

THE JUSTICE JOURNAL

Our mission is to provide quality legal services to low-income people throughout Maryland.

Countess Honored by MLSC

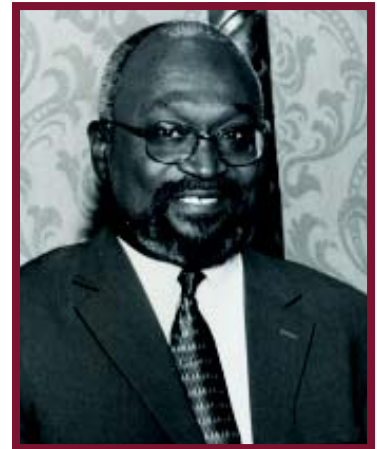
Greg Countess, Legal Aid's assistant director of advocacy for housing and community economic development, was honored for his lifelong contributions to legal services by the Maryland Legal Services Corp. at its 2003 awards reception.

Court of Appeals Chief Judge Robert M. Bell and MLSC board chair F. Vernon Boozer presented Countess the Benjamin L. Cardin Distinguished Service Award at the ceremony in December.

Accepting the award, Countess thanked his co-workers and colleagues at

Legal Aid and in Cherry Hill, where he was born, raised and served as chief attorney of the Legal Aid office.

"I realize that without the contributions of many people, including my colleagues at Legal Aid, it would be very difficult for me to do the work I'm recognized for tonight," Countess told the audience. "I think of [the late Legal Aid Executive Director] Charles Dorsey, who said in his quiet, forceful way, 'Just get it done, Greg.' ... Thank you for allowing me to serve you."



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Legal Aid Picks Up \$200,000 Check *PJC Gets Same Amount*

The largest single award in the history of the Legal Aid Bureau kicked off the 2003 holiday season when Executive Director Wilhelm H. Joseph Jr. picked up a check for \$200,000—the share of leftover settlement funds in a large class-action lawsuit against Storage USA after the firm was found to have overcharged its customers for late fees.

"It's a win, win, win for the cause of justice," said Joseph after accepting the check from plaintiffs' attorney Philip Friedman at the offices of Quinn, Gordon

and Wolf in Towson. "It's a triumph over those opposed to class-action lawsuits, a triumph for our clients because we'll be better able to retain staff and it's a win for the bar, which demonstrated its commitment to equal justice."

The other recipients of \$200,000 checks are the Public Justice Center, Trial Lawyers for Public Justice and the National Association of Consumer Advocates.

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Legal Aid Bureau, Inc.

Equal Justice for Maryland
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Baltimore, MD 21202

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Executive Director Message

By Wilhelm H. Joseph, Jr.

"[I]t is my belief that there is no judge on this Court that believes in his or her heart or mind that justice is equal between the poor and the rich – even in the tradition-hallowed halls of our appellate courts." — Court of Appeals Judge Dale R. Cathell, Frase v. Barnhart (concurring opinion), Dec. 11, 2003, joined by Chief Judge Robert M. Bell and Judge John C. Eldridge (retired, specially assigned)

These words should serve as a wake-up call, which questions our oft-stated commitment to justice. These words appear to acknowledge that, in fact, our system of justice perpetuates injustice in the legal system. Equal justice for all is such a fundamental tenet of our social and judicial

framework that it's simply baffling that the federal government and all states have taken such inadequate action toward its assurance in civil matters – unlike our counterparts in Canada and the major democracies of Western Europe. As a result, 80 percent of Maryland's one million or more eligible, low-income persons fail to receive the civil legal assistance they need annually.

When our courts and legislatures have looked at the issue, at least two of the questions raised are (1) can we afford this increased access to justice and (2) would it be fair and equitable for the broader community to finance the costs of the poor's access to justice?

My answers: Yes, it's affordable and yes, it's fair to spread the cost.

The importance of access to justice to the overall system of justice and democratic governance is evidenced by the highly generous subsidies that the larger community contributes to the causes of civil litigants – including the most wealthy individuals, corporations or government entities among us.



In every jurisdiction, state or federal, civil litigants with net worths of millions and billions of dollars are permitted, in exchange for a nominal filing fee, to litigate to a conclusion their controversies that may expend enormous amounts of public resources in court proceedings

that may last weeks or months. Is it a stretch to imagine and require plaintiffs in these cases to reduce their substantial public subsidies by paying more for the privilege of resolving their grievances in the courts?

Perhaps these increased fees could be assessed on a sliding scale based on the amount in controversy. Currently, in Maryland, a flat filing fee of \$90 (including a \$10 surcharge for free legal services to the poor) is all that is charged for civil suits where the amount in controversy exceeds \$25,000. Right now, awaiting the governor's signature, is a newly-enacted legislative provision that increases the surcharge to \$20 effective June 2004. A more progressive and equitable scale, for example, could have upper limits closer to \$2,000 to \$3,000 (with appropriate waivers and higher surcharges available to support legal services) where the amounts in dispute involved several millions of dollars, as they often do.

In *Frase v. Barnhart*, Maryland's highest court came one vote short of

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Countess *continued from page 1*

Lawyering: an early goal

A 1978 graduate of the University of Maryland School of Law, Countess has worked at Legal Aid since 1976, first as a law clerk and then as an attorney. From 1980 to 2001, he worked in the Cherry Hill community in Baltimore, where he was born and raised.

“I saw so many talented people who did not have the advantages my parents were able to provide fall into lives of drug abuse, desperate poverty and incarceration,” Countess said about his formative years in Cherry Hill. “I resolved that I would get a law school education and return to my community to assist others to make changes and better their lives.”

Countess’s work has enabled community groups around the state to improve housing, preserve their local schools and establish local medical clinics. Since 2001, he has served as an assistant director of advocacy helping other Legal Aid offices develop more of a community-based,

Message *continued from page 2*

recognizing a legal right to a lawyer in civil cases. This “keeps hope alive” that we are on the right track towards making the words “equal justice” a reality. I have offered at least one mechanism for meeting the cost of implementing such a right or, in the least, increasing the level of services being provided to the poor.

It would be a great day when we get past the fear expressed in the 2001 State of the Judiciary speech by California Courts of Appeal Chief Justice Ronald George, who said, “If the motto ‘and justice for all’ becomes ‘and justice for those who can afford it,’ we threaten the very underpinnings of our social contract.”



Chief Judge Robert M. Bell and MLSC Board Chair F. Vernon Boozer present the Benjamin L. Cardin Distinguished Service Award to Legal Aid’s Gregory L. Countess.

economic development focus to their practices.

Community advocacy

An example: Woodsedge, a low-income housing development on the Eastern Shore located well off the beaten track that was overrun with crime.

“A lot of the residents were living inside, afraid to do anything,” said Bill Leahy, chief attorney of Legal Aid’s Upper Shore office.

That changed after Legal Aid helped the tenants organize a community association. The result was a new community center, after-school programs, summer camp for children, and HotSpots funding that helped reduce crime.

Countess’s help was critical in turning the development around.

“Greg played an enormous role at Woodsedge,” Leahy said. “He related to the tenants well and they respected him. That’s extremely beneficial. He has the big perspective—and that’s a real benefit of being a statewide operation and not just a couple of people in a law office.”

A major part of the job was helping Woodsedge residents apply for grants and convincing the development’s owner to convert an empty unit into a community center.

“It’s not the same place out here anymore,” said Woodsedge Tenant Association president Sadie Felton. “The community center gives the children a place to go. It’s brought the community together. Legal Aid has helped me with everything we’ve gotten done.”

Kudos from the director

While Executive Director Wilhelm Joseph was unable to attend the MLSC awards presentation, Director of Advocacy Hannah Lieberman read his letter of congratulations to Countess.

“Dear Greg: You embody all the characteristics, skills and experience of the ideal legal advocate for the poor and disadvantaged,” Joseph wrote. “You are a most deserving recipient of the Benjamin L. Cardin Distinguished Service Award. All of Maryland’s citizens are deeply indebted to you for the invaluable contributions you have made to giving real meaning to the goal of equal justice under law.”

Legal Aid Briefs

Volunteer snapshot

When a law professor took a sabbatical to learn more about the complex legal issues facing seniors, where did she choose to go? The Baltimore County office of the Legal Aid Bureau, of course. Plus, it didn't hurt that **Mary Helen McNeal**, a professor and the clinical director at the University of Montana School of Law in Missoula, also worked in the Towson office as a staff attorney from 1987 to 1992. "I looked at a couple of places in Baltimore and this is the place that seemed best," said McNeal, a volunteer at the office for the first half of her one-year sabbatical. "The clients are great and I'm learning a lot. [Staff attorney] Mary Aquino is just wonderful and incredibly knowledgeable." After finishing in Towson in early 2004, McNeal moves on to the University of California, Berkeley School of Law, where she'll be an equal justice scholar in residence for the spring semester. What's it like to return to the Towson office after more than a decade? "It's a little freaky to see my handwriting on old file folders!" she confessed.

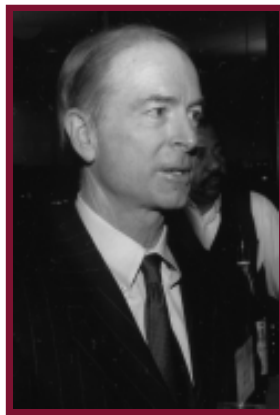
Clients get benefits

A client sent a "thank you" card to senior paralegal **Odella S. Oliver** in the Baltimore City Administrative Law Unit after she helped him get a reimbursement check for Qualified Medicare Beneficiary benefits that had been incorrectly deducted from his monthly disability check. "Without our assistance, the client would not have received a reimbursement check because, until this time, he had been given incorrect information from the local department," Oliver said. In another favorable decision under the Medical Assistance Spend-down Program, Oliver helped a client who had been denied coverage get approved—and now her

medical bills totaling over \$7,000 will be paid by the program!

New Equal Justice Council chapter

With the goal of making Howard County the fourth local bar fundraising campaign (after Anne Arundel, Harford and Baltimore counties), the Equal Justice Council held a breakfast reception for local bar leaders at the Columbia office of Miles & Stockbridge on November 25. "We want to improve fundraising every year over the year before," explained past EJC chair



Andy Graham of the firm Kramon & Graham is the new chair of the Equal Justice Council.

Deke Miller to the assembled lawyers. "New EJC chair **Andy Graham** and his firm, Kramon & Graham, will lead the effort of asking firms to donate the equivalent of a billable hour per lawyer to this year's campaign. We hope Howard County takes the next step in developing a county campaign. It can be fun and it's enormously important to us." Howard County District Court Judge **Pamela Brown** told the group that the need for civil legal services is great in Howard County. "Legal Aid is the best avenue for your contributions," she said. Guests included **Mary Reese**, president of the Howard County Bar Association;

Jerome "Jerry" Richmond, director of the Howard County Bar Association; and **Ron Schimel** and **Courtney A. Blair** of Miles and Stockbridge. Legal Aid folks at the breakfast included board member **Jo Glasco**, board president **Warren Oliveri**, **Wilhelm Joseph** and **Hannah Lieberman**.

A merrier Christmas

The Baltimore Child Advocacy Unit made the holidays a little merrier for 44 children and many families, thanks to the support of Legal Aid employees and outside donors, reports Legal Aid social worker **Chintale Williamson**. Gifts to children included food baskets, clothing, toys (some donated by Toys for Tots) and money. Families received food baskets. Other outside contributors included the Monumental City Bar Association and Safeway. "The outpouring of help was wonderful," Williamson said. "We met our goal and then some."

So long, Bari

After 25 years of service, it was an emotional farewell to **Bari Powers**, the person who held what may be the most critical job at Legal Aid—the telephone console operator. In December, Powers relocated to California with her husband. "It's sad leaving Baltimore," Powers said. "But I've always wanted to live in California and this is the opportunity. I'm excited and sad." Powers got a send off from **Gov. Robert Ehrlich**, who called to congratulate her for her years of service. "Bari is a wonderful inspiration to all of us," said Ehrlich about Powers, whose blindness was never an obstacle to answering up to 1,200 calls a day. "The Legal Aid Bureau gave Bari an opportunity, which she made the most of by providing 25 years of outstanding service to Maryland's less fortunate."

Board of Directors Snapshot: *Paul Mark Sandler, Baltimore*

Board of Director Paul Mark Sandler and Legal Aid go back a few years—way back, to when the Baltimore lawyer was a student at the Georgetown University Law Center in Washington, D.C.

“When I was at Georgetown the idea of becoming involved with Legal Aid inspired me,” said Sandler, who graduated from Georgetown in 1971 and now is in private practice.

“Legal Aid needs to earn the respect of the community for the work it does [including] courtroom successes and successes from vigorous negotiation.”

That interest led to working at Legal Aid two summers while a law student.

“When I came to Baltimore, I applied for a position, met then-director Charles Dorsey—and struck up a strong rapport with Charlie,” Sandler recalled.

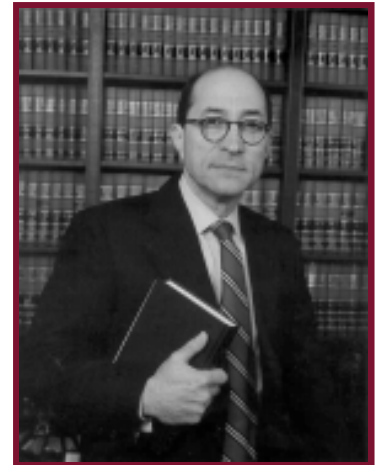
Over the years, Sandler maintained his ties with Legal Aid. In fact, those ties grew even stronger and he joined the board last year.

“I became very enamored with the current director and began to think of how I could be helpful on the board,” he explained. “So I thought of strategic accomplishments, such as developing manuals on discovery and training.”

In addition to working with Executive Director Wilhelm H. Joseph, Jr. and other board members, Sandler works with Joseph on the American Bar Association Section of Litigation. Joseph chairs the Legal Services Project, a special task force of the section that develops programs to support legal services

“Now I’m secretary of the section, which is exciting because of the increasing level of help that can be made available to Legal Aid,” Sandler said. “That includes training and education materials for lawyers, as well as opportunities for Legal Aid lawyers to attend Litigation Section functions where they can network with legal aid lawyers around the country.”

When not practicing law or helping Legal Aid, Sandler writes a weekly column for *The Daily Record* (“Raising the Bar”) and is a regular legal commentator on “Larry King Live,” “The Today Show” CNN’s “Crossfire,” and “Geraldo Rivera Live.”



He’s also the co-author of several legal books and a frequent lecturer on trial and appellate practice.

Currently, Legal Aid faces three major challenges, the board member said.

“First, Legal Aid needs to earn the respect of the community for the work it does,” Sandler said. “That includes courtroom successes and successes from vigorous negotiation. I believe the work of Legal Aid is really not known by the public. One reason is the number of competing charities and nonprofit organizations that deluge the general public.”

Second: “We need marketing awareness so that Legal Aid’s name is understood by the public.”

And last, but not least, “We must continue to generate funds for Legal Aid.”

SSI Client Falls Victim to Identity Theft

A mentally retarded client was told he had been overpaid about \$3,000 in Supplemental Security Income and couldn’t get the problem solved. After a call to Legal Aid, Baltimore County staff attorney Sandy Brushart uncovered the dilemma: “identity theft.” The client’s father was using his Social Security number and both sets of income were being attributed to the son (who works full-time at Goodwill). “It was a fraudulent use of his son’s Social Security number so he wouldn’t have to pay taxes,” Brushart explained. The father’s income was transferred to his own account — saving the client \$33 a month that Social Security had demanded in repayment. “It doesn’t sound like much, but that was a major hit,” Brushart said. “Both the client and his grandmother live on fixed incomes. They’re living on the edge.”

Bloomsbury Square Victory

In November, the residents of the Bloomsbury Square public housing community in historic downtown Annapolis moved into new housing, ending a 25-year legal struggle over real estate adjacent to the state house coveted by the state of Maryland—and marking a Legal Aid victory for the low-income neighborhood located in one of Maryland’s most affluent areas.

More than 100 people, including many elderly and handicapped residents of the mostly African-American community, moved into new townhouses constructed by the state 100 yards from their old homes.

Executive Director Wilhelm Joseph said the new Bloomsbury Square “sets the standard for decent housing for poor people. It also exemplifies the effort of competent, zealous legal representation.”

Anne Arundel County office chief attorney Janet LaBella noted that in

addition to preserving low-income housing in the Annapolis historic district, the new Bloomsbury Square saved the residents’ access to jobs, transportation and schools.

“It really is model public housing that everyone should be proud of—the state, the city and the residents,” LaBella added. “It’s a win for everyone.”

The residents have been represented by Legal Aid since the early 1980s, when they filed a successful federal suit claiming that the attempt to move the community—and disperse residents throughout Anne Arundel County—would result in racial discrimination.

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Barbara G. Wallis is delighted with her new kitchen in her Bloomsbury Square apartment.

Anne Arundel Office Saves Elderly Homemaker’s Home

A 67-year-old woman whose only income was alimony and Social Security needed help to stop her ex-husband (a real estate developer who left her for his secretary after 42 years of marriage) from lowering his alimony. Then, after calling Legal Aid’s Anne Arundel County office, she received a letter from a bank about a 10-year-old outstanding judgment it had received against the client. “Apparently, during her marriage the client had co-signed for a loan obtained by her then-husband,” explained staff attorney Anita Bailey. “She had no recollection of co-signing for the loan or the judgment because she had always let her husband handle all the paperwork and cooperated with him in all his business matters. The client had never worked outside the home and raised the couple’s three children.” After the bank partially satisfied the \$106,000 judgment by forcing the sale of some of the ex-husband’s other real property, more than \$127,000 (including accrued interest) was left outstanding. The bank was threatening to execute the judgment and put the client out of her home—her only asset, conveyed to her during the divorce. “After lengthy negotiations and proposals, we were able to assist the client with procuring a reverse mortgage and the bank settled the matter for \$75,000,” Bailey reported.

Legal Aid in the News

The names and faces of Legal Aid staffers have been all over the pages of Maryland newspapers during the past months.

In December, The Daily Record (Maryland's legal newspaper) featured a profile of Mary Helen McNeal, a University of Montana law professor who spent half a sabbatical as a volunteer attorney at the Baltimore County office of Legal Aid. Her mission: to learn the intricacies of elder law.

"There is on average 10-20 years experience in this office," McNeal told *The Daily Record* in the Dec. 29 article "It is quite an incredible resource."

The Daily Record also featured Executive Director Wilhelm Joseph in a photo on December 24. The occasion was the presentation of a check for \$200,000 to Legal Aid—the largest cy pres award in our history.

Joining Joseph in the shot were Public Justice Center Executive Director John Nethercut (who also picked up a \$200,000 check), plaintiffs' attorney Philip Friedman and Richard Gordon, a PJC board member.

In November, The Daily Record featured a column by Legal Aid board member Paul Mark Sandler, "Three Cheers for Legal Aid," that explained our mission and urged support from the private bar.

M. I. E. Journal ♦ Maryland Family Law Monthly ♦ Somerset Herald ♦ WBAL-TV

Speaking of columns, staff attorney Karen Martin Dean of the Lower Shore office joins Director of Communications Joe Surkiewicz as a regular columnist ("Of Service" in *The Daily Record*). Dean now writes a legal question-and-answer column, "Legally Speaking," which appears bi-weekly in the *Somerset Herald* and the *Delmarva Business Weekly*.

The Capital News Service ran this story, "Legal Aid project helps low-income parents with child support problems," which looked at the Barriers to Employment/Child Support Project. The article, written by a graduate student at the University of Maryland School of Journalism, ran in the *Montgomery Gazette* and the *Prince George's Journal* late last year.

The M.I.E. Journal, a national publication of Management Information Exchange, looked at heroes in its winter 2003 issue: "Personal Stories—Leaders Remember the People Who Shaped Them." Among those leaders was Wilhelm Joseph, who recounted the leader who shaped him the most during his years as a college student in Mississippi, civil rights legend Fannie Lou Hamer.

Baltimore Sun ♦ Capital News Service ♦ Daily Record ♦ Delmarva Business Weekly

"She had counseled me often," Joseph wrote, "saying never acquiesce to oppression and 'to do something'—and, of course, her famous phrase, 'I'm sick and tired of being sick and tired.'"

The Maryland Family Law Monthly has featured several Legal Aid staffers as guest columnists over the last few months, including Jessica Cook Rae, a supervising attorney in the Baltimore City Child Advocacy Unit.

"Considered judgment is the ability to make reasoned and rational choices about the issues that are relevant to the case," Rae wrote in the article, "Assessing considered judgment in a child client." "Yet deciding whether a six-year-old (or even a 16-year-old) is making a rational choice about their case can be difficult, if not agonizing, for the child's attorney."

The Baltimore Sun reported on the low-income residents of Chapel NDP Apartments in Baltimore, quoting Assistant Director of Advocacy Greg Countess. The article, "Tenants of low-income complex living in limbo despite reprieve," examined the fate of the 100 families who face eviction.

"We believe they don't have a right at the present time to insist that people leave or to terminate their leases," Countess told *The Sun* in the December 31 article. Countess was also quoted in a January 12, 2004 article on the Uplands Apartments in southwest Baltimore, whose remaining residents are also faced with eviction.

A victory in an illegal eviction case by staff attorney Susan Tannenbaum in the Baltimore County office was featured on WBAL-TV in Baltimore. Here's how reporter Barry Simms led the story: "A Baltimore County woman returned home from the hospital to find she had no home left. Her apartment complex tossed out everything she owned and locked her out."

With the help of Susan and pro bono attorney Cheryl Hale, however, justice was achieved. District Court Judge Nancy Cohen awarded the client over \$22,000 in damages. "With the help of Baltimore County Legal Aid, [the client] proved she had done nothing wrong," Simms reported.

\$200,000 Check

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“The funds were directed to Legal Aid and the PJC because they’re involved in equal justice,” Friedman explained. “The goal of the class-action suit was to promote equal rights and these organizations are the forefront of protecting those rights. The award not only benefits organizations like these, but derives from class-actions that result in the disgorgement of ill-gotten gains—and turns them into benefits that help society as a whole, while holding corporations accountable for their wrongdoing.”

By giving to the Legal Aid Bureau, you help provide high-quality legal assistance to Maryland’s poor through a mix of services.

To charge your donation, go to our web site at <http://www.mdlab.org> or make your check payable to the Legal Aid Bureau, Inc. and mail to 500 East Lexington Street, Baltimore, MD 21202.

PJC Executive Director John Nethercut pointed out there are many ways that the private bar and public-interest lawyers work together.

“But this amount of money would be difficult to obtain from individual donors,” Nethercut said. “It’s also unrestricted money which allows us to pursue legislative advocacy and class-action suits and represent groups of poor people that many other organizations can’t do.”

Also on hand at the Towson presentation was PJC board member Richard Gordon, who worked behind the scenes to make sure Legal Aid and the PJC were on the distribution list for the awards. His firm has negotiated similar awards in the past for Legal Aid and other legal service organizations.

Bloomsbury

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A 1984 consent decree stopped the sale. A solution was found when the state offered the tenants new brick homes overlooking College Creek.

Florence Roisman, a University of Indiana law school professor and nationally recognized expert on public housing, said what happened at Bloomsbury Square “is extremely rare, almost a miracle” in the public housing arena. In most cases, she said, housing authorities move the tenants out, tear down buildings and replace them with upscale housing that former tenants can’t afford.

Bloomsbury tenants, Roisman said, are lucky they didn’t get displaced and wound up instead in an attractive development—but they are only getting what they deserve.

“[Some residents] are working two jobs,” Roisman noted. “Why shouldn’t [they] have a reasonably attractive, reasonably comfortable place to come home to?”

The move leaves the 61-year-old buildings the tenants are vacating in the hands of the state, which plans to demolish the units for a \$30 million expansion of the adjacent Lowe House Office Building.

Legal Aid Bureau, Inc.

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