least direct their clients to people who can help.

So far the only obstacle in her way has been logistics, she said.

"I'm not sure where it ends," she said. "I hope it doesn't have an end. I hope that we will be able to find services that the clients need and only end when those needs are met."