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February 27, 2026

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Maryland Legal Aid Leads National Amicus Brief to Protect Public Service Loan Forgiveness Program

Baltimore, MD – Today, Maryland Legal Aid filed an amicus brief on behalf of legal services organizations across the country in the United States District Court for the District of Massachusetts in *National Council of Nonprofits v. McMahon*, challenging a recent U.S. Department of Education rule that changes how the Public Service Loan Forgiveness (PSLF) program is carried out. Ninety-two civil legal services organizations from across the country joined Maryland Legal Aid in the brief, underscoring the national impact the new rule has on our ability to staff our organizations and provide vital legal services.

Congress created the Public Service Loan Forgiveness program in 2007. The program promises that if a person works full time in public service for ten years and makes the required student loan payments, the federal government will forgive the remaining balance of their federal loans. This includes attorneys who work at nonprofit legal aid organizations serving low-income communities.

The law itself has not changed. However, the Department’s new rule gives the Secretary of Education broad authority to determine whether an employer qualifies for the program. Under the rule, an organization could lose eligibility if it is found to have a “substantial illegal purpose,” a term that is not clearly defined and is not part of the law establishing the program. The amicus brief explains that this vague standard creates uncertainty for nonprofit organizations and their employees, even though Congress established clear eligibility criteria in the statute.

For civil legal aid organizations, that uncertainty has real consequences. Legal aid attorneys often earn significantly less than lawyers in private practice and frequently carry

substantial student loan debt. Many choose public service careers in part because PSLF provides a reliable path to managing that debt. National research shows that a large percentage of legal aid and public defender attorneys say loan forgiveness influenced their decision to enter and remain in public service.

With the program now unpredictable, fewer attorneys will be able to afford to work in legal aid. This will directly affect families who rely on these services to prevent eviction, escape domestic violence, secure veterans' and disability benefits, protect older adults from abuse, and resolve other critical legal issues. At a time when many communities already face attorney shortages, weakening PSLF limits access to justice for people who cannot afford a lawyer.

“Congress made a clear promise to public servants,” said Kevonne Small, Chief Legal Director at Maryland Legal Aid. **“If you commit to serving your community for ten years and make your payments, your remaining federal student loan debt will be forgiven. This new rule undermines that promise by creating uncertainty about who qualifies. For legal aid organizations, that instability threatens our ability to recruit and retain the attorneys our communities depend on.”**

Through this amicus brief, Maryland Legal Aid and its partner organizations are urging the Court to preserve the integrity of a program that supports public service careers and strengthens access to justice nationwide.

About Maryland Legal Aid

Established in 1911, Maryland Legal Aid is a statewide nonprofit 501(c)(3) law firm that advocates with and for Marylanders experiencing poverty to achieve equity and social justice through free civil legal services, community collaboration, and systemic change. From its 11 offices across the state and through its many community-based clinics, Maryland Legal Aid helps clients preserve and access safe and affordable housing; maintain custody of their children and be safe from domestic violence; and increase their economic security by defending against consumer debt, including foreclosures and tax sales, removing barriers to employment, and accessing critical income supports such as Medicaid, SNAP, unemployment, and other vital public benefits. In its advocacy, Maryland Legal Aid seeks to change systems that perpetuate poverty and inequity.