

Legal Assistance: Professional Problems

Procedure for Getting Help

For many years, the Maryland State Teachers Association has provided assistance to school employees faced with difficulties in their professional lives. Countless numbers of Maryland school employees receive assistance with their individual problems each year from the combined resources of the Local, MSTA and NEA. However, with the dramatic increase in the number of cases which ultimately require legal services, it has become necessary to standardize somewhat the procedures for handling such cases in order to provide efficient service to members. Generally, the procedure is as follows:

1. Any member having a problem in connection with his or her employment should contact the UniServ director assigned to that particular area. UniServ directors shall act as the initial contact for those school employees needing legal help.
2. If the problem is one where a violation of the collective bargaining agreement is alleged, it will be handled by the UniServ director in cooperation with the local association, which has been designated under the law as the exclusive representative.
3. If the problem involves a claim covered under the Educators Employment Liability Policy, the UniServ director will forward the appropriate papers to the MSTA Counsel in accordance with MSTA office procedures.
4. All other requests for legal assistance should be initiated with the UniServ director who will forward same to the MSTA Counsel.
5. MSTA's Center for Legal Affairs is authorized to provide legal assistance to members in all cases except the following:
 - a. any case where an individual school employee is requesting legal assistance to appeal a decision of the State Board of Education or a decision of a Maryland Circuit Court
 - b. any case where an individual is requesting legal assistance for an action at any level in the federal court system
 - c. any case involving legal services to a non-member or to a member where the event giving rise to the request occurred before the individual joined.

This provision does not apply to cases which fall within the local association's obligation under the collective bargaining law. Similarly, this provision does not apply to cases approved by staff and counsel where a non-member plaintiff who is not eligible to join is being utilized by a local association which lacks standing to sue in its own behalf.

6. In any case where the Chief Counsel is not authorized to act or in any case where a school employee or affiliate is seeking assistance and the decision of the Chief Counsel is against MSTA participation, the Legal Review Panel, upon appropriate request, will consider the request and make a decision as to MSTA assistance.

It is important to note that MSTA members expecting either financial or legal assistance must seek help from MSTA before initiating any legal action. Normally, legal assistance will be provided only through MSTA legal counsel. Finally, it is important that members contact the UniServ staff member as soon as the problem arises. An early response by staff and/or counsel may result in resolution of the difficulty and avoid a protracted controversy.

A copy of the MSTA legal services program operational guidelines is available upon request, or visit *MSTA OnLine*, www.mstanea.org, *MembersOnly*.