

CONSUMER BANKRUPTCY SECTION  
MARYLAND STATE BAR ASSOCIATION

520 W. Fayette St  
Baltimore, MD 21201  
301-809-6084 Chair's Telephone  
410-363-4488 Vice Chair's Telephone

August 25, 2009

Thomas C. Cardaro, President  
Board of Governors  
Maryland State Bar Association ("MSBA")  
520 W. Fayette St  
Baltimore, MD 21201

RE: Chief Judge Robert M. Bell's Letter  
Requiring Disclosure of Social Security Numbers

Dear Members of the Board of Governors:

We the members of the Consumer Bankruptcy Section's Executive Council write on behalf of our members to request that the Board of Governors convene an emergency meeting to address recent events regarding the collection and dissemination of our member's personal social security numbers. We refer to recent efforts by the Court of Appeals and State Agencies -- as called for in Judge Bell's August 13, 2009 letter to attorneys -- to collect and disseminate social security numbers of the members of the Maryland Bar

The risk of harm in disclosing social security numbers without adequate protection of confidentiality is well-known and need not be detailed here. Suffice it to say that the collection of this information, no matter what the benefit to the State, is highly problematic to our members and potentially violates federal law. For instance, the Privacy Act, Sec. 7 of Pub. L. 93-579, reprinted at 5 USC 552a note, precludes collection of this information. That provision, which would pre-empt any contrary state law (including that cited in Judge Bell's letter) provides that:

- (a)(1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.
- (2) [The] provisions of paragraph (1) of this subsection shall not apply with respect to—
  - (A) any disclosure which is required by Federal statute, or

(B) the disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.  
(b) Any Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

Judge Bell's letter requires provision of this information by September 4, 2009 ("disclosure of your Social Security Number to the Fund is **mandatory**"), with an express threat of referral to the Attorney Grievance Commission (and implied threat of disciplinary action) if refused.

Accordingly, we believe it necessary that the Maryland State Bar Association act immediately on behalf of its members. Accordingly, we respectfully request that the Board of Governors *immediately* convene an emergency meeting to address this issue and prevent further harm to members and potential violation of federal privacy protections.

To this end, we would ask that the Maryland State Bar Association request a stay of the deadline so that the matter can be studied and that in the meantime, any information provided to the Client Security Trust Fund be maintained on paper only and kept securely to prevent unauthorized access.

Should you have questions or concerns, please contact our Section at the above-referenced numbers.

Sincerely,

Mary Park McLean  
Chair  
Consumer Bankruptcy Section  
Maryland State Bar Association

cc: Paul V. Carlin, Executive Director  
Richard Montgomery, Legislation  
David Lease, BOG Liaison to Consumer Bankruptcy Section