MAINE CIVIL LEGAL SERVICES FUND COMMISSION

MINUTES OF PUBLIC MEETING

September 27, 2011, Augusta, Maine

A public meeting of the Maine Civil Legal Services Fund Commission ("Commission") was held on October 20, 2009, at 10:30 a.m. in Room 208 of the Burton M. Cross State Office Building in Augusta, Maine. Commissioner Janis Cohen presided over the hearing with fellow Commissioners David Fletcher and Paul Chaiken.

The purpose of the public meeting was to discuss and make funding allocations and decisions for the 2012-2013 funding cycle based on applications that had been submitted to the Commission by the September 2, 2011, deadline. Notice of the application process as well as notice of the meeting was published on the webpages for the Maine Bar Foundation, the Maine State Bar Association and the State of Maine Judicial Branch. In addition, the Maine Bar Foundation sent an email to all current recipients of the fund.

The Commission received 10 applications for funding from the following organizations:

Cumberland Legal Aid Clinic
Disability Rights Center
Immigrant Legal Advocacy Project
Legal Services for the Elderly
Maine Center on Deafness
Maine Equal Justice Project
Penquis CAP Law Project
Pine Tree Legal Assistance
Volunteer Lawyers Project
York County Community Action Corp.

Commissioner Cohen opened the meeting at 10:30 a.m., introduced Commissioners Fletcher and Chaiken and described the process the Commission would follow for the meeting. Commissioner Cohen invited the President-Elect of the Board of Directors for the Maine Bar Foundation, Deborah Shaw, to provide information and remarks regarding the status of the Maine IOLTA fund. President-Elect Shaw described losses in IOLTA income that have resulted in a 25 percent cut in grants to six organizations that the Foundation has identified as core legal service providers: Cumberland Legal Aid Clinic, Immigrant Legal Advocacy Project, Legal Services for the Elderly, Maine Equal Justice Project, Pine Tree Legal Assistance and Volunteer Lawyers Project. President-Elect Shaw urged the Commission to consider limiting funding to these six providers.

Commissioner Cohen then opened the meeting to presentations by each organization, taken in alphabetical order. Commissioner Cohen advised the applicants that they would have approximately five minutes to provide general statements to the Commission, during which time she asked them to provide the following specific information:

- Is there anything in particular the Commission should know about the organization that will inform its funding decision?
- Why should there be changes in the allocation of funding from the previous funding cycle?

The following individuals gave statements and answered the Commission's questions on behalf of the organizations with which they were affiliated:

Cumberland Legal Aid Clinic:
Dean Peter Pittegoff and Deirdre Smith, Director

Disability Rights Center:
David Webbert and Jeffrey Neil Young, Board of Directors

Immigrant Legal Advocacy Project:
Lori L. Dwyer, Board Member
Hayden Anderson, Interim Executive Director

Legal Services for the Elderly:
Stanley N. Marshall, Board Member
Jaye Martin, Executive Director

Maine Center on Deafness:
Amy Snierson, Director of MCD's Civil Rights Program
Elissa Moran, Director

Maine Equal Justice Partners:
Charles F. Dingman, Board Member
Sarah Gagne Holmes, Executive Director

Penquis CAP Law Project:
Tamar Mathieu, Director

Pine Tree Legal Assistance:
Robert S. Lingley, Board President
Nan Heald, Executive Director

Volunteer Lawyers Project:
Ric McKittrick, Chair of VLP
Juliet Holmes-Smith, Executive Director

York County Community Action Corp.:
Debby Downs, Director, Community Outreach
Helen Rousseau, Paralegal

After a brief recess, the Commission commenced its deliberations. The Commission used the number of $1.6 million as the most accurate estimate of the amount that was available for distribution during this funding cycle. This is a decrease in the amount that was available during the previous funding cycle. Due to the loss of available funds, the Commission made clear that it was not able to provide full funding to any of the applicants and that each of the applicants who received funding would receive an amount that was lower than the previous funding cycle.

The Commission discussed the issue of whether any of the organizations that submitted applications should be denied funding. Commissioner Cohen urged the Commission to consider using a triage approach in this time of financial crisis. She supported funding the six legal services providers that the Maine Bar Foundation had funded, as well as the Maine Center on Deafness, which is able to serve a population that the other legal service providers are not able to serve as efficiently due to the need for interpretation. Commissioner Cohen pointed to the selection criteria contained in section 4.IVof the Rules for the Maine Civil Legal Services Fund Commission, which were promulgated on July 1, 2007, by the Maine Supreme Judicial Court: "[s]erves a broad area, if possible, and does not duplicate existing services," and section 4.VI "[h]as the potential for independent financial and programmatic continuity, including independent funding sources." Commissioner Cohen believed that York CAP, Penquis CAP and the Disability Rights Center did not meet these criteria as well as the other seven applicants.

Commissioners Fletcher and Chaiken urged the Commission to continue to fund all ten of the applicants. They believed that alternative funding sources are not dependable in the current economy and that these three organizations may not be able to make up the shortfall if they are not funded in this cycle, which could jeopardize their survival. After further discussion, the Commissioners agreed that their respective positions on the matter were firm. Commissioner Cohen agreed that as the minority member on this point, she must concede and move forward with the process.

The Commission commenced with discussion on specific funding allocations to all ten of the applicants. The Commission agreed that it would allocate the funds by percentage and would not provide annual grants as it has done in previous funding cycles.

The Commission decided on the following allocations:

Maine Center on Deafness	.7%	$11,200.00
York County CAP	.8%	$12,800.00
Cumberland Legal Aid Clinic	6.5%	$104,000.00
Immigrant Law Advocacy Project	4.75%	$76,000.00
Legal Services for the Elderly	19.35%	$309,600.00

Maine Equal Justice Partners	11.00%	$176,000.00
Volunteer Lawyers Project	6.1%	$97,600.00
Penquis CAP Law Project	1.3%	$20,800.00
Pine Tree Legal Assistance	48.20%	$771,200.00
Disability Rights Center	1.3%	$20,800.00

The hearing was adjourned at 4:30 p.m.

Respectfully submitted,

Janis Cohen, Esq.

David J. Fletcher, Esq.

Paul W. Chaiken, Esq.