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**Testimony for the House Judiciary Committee  
February 25, 2015**

**HB 348 Civil Right to Counsel - Implementation**

**SUPPORT**

The ACLU of Maryland supports HB 348, which would establish a workgroup to oversee the legal representation of income-eligible Marylanders in protective order and contested custody cases. The bill would also call for a report by the workgroup to the General Assembly.

HB 348 is an important first step toward securing the right to counsel for Marylanders in civil cases. The right to counsel in criminal cases arose from the Supreme Court's 1963 decision in the case of *Gideon v. Wainwright*.<sup>1</sup> In that case, the Supreme Court recognized, "reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth."<sup>2</sup> The same is true for Marylanders entangled in certain civil proceedings—they cannot be assured a fair proceeding without the assistance of counsel.

Today, countless Marylanders walk into court without counsel in civil cases that have detrimental and often far-reaching consequences on their lives—chief among which are proceedings to determine the custody of children and protective orders against domestic violence. In many instances, the absence of counsel is outcome determinative.

HB 348 is particularly important for poor and low wage earning individuals, who often cannot afford to retain an attorney. Important decisions, such as child custody and one's physical safety should not hinge on a person's income level. Moreover, because communities of color are overrepresented among the poor, they are also disproportionately affected by the absence of counsel.

For the foregoing reasons, the ACLU of Maryland supports HB 348.

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<sup>1</sup> *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963).

<sup>2</sup> *Id.*