Maine Civil Legal Services Fund Commission

Report to the Joint Standing Committee on the Judiciary

127th Legislature, Second Regular Session

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Maine Civil Legal Services Fund Commission

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MAINE CIVIL LEGAL SERVICES FUND COMMISSION

January 21, 2016

David D. Burns, Senate Chair
Barry J. Hobbins, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, Maine 04333-0100

RE: 2015 Report of the Maine Civil Legal Services Fund Commission

Dear Senator Burns and Representative Hobbins:

I am pleased to submit the Annual Report of the Maine Civil Legal Services Fund Commission to the Joint Standing Committee on Judiciary as required by 4 MRS 18-A.

The Commissioners are now John P. Foster, Angela M. Farrell, and myself. We are pleased to report to you on the amounts and uses of the funds allocated to the MCLSF.

Included in the report are the individual reports from each of the nine recipients of funds. In 2015, distributions were made according to the following formula and in the following amounts:

Cumberland Legal Aid Clinic	6.4350%	$ 85,973.41
Disability Rights Center	2.9800%	$ 39,813.63
Immigrant Legal Advocacy Project	4.7025%	$ 62,826.72
Legal Services for the Elderly	19.1565%	$255,936.22
Maine Equal Justice Partners	10.8900%	$145,493.47
Penquis CAP Law Project	1.2870%	$17,194.68
Pine Tree Legal Assistance	47.7180%	$637,525.89
Volunteer Lawyers Project	6.0390%	$80,682.74
York County CAP	0.7920%	$10,581.34

The total amount allocated was $1,336,028.10, over a $40,000 decrease over the prior year.

The Maine Civil Legal Services Fund continues to play a critical role in funding access to justice for Maine's vulnerable and needy low-income, elderly and disabled population. All of the recipients note the struggles they have with obtaining and maintaining funding levels from all sources and stress the importance of the Fund to their work.

We will continue to monitor the good work performed by the fund recipients to ensure that the allocations from the Fund are used in a manner that will most efficiently and effectively maintain and enhance access to justice in Maine consistent with the provisions of 4 MRS 19-A. On behalf of all persons benefitted by this Fund, I thank you for your support.

If you or any members of the Committee have any questions, please feel free to contact me. I can be reached at 207-879-6054 or at mary@marytoole.com.

Respectfully submitted,

Mary C. Toole

Mary C. Toole, Esq., Chair
Maine Civil Legal Services Fund Commission

Enclosure
cc: John P. Foster, Esq., Commissioner
Angela M. Farrell, Esq., Commissioner

MAINE LAW
UNIVERSITY OF MAINE SCHOOL OF LAW
Cumberland Legal Aid Clinic

2015 ANNUAL REPORT TO THE MAINE CIVIL LEGAL SERVICES FUND COMMISSION AND THE JOINT STANDING COMMITTEE ON THE JUDICIARY

OVERVIEW OF THE PROGRAM

The Cumberland Legal Aid Clinic of the University of Maine School of Law is pleased to submit this narrative report on the services provided in 2015 as a result of support received from the Maine Civil Legal Services Fund ("the Fund" or "MCLSF").

Established in 1970, the Clinic is a program of the University of Maine School of Law and provides legal services to low-income individuals in Maine. Such legal services are provided by second- and third-year law students specially licensed under court and agency rules to practice under faculty supervisors who are experienced members of the Maine Bar. The Clinic's mission is two-fold: educating law students through an intense, high-quality clinical and mentoring experience while providing pro bono legal services to indigent Maine citizens.

The Clinic serves clients with legal matters pending in state, probate, and federal courts and agencies throughout Maine. The majority our clients' cases are in Cumberland, York, Androscoggin, and Sagadahoc counties; on a more limited basis, the Clinic provides assistance to prisoners incarcerated in the Maine state prison system and others with cases elsewhere the state. Cases in the Supreme Judicial Court and federal courts may arise anywhere in the state.

As a general matter, the Clinic provides legal services to low-income residents of Maine (defined as receiving needs-based public benefits or having an adjusted income under 125% of the Federal Poverty Level). The Clinic has four distinct programs (described below) supported by MCLSF Funds, each of which has its own target population. Most individuals qualify for our services when: (1) their household gross income falls within our financial guidelines; (2) the court or agency is within our geographic service area; and (3) we have openings for new clients.[1] Because our resources are very limited, the Clinic cannot accept every case that meets our eligibility requirements. The Clinic staff conducts the initial screening of clients to determine eligibility; the student attorneys complete the intake process and cases are accepted only with faculty approval. Because the Clinic is not able to help all eligible individuals, other considerations in accepting the case are:

- client need
- availability of a student attorney
- availability of alternate sources of legal services or assistance
- Clinic's ability to provide quality representation
- amount of Clinic resources required to represent the client in the matter
- educational value of the case.

[1] The eligibility requirements are somewhat different for the Prisoner Assistance, Juvenile Justice, Refugee & Human Rights Clinic, and Protection from Abuse programs, but each program serves indigent clients almost exclusively.

A total of 57 students enrolled in Clinic courses during the spring and fall semesters in 2015. During the summer, the Clinic hired five law students to work as full-time interns, one student worked as a full-time fellow doing policy development work as well as direct representation of clients, and one student worked part-time on policy development work in the area of outreach to young victims of human trafficking. As a result, the Clinic was able to provide much-needed representation to individuals on a year-round basis.

The **General Practice Clinic**, a six-credit course, enrolls twelve students, each of whom represents from five to ten individuals during the course of a semester. The General Practice Clinic provides full representation, at both the trial and appellate levels, to low-income people living in Southern Maine with any of a broad range of litigation-related matters. The majority of the General Practice Clinic's cases involve family law and domestic matters, but students may also work on state and federal cases involving consumer, criminal, juvenile, probate, administrative, and miscellaneous civil issues. Our priorities for representation in the General Practice Clinic include clients with whom we have worked in the Protection from Abuse Program and other limited representation programs of the Clinic, referrals from the Immigrant Legal Advocacy Project, Legal Services for the Elderly, and other legal aid providers who are unable to provide assistance, and referrals from area courts who have identified litigants as having a particularly acute need for quality legal representation in their legal matters.

This past year, the Clinic continued its work providing civil legal services to those incarcerated in the Maine prison system through its **Prisoner Assistance Clinic**, a three- or six-credit course enrolling up to five students each semester, with an emphasis on interviewing, counseling and providing "unbundled" legal services (i.e. limited representation) on a wide range of issues. In 2015, the Prisoner Assistance Clinic provided legal information, advice, and, in some cases, full representation to 136 prisoners incarcerated in the Maine state prison system. The Prisoner Assistance Clinic students go to the Maine Correctional Center in Windham every week to meet with prisoners with civil legal matters. The Clinic serves a small number of prisoners in other facilities through correspondence and telephone calls.

The **Juvenile Justice Clinic** (also a three- or six-credit course) enrolls up to five students each semester, who work under the supervision of one faculty member, and who have the opportunity to work with troubled youth in a number of contexts. Juvenile Justice Clinic students provide legal representation to children with pending matters in the Maine Juvenile Courts, provide legal information and advice on a wide range of matters to homeless teens and young adults through a Street Law Project at the Preble Street Teen Center, and conduct policy development work on issues such as minority contact with law enforcement, the shackling of children during court appearances, and alternatives to incarceration, all of which benefit children state-wide.

The **Refugee and Human Rights Clinic (RHRC)**, a six-credit course that provides an opportunity for students to advocate on behalf of low-income immigrants in a broad range of cases and projects. The RHRC was developed as a collaboration with the Immigrant Legal Advocacy Project (ILAP), which refers most of the RHRC's clients. RHRC students assisted 17 immigrants and refugees during 2015. Full representation clients include asylum applicants who have fled human rights abuses in their home countries and are seeking refuge in the United States; immigrant survivors of domestic violence; immigrant victims of certain crimes; and abandoned or abused children seeking legal status in the United States. RHRC students also participated in public education and outreach initiatives that reached dozens of people, including conducting monthly training sessions with ILAP staff on how to apply for asylum using a pro se manual developed in

collaboration with ILAP.

Students enrolled in all Clinical courses or working as summer interns participate in the **Protection From Abuse Program**, through which students attend the protection from abuse docket calls in Lewiston District Court, and represent any victims of domestic or dating violence, sexual abuse, or stalking who need representation. That program receives top marks from the students, the courts, and clients alike. The Clinic represented 171 victims in 2015 in protection from abuse or protection from harassments matters in Lewiston District Court. The Clinic provided such representation in 2015 through support from the Fund, as well as federal funding received from the United States Department of Justice Office of Violence Against Women.

INFORMATION REQUESTED BY THE COMMISSION

The Fund provided nearly 11.7% percent of the total funds used by the Clinic for its programs in 2015 and approximately 33.7% of external funds received, making it the Clinic's largest single source of external funding. Accordingly, the Clinic relies upon money received from the Fund for nearly all of the programs described above, but especially for the work of the General Practice Clinic, Refugee & Human Rights Clinic, and Protection from Abuse Program.[2] In 2015, the Fund provided the resources by which the Clinic was able to retain two of our four full-time faculty supervisor and a part-time adjunct faculty member and to operate the Clinic on a year-round basis by hiring two of the five student interns this summer to cover the ongoing cases. Therefore, absent the support provided by the Fund the Clinic would be approximately two-thirds its present size and far more limited in the types of cases we could accept. These funds also enable us to purchase training and legal research materials for our Clinic library and to cover other important expenses (such as hiring interpreters and translators, travel to court, printing, telephone, and mail) directly related to providing legal services. Through the Clinic, the Fund has supported the training of new lawyers in Maine's strong pro bono tradition and enabled hundreds of Maine's poor to have access to justice.

1. The types of cases handled by the organization as a result of money received from the Fund

Family law (not including Protection from Abuse proceedings) comprised approximately 55.5% of the Clinic's General Practice and Prisoner Assistance civil caseloads in 2015 (a total of 116 cases) and we also assisted 11 teens and young adults with family law matters through the Street Law Program. The Clinic handled 185 Protection from Abuse/Harassment cases (including two Maine Supreme Judicial Court appeals in which the finals orders were affirmed), for a total of 312 family-related cases last year. The family law caseload, however, is varied. While the majority of cases in the General Practice Clinic, for example, involve disputes regarding parental rights and responsibilities, child support, and divorce, the Clinic has also taken on cases involving minor guardianship, *de facto* parent status, emancipation, and protective custody. Other areas of civil legal services in the General Practice Clinic 2015 caseload have included financial exploitation, foreclosure, landlord/tenant, appeal of Department of Health and Human Services substantiation findings, adult guardianship, social security, immigration, insurance coverage, title to real estate, trusts, protection from harassment, wage & hour violations, wills/estates, and other miscellaneous issues. The Prisoner Assistance Clinic addresses an even wider range of civil legal issues in

[2] The Clinic does some work in the areas of criminal and juvenile law, and those clients (a total of approximately 148 cases) have not been included in the client totals for this report, although some of these clients, particularly the juvenile clients, also had civil legal matters for which we provided assistance.

addition to family law (including paternity and adoption matters), including: adult guardianship; minor guardianship; tort defense; drafting trusts, wills, living wills, and advanced health care directives; breach of fiduciary duty; conversion of property; social security disability benefits questions; contract claims; attorney's fees disputes; real estate; landlord/tenant; powers of attorney; taxes; preservation of professional/business license; business formation; MaineCare coverage; and bankruptcy. Juvenile Justice Clinic students provide information and advice to teens and young adult on civil matters such as education rights, public benefits, immigration, housing, emancipation, disability, Protection From Abuse, Special Immigrant Juvenile Status, employment, work authorization, wills, and powers of attorney through the Street Law Program at the Preble Street Teen Center. RHRC students assisted 17 clients who are seeking protection under federal asylum law, the Violence Against Women Act, or Special Juvenile Immigrant status.

2. *The number of people served by the organization as a result of money received from the Fund*

In 2015, the Clinic provided civil legal assistance to a total of 397 individuals.[3]

3. *Demographic information about the people served as a result of money received from the Fund*

The primary demographic information tracked by the Clinic is the client's county of residence. The county-by-county breakdown of our clients' places of residence is as follows: Androscoggin 179; Aroostook 3; Cumberland 161; Franklin 2; Hancock 2; Kennebec 6; Knox 3; Lincoln 2; Oxford 4; Penobscot 4; Sagadahoc 4; Somerset 1; York County 23; Out of State 3.[4] The Clinic assisted a large number of clients with Limited English Proficiency and/or who were born outside of the United States. During 2015, our clients' countries of origin included: Angola, Burundi, Canada, the Democratic Republic of the Congo, El Salvador, Germany, Guatemala, Honduras, Iraq, Iran, Jamaica, Rwanda, Somalia, Syria, and Sudan. The Prisoner Assistance Clinic assisted clients from Maine's tribes. The Clinic also represents a large number of people with disabilities, particularly those with serious mental and cognitive illnesses.

4. *The geographical area actually served by the organization as a result of money received from the Fund*

Because the legal work is performed entirely by law students who are enrolled in other law school courses, the Clinic's geographic coverage is generally limited to courts within a one-hour drive of the Law School in Portland. In 2015 we provided full representation to clients with cases in courts and agencies located in Portland (including the Maine Supreme Judicial Court, Federal District Court, and Department of Homeland Security), Augusta, Biddeford, Springvale, Alfred, York, Lewiston, Auburn, South Paris, Farmington, Machias, Wiscasset, West Bath, Bath, and

[3] We have excluded from our calculations 32 prisoners with whom we had some contact but who were not eligible for our services due to their case type, who did not follow up after an initial contact, for whom the Clinic had to decline representation due to a conflict of interest, or there was some other reason that services were not provided. We have also excluded from our count the individuals, totaling 1933, who contacted the Clinic for legal assistance last year by calling or walk-in and who were provide referrals to other agencies due to a lack of available openings or ineligibility for representation by the Clinic.

[4] These numbers include clients in our Prisoner Assistance Project, who are incarcerated in several locations throughout the state. In some instances the prisoners do not have an identifiable "home" county, in which case we list the county of their correctional facility.

Boston. Through the Prisoner Assistance Clinic, the Clinic serves on a more limited basis clients with legal matters arising anywhere in the state.

5. *The status of the matters handled, including whether they are complete or open*

The Clinic had 79 civil cases open at the start of 2015. During the year, the Clinic opened 344 new cases and closed 360. The Clinic has 63 civil cases open at this time. With the start of the new semester in January 2015, we expect to take on several new clients in the upcoming weeks.

6. *Whether and to what extent the recipient organization complied with the proposal submitted to the Commission at the time of the application for funds;*

The Clinic has complied in all respects with the proposal submitted in September 2013. As set forth in the Overview provided in this report, the Clinic has maintained or expanded all programs described in the proposal. The Clinic's central focus of providing high-quality full representation to low-income individuals has remained unchanged, while the Clinic continues to develop innovative ways to serve an even larger group of individuals on a more limited basis.

7. *Outcomes measurements used to determine compliance.*

The Clinic tracks data regarding its cases through the same case management system (LegalFiles) used by many of the other legal services providers. With this software, the can review the type and volume of cases handled each year. The caseload size is usually a direct result of the complexity of the cases, as well as student enrollment, which can depend upon the number of Clinic faculty supervisors, student interest, and overall law school enrollment. During 2015, there was full enrollment in all clinical courses. Faculty supervisor approval is required for every case acceptance to ensure that the case falls within the Clinic's case acceptance parameters, including those set to ensure that we are complying with our 2013 proposal to the Commission.

The Clinic continues to employ specific evaluation mechanisms to ensure that we are providing high-quality representation to our clients and that our students benefit from their experience in the Clinic. Since the students are participating in an educational program (for which they receive a final grade during the school year), every aspect of their work is evaluated and subject to close supervision by faculty supervisors. Every item of incoming mail and every phone message is routed to the student's supervisor, and no written work (letter, e-mail, court filing) can be printed, faxed or mailed without the written approval of a supervisor. Faculty supervisors accompany students to every court appearance.

Each client served receives a questionnaire when his or her case is closed. Completed questionnaires are reviewed by the student attorney, faculty supervisor, and Clinic Director. While the response rate is not especially high, those who do respond nearly always have high praise for the students' work and express their deep appreciation for the assistance provided through the Clinic. Also, all Clinic students are asked to complete detailed evaluations of the Clinic program. As an educational program, the Clinic is also part of the ongoing evaluations in the Law School and the University, including extensive evaluations of the members of the faculty. The Clinic regularly contacts those who work with our program (judges, clerks, and social service providers) to solicit feedback.

One measure of the program's success is our students' career choices after they graduate. Our recent graduates have taken positions with Disability Rights Maine, the Maine Legislature, Maine Community Law Center, Maine, KIDS Legal, and Pine Tree Legal Assistance, as well as positions in county prosecutors' offices. Other recent graduates have joined or opened small firm practices in rural Maine, including counties with underserved populations. A number of our graduates tell us that, as a result of their experiences working in the Clinic, they have decided to become rostered guardians *ad litem* or take court-appointed work in the areas of child protection, juvenile defense, and criminal defense. Other graduates have signed on with the Maine Volunteer Lawyers Project and Immigrant Legal Advocacy Project to accept *pro bono* cases.

8. Information regarding unmet and underserved needs.

The Clinic receives a few thousand calls from individuals seeking legal assistance every year and also receives many referrals from courts and agencies. Unfortunately, the Clinic's small size limits the number of individuals that we can serve. Given the enormous unmet need for civil legal assistance among low-income Mainers, the Clinic designates as priorities for case acceptance those low-income clients who would otherwise have particular difficulty representing themselves due to mental illness or other disability, language barriers, immigration status, history of domestic violence, youth, sexual orientation, or geographic isolation. We also provide legal representation in those areas of the law where there is a particularly acute need for representation, such as complex family law matters with issues of family violence, substance abuse, mental illness, or conflicting jurisdiction. We make every effort to accommodate referrals from courts and other organizations that have identified specific individuals who would benefit from the Clinic's assistance, particular due to the limitations of other legal aid programs. Some of our programs provide a broad range of limited assistance to many people – Street Law Project, Protection from Abuse Program, and Prisoner Assistance Clinic – enabling us to identify those individuals with a particular need for extensive legal assistance, thus ensuring that our resources are applied to those for whom the need is most acute.

CONCLUSION

The faculty, staff, and students of the Cumberland Legal Aid Clinic wish to express their appreciation for the continued support of the Maine Civil Legal Services Fund, without which our program would be severely limited in its ability to serve its dual mission of providing much-needed legal services to chronically under-served populations while educating the next generation of attorneys. The continued cut-backs in state funding for higher education renders the Clinic increasingly reliant on external sources of funding to continue its work at current or higher levels. The Fund is also a particularly valuable source of support as it allows the Clinic the flexibility to explore and develop innovative ways to serve its mission.

Please let us know if you have any questions or if there is any additional information that we can provide.

Respectfully submitted,

/s/ Deirdre M. Smith
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DISABILITY RIGHTS MAINE

DISABILITY RIGHTS MAINE
2015 ANNUAL REPORT TO THE
MAINE CIVIL LEGAL SERVICES FUND COMMISSION
JANUARY 15, 2015

Disability Rights Maine[1] (DRM) is Maine's statewide protection and advocacy agency (P&A) for people with disabilities. Incorporated in 1977as a private, nonprofit corporation, DRM's mission is to advance and enforce the rights of people with disabilities throughout the state. DRM currently employs 41 people, 16 of whom are attorneys.

Using federal and state funds, DRM provides no-cost advocacy and legal services to people with disabilities who have experienced a violation of their legal or civil rights. The rights violation must be directly related to their disability.

DRM is part of the nationwide network of federally funded and mandated disability rights Protection & Advocacy agencies (P&As). P&As are the largest providers of legal services for people with disabilities in the United States. As Maine's designated P&A, DRM has standing to bring lawsuits on behalf of its members, can conduct investigations into allegations of abuse and neglect of people with disabilities, and has the statutory authority to gain access to facilities and programs where people with disabilities receive services.

The history of DRM is tied to the creation and growth of the federal P&A system. DRM receives funding under 7 federal grants (described in Appendix A), four state contracts with the Department of Health and Human Services, one contract with Department of Labor, a contract with a private company to provide telephone equipment, a grant from the Federal Communications Commission and a contract for advocacy with Acadia Hospital, a private psychiatric hospital. One state contract funds an attorney in Riverview Psychiatric Center and Dorothea Dix Psychiatric Center. Another state contract provides for the Developmental the Services Advocacy (DSA) program which replaced the internal state advocacy program. In

[1] In 2015, the Disability Rights Center changed its name to Disability Rights Maine.

2015 DRM, entered into a contract with the Office of Child and Family Services within the Department of Health and Human Services to provide legal and advocacy services on behalf of children receiving Children's Behavioral Health Services.

In 2015, DRM also assumed the contractual duties that the Maine Center on Deafness (MCD) had been obligated to perform and hired all of the former MCD staff. DRM assumed a contract with the Department of Health and Human Services to provide Peer Support services to individuals who are Deaf, Hard of Hearing or Late–Deafened and who have an intellectual disability. DRM now has a contract with the Maine Department of Labor that includes money for the Telecommunications Equipment Program (TEP). The TEP distributes adaptive specialized telecommunications equipment to individuals who are unable to use the telephone for expressive or receptive communication, or who face other barriers to telephone communication in Maine. DRM also provides advocacy services under that contract to deaf, hard-of-hearing and late-deafened persons in the areas of employment, education, health care, social services, finance, housing and other personal assistance. No attorney is currently employed under this contract.

DRM receives money from the Federal Communications Commission as part of the National Deaf-Blind Equipment Distribution Program (NDBEDP). This program works to ensure that qualified individuals have access to the Internet, and advanced communications, including interexchange services and advanced telecommunications and information services. The NDBEDP provides equipment and training to eligible individuals.

DRM also provides outreach and advertising to Deaf, Hard of Hearing, Late Deafened and Deaf/Blind individuals under a contract with Hamilton Relay. As a result of the contract with Hamilton Relay, eligible Maine citizens can purchase Captioned Telephone (CapTel) equipment at a reduced rate. Individuals who are deaf, hard of hearing, deaf-blind or have difficulty communicating over the phone are eligible for the program.

DRM gets a small appropriation from the Legislature to represent children with disabilities in special education matters. DRM's Education Team consists of two staff attorneys. The Education Team must adhere to very strict priorities because the need is so great, the number of calls so high. They prioritize assisting children with severe disabilities who are being excluded from school or being restrained or secluded in school and assist the families with transition from high school. In an attempt to

increase DRMs advocacy capacity and impact at educational planning meetings, the Education Team also provides training to case managers and DHHS staff.

The critical and increasing need for special education advocacy funding for Maine's most vulnerable kids - those living in poverty and out of school through no fault of their own - is worrisome. DRM achieves remarkable results for these children but is sorely underfunded. There remains no earmarked federal funding for special education advocacy.

Maine Civil Legal Services Funding

In 2013, DRM applied for funds to hire a full time attorney and was awarded 2.98 of the fund. In 2015, DRM received $39,813.63 from the fund.

DRM used the MCLSF funding to supplement our federal funding in cases where the caller has a disability, lives in poverty and has experienced disability based discrimination or a violation of his or her rights as a citizen with a disability. DRM's federal funding has significant eligibility restrictions which prevent DRM from representing many Mainers who are in need of legal assistance. The award is essential to DRM in ensuring DRM's ability to provide needed legal representation to Maine's low-income citizens with disabilities; Maine's most vulnerable population, who DRM would not otherwise be able to serve. Statistics demonstrate that adults with disabilities in Maine are more than three times as likely to live in poverty as adults without disabilities. MCLSF funding allows DRM the necessary flexibility to take discrimination cases that would otherwise be turned away. Staff attorneys can be assigned a case that would be "ineligible" by federal standards and can bill their time, on that specific case, to the MCLSF account.

- **The types of cases handled by the organization as a result of money received from the Fund.**

Appendix B includes 44 sample cases that provide a description of the types of cases DRM attorneys handled during 2015. Because the amount of the award does not allow DRM to hire a full time attorney, the Fund award is used to supplement the provision of legal services to low-income Maine citizens with disabilities subjected to abuse or neglect or other rights violations. For example, DRM uses the Fund award to represent low-income Maine citizens who either want to live in the community or who want to continue to live in the community, including those who are involved with the long term care system through

MaineCare, such as individuals with personal support services (PSS) who are challenging service reductions, terminations or suspensions that might lead to their placement in an institution.

DRM's efforts to support community integration mean that DRM also represents individuals who are currently institutionalized and want a community placement near their friends and family. DRM also uses the Fund to represent low-income individuals with disabilities who are facing eviction or need accessible housing, individuals with disabilities who are having trouble accessing government services or public accommodations, individuals with disabilities who lose their jobs and individuals who are eligible to receive public benefits because they lost their job or who are attempting to transition from public benefits to employment but are wrongfully denied employment because of their disability.

The types of cases DRM attorneys handled in 2014 are listed below[2]:

Problem Area:	
Abuse, Neglect and Other Rights Violations	347
Beneficiaries of Social Security	8
Community Integration/Integrated Settings	110
Due Process	39
Education	149
Employment	40
Government Services & Public Accommodations	62
Guardianship	28
Health Care	3
Housing	35
Voting	3
Total	824

- **The number of people served by the organization as a result of money received from the Fund.**

[2] DRM advocates, some of whom are not attorneys, had 578 active cases in 2015. All advocates are overseen by attorneys.

DRM attorneys provided direct legal representation to 824 clients on 1028 cases.

- **Status of matters handled, including whether they are complete or open**

  Active in 2015: 1028
  Opened in 2015: 744
  Closed in 2015: 591

- **Demographic information about people served:**

Age

Birth – 18	238
19 – 30	180
31 – 40	116
41 – 50	104
51 – 60	125
61 – 70	40
71 & Over	21
Total	824

Gender:

Female	356
Male	467
Unknown / Declines to Respond	1
Total	824

Disability:

Absence of Extremities	3
ADD / ADHD	2
Autism	130
Blindness	2
Cerebral Palsy	30
Deafness	16
Epilepsy	3

Hard of Hearing (not Deaf)	4
Heart / Other Circulatory	1
Intellectual Disability	319
Mental Illness	236
Muscular Dystrophy	2
Neurological Impairment	12
Orthopedic / Physical Impairment	33
Respiratory Disorders	2
Specific Learning Disability	10
Spina Bifida	1
Tourette Syndrome	1
Traumatic Brain Injuries	16
Visual Impairment (not Blind)	1
Total	824

Race:

American Indian / Alaskan Native	12
Asian	2
Black / African American	8
Native Hawaiian / Other Pacific Islander	1
Somali	1
White	711
Two or More Races	17
Race Unknown	69
Declines to Respond	3
Total	824

Ethnicity:

Hispanic / Latino	7
Not Hispanic / Latino	432
Ethnicity Unknown	385
Total	824

County:

Androscoggin	117
Aroostook	20
Cumberland	176
Franklin	19
Hancock	15
Kennebec	116
Knox	23
Lincoln	10
Oxford	34
Penobscot	72
Piscataquis	8
Sagadahoc	21
Somerset	44
Waldo	29
Washington	6
York	94
Out-of-State	20
Total	824

- **Geographic area actually served:** Statewide

- **Whether and to what extent the organization has complied with its proposal submitted to the Commission.**

DRM proposed the hiring of a full-time attorney which was not feasible with the amount we received from the Fund. DRM used the funding to supplement our federal funding and to take cases that we otherwise could not have taken.

DRM complied with the terms of the award by using the Fund only for staff attorney salaries to represent low-income Maine citizens with disabilities and not for any other expenses such as administrative costs, support staff salaries or advocate salaries. When DRM received the first fund award, we expanded our case eligibility to representing select eligible children in special education matters but then made a

decision to broaden eligibility to represent Maine citizens living in poverty who have a disability. This allowed us to be as flexible and as broad as possible in using the Fund allocation. In other words, we assess any case that comes through for merit, and as long as the caller has a disability, lives in poverty and has experienced discrimination or a violation of rights, they are eligible to be served using MCLSF monies.

- **Outcome measurements used to determine compliance;**

Most cases come to DRM through our intake unit but many are direct referrals to staff or "field intakes" brought back from facilities, trainings and outreach. After an in-depth intake interview, all cases are reviewed by an attorney and assigned to either an advocate or an attorney. DRM has four teams comprised of both attorneys and advocates. The Developmental Disabilities Team, Mental Health Team and Children's Team meet weekly.[3] The ADA Team meets every other week. DRM's teams meet to monitor cases and projects, to assess and record team progress on annual program priorities and to discuss issues of concern.

The state funded Developmental Services Advocates (formerly known as the Office of Advocacy) were incorporated into DRMs Developmental Disabilities Team. The state contracted advocates housed in the two state institutions are part of the Mental Health Team, as is the privately contracted advocate who works in a free standing psychiatric hospital.

In addition, DRM's Litigation Team meets once a month to discuss legal trends and case strategies and issues of mutual concern. The Legal Director conducts periodic in-depth case reviews with each lawyer to ensure appropriate, timely and vigorous representation. The Executive Director conducts an annual "snapshot" case review with every lawyer, to ensure compliance with DRM mission, vision, casework and representation standards and eligibility requirements and to assess each lawyer's general knowledge of the disability service system and civil rights movement. The Legal Director is always available to consult about an issue in a case and daily engages in discussions regarding cases. In addition, for best practice and quality improvement, lawyers always discuss cases with and seek assistance from other lawyers in the office.

When a case is ready to be closed, the lawyer assigned to the case enters a closed case narrative into DRM's nationally based client management database and notifies the Legal Director that the case is ready to be closed. The Legal Director reviews the

[3] The Education Team was incorporated into the Children's Team.

case for appropriateness of intervention, timely client contact, accuracy of data and quality of outcomes. The rare case that does not meet these standards is returned for correction and reviewed with the staff attorney during supervision. The Legal Director then places a note in the file approving the closing. A quarterly report, with sample case summaries, is prepared and sent to the Executive Director and the Board of Directors.

When a case is closed at DRM a two page questionnaire is mailed to clients with a cover letter from the Executive Director requesting that they complete the survey and return it to the agency in the self-addressed stamped envelope. The questionnaire is designed to generate feedback from clients on all aspects of DRM services including input on annual priorities. When the surveys are returned, the responses are entered into a database, the compiled results of which are shared quarterly with DRM Board of Directors.

Responses that indicate problems with DRM services are shared with the Legal Director, the Executive Director, and other members of the management team for review and action. The Legal Director contacts the client to resolve the problem. If need be, the case will be reopened. A detailed written report is then provided to the Executive Director.

DRM management team meets weekly to assess quality of services, to streamline operations, and improve data collection and reporting.

Every year, DRM prepares comprehensive program reports for our federal funders, called Program Performance Reports (PPRs). In these detailed reports, DRM outlines all of its activities in each of the programs, including cases and non-case activity and explains how our actions furthered the priorities DRM has established for each of its programs.

Each year DRM is fully audited by an independent auditor specializing in non-profit accounting. At random times, DRM is audited/reviewed by various federal funding agencies; these reviews include a comprehensive programmatic review as well as a full fiscal audit, conducted by a team consisting of a Certified Public Accountant, a federal bureaucrat, two lawyers, a non-lawyer advocate and a person with a disability.

- **Unmet and Underserved Need**

The challenges remain the same. The need for our services grows and grows but the funding remains flat or worse, is decreased by Congress. DRM's federal programs have been flat funded or decreased for years, while costs continue to increase. Recipients of services under DRM's federal programs must meet strict eligibility criteria in order to receive services and the program dollars are relatively small and yet completely restricted. Fund monies allow DRM to serve needy Mainers legal needs who we would otherwise turn away.

Specific needs that DRM cannot adequately address currently:

- The increasing number of youth being placed out of home and medicated, including in psychiatric hospitals and residential treatment, and including out of state. *Olmstead* claims need to be filed on behalf of these kids.

- There are more than 500 provider agencies just for people with intellectual disabilities and autism and unfortunately, we often find rights violations when we get into these places where people live and spend their days. These people need increased access to lawyers.

- As of August 31, 2015 the Maine Division of Licensing and Regulatory Services reports that there are 655 Assisted Living Facilities (ALFs) in the state of Maine. DRM attorney Mark Joyce gets case after case of ALFs refusing to allow people to return to their homes after hospitalization. We know that we are barely touching this systemic problem of individuals with disabilities admitted to the hospital, then clinically ready to be discharged back to their home in the community, but denied on the basis that that the community based facility where they were admitted from is claiming that, due to the increased acuity of the person's disability, the community based facility can no longer provide services. When we make or file a reasonable accommodation request under the various disability rights statutes, FHA, ADA, 504, MHRA, etc., we almost always address the barriers and ensure the person can go back to their home in the community instead of either (a) remaining in the hospital for who knows how long or (b) being sent to a more restrictive environment. DRM needs to be able to respond to facilities that refuse to grant these reasonable accommodations, with a progressive response including litigation.

- The biggest category of cases that our developmental services team currently turns away is guardianship cases. These cases are vitally important to improving the lot for people with disabilities because they deal squarely with the prevention (or restoration) of the full and utter deprivation of almost all civil rights. They are also cases that become very involved and time consuming. We can only take the cases where exploitation, fraud, abuse or neglect are involved, but we see guardians, with the support of the providers, depriving rights every day.

- People with disabilities are still paid subminimum wage. DRM can and is dealing with this issue systemically and as a public policy matter but we should be suing agencies for wage and hour violations under the Fair Labor Standards Act.

- DRM needs the additional capacity to explore the adequacy of court-appointed attorneys in termination of parental rights proceedings and criminal proceedings.

- DRM has recently learned that no one is advocating for the needs of elderly people who are Deaf/signing and the other 60% of older folks with hearing loss. We need to advocate for the adaptive communication technology to which they have a right. There are no ASL interpreters in Aroostook or Washington Counties and there are no certified interpreters in Waldo County. We need interpreters in these grossly underserved regions of Maine.

- DRM does case after case for individuals with mental illness who are being discriminated in housing. We need to be able to do housing cases for all other people with disabilities besides mental illness.

- DRM needs to be able to do far more MaineCare appeals for medication prior authorization denials and denial/termination or reduction of home health care services (adults). We take cases where an individual is at risk of institutionalization, but have had to turn away many cases because people do not meet this threshold.

- There is a very serious need for representation of people in correctional facilities. We have criminalized mental illness in this country so our jails and

prisons are full of people with disabilities. Incarcerated people need representation for access to assisted technology, medical services, accommodations, etc. Presently, we only take cases whether there is a denial of mental health services and as a result of the denial, the individual is at risk of entering a more restrictive (i.e. hospital) setting. This would include someone who is decompensating/psychotic because they have not received any medication, but would not include people receiving Prozac, for example, even though the community provider has been prescribing Zoloft except, of course, if the medication change is such that it would lead to a more restrictive placement.

- Maine needs much, much more legal work in the juvenile justice system. This includes Long Creek as well as "pre-adjudicated" youth in jails. We need to do conditions cases and we need to focus on the problem of children remaining in detention for months, ensuring transition from detention/commitment is done with adequate supports, etc. We also need to bring schools to account when the only reason a child is involved in the system is for school based "offenses" - (the strategy here would be to bring due process hearings when there were special education violations, then go to the juvenile court with the settlement or the favorable decision and ask that the matter be dismissed because the student is now getting the services they need).

- DRM handles lots of education cases but the need far outstrips DRM's ability to serve. Children are suspended, expelled, restrained and secluded in schools and are not receiving the appropriate educational and support services to which they are entitled.

- DRM needs at least a full time lawyer dedicated to advocacy around access to assistive technology and another full time lawyer fighting for access to transportation that is vital to community participation, health, welfare and independent living.

- Access remains a serious problem for people with disabilities - both physical access to public accommodations for people with mobility impairments as well as programmatic access for Deaf, Blind and other people with disabilities. Maine needs more lawyers handling these cases.

- DRM needs the capacity to handle a few high profile abuse and neglect damages cases to deter the abuse of individuals with disabilities. Currently, we turn away all damages cases due to a lack of resources.

- Across the board, people with disabilities are treated poorly by hospitals in Maine. DRM needs the capacity to address this issue.

Appendix A
DRM's Federal and State Programs

Federal Programs

1. The Developmental Disabilities Assistance and Bill of Rights Act (DD Act), 42 U.S.C. §15001 et seq., established the P&A system in 1975 and created the Protection and Advocacy for Developmental Disabilities program (PADD). The DD Act was passed in part as a result of reports of inhumane conditions at Willowbrook, a New York State institution for individuals with developmental disabilities. Congress, in passing the DD Act, recognized that a federally directed system of legally based advocacy was necessary to ensure that individuals with intellectual disabilities and other developmental disabilities receive humane care, treatment, and habilitation. People are eligible for services under the PADD program only if they have a severe, chronic disability which manifested before age 22, are expected to require life-long services and have substantial limitations in three or more major life activities.

In order to receive federal funding under the DD Act, states were required to create and designate a P&A agency. In 1977, the Maine Legislature had the foresight to create Maine's P&A agency independent of state government. Later that year, then Governor James Longley designated the Advocates for the Developmentally Disabled (ADD) as the state's P&A agency. ADD later changed its name to Maine Advocacy Services, then to DRM and now DRM. The state statute, 5 M.R.S.A. §19501 et seq., is modeled on the DD Act and PAIMI Act, discussed below.

2. In 1986, following hearings and investigations that substantiated numerous reports of abuse and neglect in state psychiatric hospitals, Congress passed the Protection and Advocacy for Individuals with Mental Illness Act (PAIMI), 42 U.S.C. §10801 et seq. Modeled after the DD Act, the PAIMI Act extends similar protections to persons with mental illness. Congress recognized when it passed the PAIMI Act that state systems responsible for protecting the rights of individuals with mental illness varied widely and were frequently inadequate. Eligibility under the PAIMI Act is limited to those persons with a significant mental illness, with priority given to people residing in facilities.

3. The third federal grant established the Protection and Advocacy for Individual Rights (PAIR) program, 29 US.C. §794e. Established under the Rehabilitation Act Amendments of 1978, PAIR was not funded until 1994. PAIR funds were intended

to serve all individuals with disabilities not covered under the DD Act or the PAIMI Act. Because the PAIR funding is so limited and yet the eligibility is so broad, DRM developed case selection criteria prioritizing civil rights. DRM's PAIR cases involve violations of the Maine Human Rights Act, the Americans with Disabilities Act, the Fair Housing Amendments Act, and/or the Rehabilitation Act. Additionally, PAIR provides legal services to MaineCare recipients who have experienced a denial, reduction or suspension of services.

4. In 1994 Congress created another advocacy program when it passed amendments to the Technology-Related Assistance for Individuals with Disabilities Act, now known as the Assistive Technology Act of 1998, 29 U.S.C. §3001 et seq. Under the Protection and Advocacy for Assistive Technology program (PAAT), P&As are funded to assist individuals with disabilities in accessing assistive technology devices and services, such as wheelchairs, computers, limbs, adaptive computer software and augmentative communication devices. DRM facilitates changes in laws, regulations, policies and procedures that impede the availability of assistive technology devices and services, as well as representing individuals in technology related matters.

5. In 2000, Congress created a program to provide legal services to individuals with traumatic brain injury (PATBI).

6. Following the 2000 election, Congress passed the Help America Vote Act (HAVA), 42 U.S.C. §15301 et seq., which charged P&As with ensuring that people with disabilities are able to fully and equally participate in the electoral process by being able to register to vote, cast a vote, and access polling places. Seven percent of the funds allocated to P&As must be used for training and technical support. No HAVA funds can be used for litigation. DRM has conducted numerous trainings for hundreds of local clerks throughout the state as well as for state officials, on how to make voting accessible for people with disabilities.

7. In 2001, the Social Security Administration (SSA) created a program for P&As to work with social security recipients to assist them to either enter the workforce or to return to work. In 2012, the SSA cut funding to the program and then late in 2013, the SSA restored funding to the program.

Each funder requires DRM to report each year on program priorities and how funds from each program were spent. As a result, DRM has developed very sophisticated accounting and reporting systems. When cases are opened, they are assigned to a

funding source and to a lawyer. That lawyer bills his or her time to the program that the case is assigned to. For example, an attorney may be assigned two eviction cases. One case may be billed to the developmental disabilities program (PADD) and the other to the mental health program (PAIMI).

State Programs

8. DRM has two state contracts and a contract for advocacy with Acadia Hospital, a private psychiatric hospital. One state contract funds an attorney in the Riverview Psychiatric Center and another at the Dorothea Dix Psychiatric Center. The other state contract provides for Developmental Services Advocacy (DSA) which replaced the internal state advocacy program. DRM agreed to take over that program with three fewer staff than the State had funded and before DRM even received the first installment, the Governor implemented a 10% across the board reduction in state spending that applied to the DSA funding.[4] In 2015, the DSA contract was amended adding two advocates that focus on children's behavioral health services.

9. DRM gets a small appropriation from the Legislature to represent children with disabilities in special education matters. DRM's Education Team consists of two staff attorneys. The Education Team must adhere to very strict priorities because the need is so great, the number of calls so high. They prioritize assisting children with severe disabilities who are being excluded from school or being restrained or secluded in school. In 2013, DRM added a "transition" priority because so many children with disabilities simply drop into an abyss upon graduation from high school. In an attempt to increase DRMs advocacy capacity and impact at educational planning meetings, the Education Team also provides training to case managers and DHHS staff.

10. In April of 2015, the executive director of Maine Center on Deafness (MCD), a small nonprofit organization in Portland providing telecommunications equipment to and advocacy for Deaf Mainers, resigned from his position and the MCD board asked DRM's Executive Director, Kim Moody, to help out by taking on the executive responsibilities. DRM's board voted to allow Kim to step in and assist MCD.

Kim Moody quickly determined that due to overwhelming debt and financial mismanagement, MCD was insolvent and needed to close its doors. MCD had a long time contract with Maine Department of Labor (MDOL) for the Telecommunications

[4] DSA employs five advocates, three of whom are attorneys.

Equipment Program (TEP) which distributes adaptive specialized telecommunications equipment to individuals who are unable to use the telephone for expressive or receptive communication, or who face other barriers to telephone communication. The MDOL also contracted with MCD to provide advocacy for the rights of Deaf, hard-of-hearing, late-deafened and Deaf/Blind persons in Maine. MCD also had contracts with the Federal Communications Commission to distribute equipment to Deaf/Blind Mainers, with Hamilton Relay to do outreach regarding the telecommunications equipment they sell and with Maine Department of Health and Human Services to provide peer support for adults who are Deaf and have intellectual disabilities.

Due to DRM's and Kim Moody's reputation for excellent fiscal and programmatic management, each of the contractors asked DRM to take over the contracts and services, so DRM was able to "save" both Maine Center on Deafness staff and the vitally important services they provided to an extremely vulnerable fringe population. The former MCD closed its doors on June 30, 2015 and reopened under a new name on July 1 with the same staff, in the same building they had been in for 18 years and offering the same services to the Deaf community in Maine.

This was terrific news of course, because DRM was able to keep Deaf services alive in Maine but it also meant that DRM added four new already underfunded service contracts with very specific deliverables. So this increased our overall budget but did not positively impact our ability to provide free legal services to Maine citizens with disabilities.

Appendix B
Sample Closed Case Report 2015

Voting

Clients Vote Because of DRM Involvement

Staff at a residence for individuals with developmental disabilities contacted DRM after three residents with intellectual disabilities were not allowed to vote. A town employee blocked one person from voting when she refused to allow the client to vote with assistance from staff, insisting that she could assist the individual. That same town employee refused to allow staff to assist two other residents. The town employee said only she could help these voters, and she would not let them vote if she could not understand them or if they could not understand her. Two residents filled out the absentee ballots before leaving, and handed them to the town employee, who appeared to accept them but then tossed them aside, saying "This isn't going to work." When the two residents were leaving, the town employee asked loudly, so that everyone could hear, "Are you bringing more of these people?" DRM obtained permission from the clients' guardians to represent the clients. DRM retained a communication expert to evaluate the voters to confirm that they could make a choice and we could meet our legal burden of showing that they are competent to vote if challenged in a lawsuit. The expert determined that two of the voters could make a choice, however, but was unable to confirm that the third voter was able to make a choice and was competent to vote. At the next election, staff at the residence brought the clients to vote and reported that the clients were welcomed into the town hall and they successfully voted, with the assistance from staff. Because the individuals were permitted to vote, DRM determined that it would not be necessary to file a lawsuit and seek an injunction from federal court. DRM informed the guardians that the case would be closed, but asked staff and the guardians to contact DRM in the future if new issues should arise.

Guardianship/Supported Decision Making

Client Uses Supported Decision Making with DRM Support

An adult female with an intellectual disability contacted DRM with questions about guardianship and alternatives. DRM attended the client's individual support team meeting where she explained that she felt like sometimes she made poor choices and she wished there was someone who would help her think through her decisions. She thought that she might want to have a guardian. During the meeting, DRM explained what guardianship was and what it entailed, and also explained the array of

alternatives to guardianship, including supported decision making. After the client said she wanted to think about it more, DRM sent the client a packet of information about guardianship and alternatives. DRM met with the client who said she did not want someone to have the legal authority to force her to do something she didn't want to do, but she still wanted help with making decisions. DRM talked to the client about directives, powers of attorney, Supported Decision-Making, and other alternatives. After considering all alternatives, the client decided she wanted to try Supported Decision-Making. DRM drafted a Supported Decision-Making contract for the client to use. DRM checked in after a month and the client now successfully using Supported Decision-Making and no longer wants to have a guardian

Guardian Unsuccessful at Circumventing Statutory Process after DRM Filed Amicus Briefs

A 26 year-old female with an intellectual disability originally contacted DRM because the provider where she lived put locks on her refrigerator and kitchen cabinets, locked sharp instruments, and removed or confiscated her personal items on instructions from her guardian. Her guardian refused to engage in the statutorily required process when plans are developed to violate the rights of individuals with intellectual disabilities receiving services from the state. The guardian twice attempted to circumvent the process by filing motions in Probate Court to amend the ward's guardianship plan. Both motions were denied in full. The Attorney General's Office filed oppositions to both motions and DRM sought to intervene in both cases, which the Court denied. In both cases, the Court treated DRM's briefs as Amicus Curiae Briefs.

Judge Files Entry of Default then Refuses to Terminate Guardianship

An adult female with an intellectual disability contacted DRM requesting assistance terminating her guardianship. DRM initially provided the client with technical assistance on how to terminate guardianship by informal letter. After the Probate Court had not responded for two months, DRM contacted the court and was told that there was a backlog on mail. DRM requested that the clerk check the mail. After finding it, DRM requested that the court begin proceedings to terminate based on the letter. The clerk told DRM that the Court could not act without a formal petition. DRM then sought appointment as counsel and filed motions for termination and a hearing, which were eventually granted. A visitor was then appointed. The court issued a hearing date nearly a year after the client sent the letter. The guardian told DRM that she would not attend the hearing. DRM requested and the court granted an Entry of Default against the guardian. At the hearing, the Judge issued an order

stating that he could not terminate the guardianship without a recommendation from a physician or psychologist. DRM submitted an affidavit from the client's therapist of three years advocating for the termination of the guardianship. The therapist's affidavit noted that the current guardianship was unnecessary and destructive, but the court still refused to terminate guardianship. DRM then contacted the client's primary care clinician and the overseeing physician, who signed the form, which was then submitted to the court. Only after receiving this form did the court agree to terminate guardianship.

Deaf Services

Social Service Agency Agrees to Effective Communication Policy After DRM Sues

A Deaf client contacted DRM because a social services agency offering a class refused to provide her with an interpreter so that she could enjoy equal participation in the class. DRM represented the client, first at the Maine Human Rights Commission, which voted unanimously ruled that there reasonable grounds to believe discrimination occurred, and then in court. Ultimately, DRM successfully negotiated a settlement, which included a new policy to ensure effective communication for Deaf patrons, training on the new policy and effective communication as well as compensation for client.

DHHS Gets VRI

Every Department of Health and Human Services office across the state will be equipped with Video Remote Interpreting (VRI) to help ensure effective communication with Deaf individuals. DRM sued DHHS after the Office of Family Independence (OFI) denied an interpreter to a single mother with three children when she attempted to apply for aid, to obtain emergency housing assistance and for a scheduled meeting. The parties agreed to mediation and reached settlement that will have far reaching impact on individuals who are Deaf.

Housing

Client Keeps Housing Voucher Because of DRM

A state subsidized housing voucher for a 67 year old woman with mental illness expired while she was a patient at a private psychiatric hospital. The agency administering the voucher sent the client a notice that she could request an extension of time but the notice came back as not deliverable as the client was in the hospital. DRM supplied the agency with proof that client had been hospitalized and sought the

accommodation of having the client's voucher reinstated. The agency agreed and the client was issued a new state subsidized housing voucher.

Client Avoids Homelessness After DRM Appeals Involuntary Discharge
A woman diagnosed with a severe and persistent mental illness was able to avoid involuntary discharge from a mental health group home after DRM got involved. A woman with a mental illness contacted DRM after she received a notice from her mental health group home informing her that she would be involuntarily discharged her from their program for exhibiting allegedly unsafe behaviors. Client was at risk for either homelessness or hospitalization. DRM filed an administrative appeal contesting the discharge and spoke with the client's guardian and with group home administrators to express concern regarding the notice. Group home administrator volunteered to move client to another group home rather than proceed with an administrative hearing. DRM attorney withdrew the request for the administrative hearing after confirming with client that she was agreeable to the plan to move to a different group home.

Housing Authority Installs Ramp after DRM Intervenes
An 83 year old man with COPD, who is only able to walk very short distances, contacted DRM after the housing director of his HUD funded apartment refused to install a ramp. DRM contacted the housing director and informed him of the client's rights under the Americans with Disabilities Act and the federal fair housing act which require the housing authority to install a ramp for resident with a disability. The housing director then agreed to install a ramp so client could access his apartment and continue residing in his home safely.

DRM Prevents Eviction
A 38 year-old man with a severe and persistent mental illness was able to avoid eviction after DRM got involved. The client contacted DRM after he received a notice to quit from his landlord alleging disruptive behaviors which were related to his mental health diagnosis. His landlord also filed an eviction action. DRM submitted a reasonable accommodation request to opposing counsel which outlined the client's disability and cited to changes in the client's treatment plan that would address the behavioral disruptions described in the notice to quit. Opposing counsel agreed to continue the eviction hearing for two months in order to determine if the client could comply with the terms of reasonable accommodation request after his discharge from the hospital. Client complied with all terms of the reasonable accommodation agreement and the eviction action was dismissed.

Voucher Reinstated as a Reasonable Accommodation

A 67 year old woman with mental illness who failed to appear at an informal hearing concerning her state funded housing subsidy voucher because she was hospitalized, had her voucher reinstated. The voucher was terminated by her failure to appear. DRM obtained hospital records showing that she was an inpatient at the time of the hearing and made an accommodation request that her voucher be reinstated. The agency administering the voucher agreed to reinstate the voucher and the client subsequently found an apartment.

Reasonable Accommodation Request by DRM Means Client Maintains Housing

The landlord of a 56 year old man with mental illness brought an eviction action against him alleging that he was harassing his neighbors agreed to a reasonable accommodation request. The client was hospitalized after the events that formed the basis of the eviction action. DRM consulted with client and his mental health providers and determined that the conduct was related to his disability. DRM made a reasonable accommodation request that the landlord ask the court to continue the eviction hearing for a period of six months, during which time the client would access services to address his mental health needs. The landlord agreed that if there were no further incidents within that time frame he would dismiss the eviction action. The client successfully obtained the services and the eviction action was eventually dismissed.

Client Allowed Back Home Due to DRM

A mental health group home refused to allow a 42 year old woman with mental illness to return to the group home after she had been hospitalized due to a psychiatric emergency. The client was under public guardianship and the hospital doctors were of the clinical opinion that the client's condition would deteriorate if she were forced to continue to stay in the hospital. DRM obtained clinical documentation to support this opinion and then sent a letter to the director of the mental health agency that operated the group home requesting that the client be allowed to return. The agency agreed and the client was allowed to return back to her home.

DRM Prevents Client from Becoming Homeless

A 39 year old woman with mental illness and a cancer diagnosis was facing homelessness after she had been informed that a state funded housing subsidy voucher she had qualified for would not be available due to a funding freeze. DRM

requested that the state waive the funding freeze based upon medical records obtained by DRM that the client could not stay at the shelter because of her disabilities. The waiver was granted, the client's voucher was funded and she moved into a new apartment.

DRM Filed Grievances to Stop Improper Discharges in 2 Cases

- A transition-age man with an intellectual disability, who had been living in a children's residential placement, was threatened with discharge without plan for services. The client's residential placement was discharging him without an appropriate discharge plan. He was not discharged after DRM filed a grievance and invoked stay put. DRM assisted him by advocating for an appropriate discharge and was preparing to assist him in a grievance hearing. Before the hearing was held, the client was offered adult services that would meet his needs.

- The guardian of a teenage boy with autism who lived at children's residential placement, contacted DRM because the residential provider was discharging the client without any place to go. The DRM filed a grievance on behalf of the client for improper discharge planning and eventually reached a mediated agreement with the provider. In that agreement, the provider agreed to allow the client to remain in the placement until another placement could be secured.

Healthcare/Services

DRM's Involvement Results in Hospital Consult for Young Girl

The mother of a 7 year old girl with an intellectual disability contacted DRM because she wanted MaineCare to authorize a visit to Children's Hospital of Boston. DRM filed for an administrative hearing and continued to work with DHHS. Before the hearing date, MaineCare authorized the visit.

DRM Case Leads to Invitation to Addresses Systemic Concern

A mental health worker assigned to provide homemaker services to a 44 year old man with mental illness took him on personal errands while she drank alcohol in her car on the first day of work. The worker was fired the next day after the client reported her conduct to the agency. The worker had an irrevocable certification that allowed any agency she worked for to bill MaineCare for her services and no professional license that would allow a complaint to be filed with an oversight board. The worker was allowed to go from agency to agency. With the client's permission, DRM used the circumstances of his case to advocate for a change in the system. DRM was chosen to sit on a Department of Health and Human Services Advisory Committee tasked

with making recommendations on how to redesign the system and used the facts of this case to make a recommendation that there be some type of procedure that would allow complaints to be heard and certifications revoked.

DRM's Intervention Means Client Allowed to Die in Maine

A 54 year old man with a brain injury, who was in a Maine hospital for over a year, finally was moved. He was sent to neurorehabilitave out of state facility. He then contacted DRM because he wanted moved to move back to the State. He was moved back to the State and shortly after returning died.

DRM Negotiates For Needed Services Prior to Discharge

DRM negotiated with a hospital and nursing agencies on behalf of a teenage girl with an intellectual disability and multiple medical conditions who needed extensive nursing care at home. The hospital wanted to discharge the before sufficient nursing care was in place at her home. The hospital agreed to extend the discharge by a few days and the nursing agencies agreed to prioritize the case to find staffing. The client successfully transitioned home.

DRM Prevents Service Reduction

DRM had successfully represented a child with a developmental disability in an administrative hearing and prevented the elimination of her case management services. Shortly thereafter, the DHHS agent urged her case management provider to reduce services, and plan for the elimination of her case management services. When DRM again became involved, the DHHS agent fully approved the client's case management services without reduction.

DRM Wins Eligibility Hearing

A 57 year-old male with an intellectual disability contacted DRM because he had been improperly denied developmental services. DHHS had committed numerous legal and factual errors in denying services. The individual met all enumerated legal and factual requirements to receive developmental services. DRM successfully represented the individual at an administrative appeal, and the recommendation of the hearing officer in favor of DRM's client was accepted in full by the DHHS Commissioner.

DRM Successfully Appeals Nursing Assessment
Client with a Huntington's disease and mental illness, who was inpatient in a psychiatric hospital, was assessed as not needing nursing level care. DRM appealed the decision through the administrative hearing process and the decision was reversed.

DRM Files Suit to Stop Termination of Services
DRM filed a complaint in federal district court against the Commissioner of the DHHS seeking a preliminary injunction and a temporary restraining order on behalf of a 57 year old man with mental illness whose mental health services had been authorized for termination by DHHS. The client, who was under guardianship, had been living in an independent apartment for the last seven years and receiving services from a private mental health agency. The agency had an office in the apartment building so that the client could access services on a twenty four hour/ seven day a week basis, including access to his medications. The client was an AMHI class member. Under the AMHI consent decree mental health agencies are prohibited from terminating a class member's services without first obtaining authorization from the DHHS. The provider no longer wanted to serve the client and filed a request to terminate services. The DHHS granted the request notwithstanding that the client did not have other services in place. Four days before the client was going to be without needed mental health services DRM filed the complaint in federal court. In the complaint, DRM alleged that the client had a procedural due process right to an administrative hearing in order to challenge the DHHS decision to authorize termination of his mental health services prior to their actually being terminated by the agency. The Court held two judicial conferences with DRM and the Attorney General's Office. The parties reached an agreement that the client would be afforded the opportunity to have an administrative hearing to challenge the DHHS decision to terminate his services and the client's services would stay in place pending the outcome of the hearing. The client's complaint was dismissed without prejudice.

Amputee Gets Prosthetic with Microprocessor after Repeated Denials
A 64 year old female amputee contacted DRM seeking assistance to obtain a prosthetic with a microprocessor controlled knee as recommended by her medical providers. A new prosthesis had been determined necessary to continue to allow the woman to live independently and to maintain an active lifestyle. MaineCare had denied this request four times due to the inclusion of a microprocessor controlled knee in the request for prior authorization. DRM appealed the decision and represented the client at an administrative hearing. Following the hearing, a settlement

was reached which resulted in the prior authorization of each and every component recommended by the client's doctors.

Public Accommodations

Recreation Center Changes Policy Allowing More Access Because of DRM

A discriminatory practice limiting the use of a recreation center for people with disabilities was discontinued after the guardian of a young man with developmental disabilities contacted DRM to complain. A local municipal recreation center restricted the use of track to very limited hours for those who have personal care attendants. DRM contacted the municipal recreation center to inform them that the practice violated the ADA, MHRA and Section 504 of the Rehabilitation Act. DRM also sent a follow up letter requesting that this practice stop, which it did and the client was able to access the track without restriction.

Store Becomes Accessible After DRM Intervention

A store will be accessible to wheelchair users after a 55 year old man contacted DRM to complain that a convenience store in his area does not have a usable ramp, which prevented his entry into the store. A DRM attorney contacted the store and explained that a customer who uses a wheelchair would like to patronize the store but cannot enter. The store responded by constructing a ramp to allow entry.

Restaurants Accessible to Individuals Using Service Animals Because of DRM

An elderly woman, who was denied service at a Maine restaurant because she used a service animal, contacted DRM. The woman was delayed seating and was eventually was seated in a segregated area. She was not served in a timely manner, because she used a service animal. The woman left the restaurant. DRM filed a complaint with the Maine Human Rights Commission. The restaurant agreed to adopt a new policy and signage to welcome individuals who use service animals, not only for the restaurant in question but also for all other restaurants owned by the LLC.

Class actions

Van Meter v. Commissioner

In August 2011, DRM and its co-counsel settled a class action brought on behalf of persons with cerebral palsy, epilepsy, and "other related conditions" to move them out of nursing facilities and into the community. The State agreed to create a new home and community based waiver (HCBW) that would serve individuals in the community and to review and revise its Pre-Admission Screening Resident Review (PASRR) program to comply with the Nursing Home Reform Act. In 2015 the

parties engaged in significant negotiations about the State's reform of the PASRR program and agreed upon a PASRR corrective action plan.

The State then implemented the PASRR corrective plan and conducted a PASRR level II evaluation of all class members. Then pursuant to the settlement agreement, the State began providing class members with or arranging the provision of the services identified in the PASRR Level II evaluations. The types of services varied between class members, but often included community supports, ongoing occupational and physical therapies, and equipment ranging from communication devices to power wheelchairs.

DRM conducted outreach to the clients living in facilities and/or their guardians to verify that they had been provided with the services identified in their PASRR Level II evaluations and raised concerns with the State regarding the lack of full provision of services to all class members. When DRM was unable to resolve this concern through negotiations with the State, DRM requested a court conference. The State was unable to show full compliance with the settlement agreement and agreed to extend the Federal Court's jurisdiction. At the end of August 2015, the Federal Court's jurisdiction over this case ended.

Sixteen people have left nursing facilities and successfully transitioned into the community using the home and community based waiver created as a result of the settlement agreement. Currently there are at least two individuals working towards transitioning out. Class members are thriving in the community. One class member graduated from college in the spring and several are currently attending college. An additional 19 individuals were able to access a waiver slot to prevent them from entering a nursing facility. The twenty two class members who remain in nursing facilities are now receiving far more robust services to meet their needs.

Bates v. DHHS

DRM remains involved in institutional litigation that provided broad based relief on behalf of approximately 3,000 individuals who are current or former residents of AMHI/Riverview Psychiatric Center (RPC) and approximately 12,000 other individuals who are otherwise qualified. The case was settled in 1990. Class members are entitled to community services. Reforms at RPC are also required. This case is an ongoing class action. Judgment was entered in 1990 and the consent judgment is being implemented. In 2006, the parties negotiated a plan to bring the case to a close. That plan was never fully implemented and in the last 1 1/2 years, the conditions at

the facility had deteriorated with the hospital losing CMS certification. DRM remains actively involved with DHHS to bring the state mental health system, including Riverview Psychiatric Center, into compliance with the settlement agreement.

Education

DRM Ensures Access to Classroom for Student Who Uses Wheelchair

The mother of a child with cerebral palsy contacted DRM because her son was forced to go outside and travel around the school in order to access his upstairs high school classroom. In addition, the client's mother complained that two of the school's three lifts were broken and needed to be replaced. DRM met with the school's counsel and requested that the school move the special education classroom downstairs and expand it to ensure that the room has adequate space. The DRM attorney made additional demands at the PET meeting, including updated evaluation data, research based programs to address longstanding deficiencies in skills, and improved physical access generally. The school replaced two of the three lifts. They indicated, however, that the replacing the third lift was too expensive and would be an undue burden. Instead, they moved the classroom downstairs.

School Reverses Itself After DRM Retained

The parent of a 9 year old student with Autism contacted DRM because the school was discontinuing specialized transportation inappropriately. When the parent told the district she had retained DRM, the district agreed to continue providing specialized transportation and the matter was resolved.

DRM Represents Detained Youth

The parent of a 17 year old student with a mental illness contacted DRM because the student was not receiving the educational services called for in his IEP while detained at a juvenile facility. The student had been receiving a day treatment level of service at a specialized program and had developed strong connections with the staff there. Although the school serving the student was willing to continue to provide him services, access was obstructed by the juvenile facility and the student went without most of the services called for in his IEP. DRM initiated a due process hearing against the three school districts who arguably had responsibilities to the student as well as the Maine Department of Education and the Department of Corrections. Stay put was invoked and the student was able to continue receiving his day treatment services from the providers at the school serving him at the time of his detention. The parties reached a settlement agreement to resolve the student's claims that he suffered educational harm. Although he was eventually placed by the court and remained

incarcerated, the student was able to graduate from the school serving him prior to the detention. He has already begun to take college courses.

Student with Autism Returns to School and Gets Compensatory Education After DRM Files Formal Complaint

The parent of a ten year old student with autism contacted DRM with concerns that the student was not allowed to attend the public school for more than 100 days. DRM filed a complaint and requested a due process hearing with the Maine Department of Education. DRM attended an IEP team meeting, where the District agreed to return the student to full-time attendance at the public school and to provide additional services to the student and evaluations. DRM attended mediation where the District agreed to provide compensatory education services to the student.

DRM Challenged Unilateral Placement

The parent of a 10 year old student with a mental illness contacted DRM after the district had unilaterally removed the student from school and placed him on tutorial services without first conducting a manifestation determination or providing the parent with prior notice of this change. While DRM was investigating these concerns, the district convened an IEP team meeting. At this meeting, the district proposed to move the student to a segregated day treatment program, over the objection of the parent. DRM filed two due process hearings requests on behalf of the student, challenging the disciplinary removal to tutorial services through an expedited due process hearing, and the removal to a segregated day treatment placement. DRM sought stay put. After some initial motion practice, both hearings were resolved at mediation. The student agreed to an interim alternative educational setting for 45 days and the district agreed to retain two independent evaluators chosen by the parent to conduct an independent educational evaluation and functional behavioral assessment. The district agreed to establish a compensatory education fund for the student.

Student Allowed to Attend Preschool After DRM Files for Hearing

The parent of a 4 year old student with an intellectual disability and physical disabilities contacted DRM because the child's preschool would not allow the student to attend because of a lack of nursing services. Just before school started, the school informed the family that they had not found a nurse for the student and that the student would not be allowed to start preschool at her neighborhood school. DRM filed a due process hearing seeking implementation of the student's IEP. At mediation, there was an agreement whereby the student was allowed to attend school immediately with her mother serving as her nurse and being compensated for that

role, until a nurse was found. The agreement also outlined the steps that would be taken to locate a nurse, called for compensatory education on an hour for hour basis for all of the services missed during the first month of school.

Student Attends High School of Choice After DRM Files Hearings

The parent of a 17 year old student with a mental illness contacted DRM after the student was not placed in the least restrictive environment upon return from a lengthy stay in a residential setting. The student's community did not operate a high school or have any agreement with any particular high school requiring its students to be accepted. Instead, the students had school choice, where tuition was paid to any number of high schools in the region. His home district placed him in a segregated private day treatment setting, even though he was not exhibiting any need for such a restrictive placement but because that was the only available option because no school in the area would accept the student due to concerns about his past behaviors. DRM filed a due process hearing against the resident district, after an agreement to withdraw the hearing without prejudice in order to allow the student's chosen evaluator to conduct an evaluation. This evaluation was conducted at school district expense and was to be used as a basis for securing admission to the student's chosen high school. Even after a favorable evaluation, indicating that the student was little to no risk to himself or others, schools in the region would not make a placement available. DRM filed another due process hearing against both the local district and the Maine Department of Education because both entities had failed to ensure a continuum of placements was available for the student. A settlement agreement resulted in the student attending his chosen high school with transportation. He was in a mainstream setting with appropriate supports. In addition, the settlement explicitly reserved all past claims so that compensatory services could be sought later in the year. He could seek these services once it was clear what services and supports the student needed most to make up for the past denials of an appropriate education and to reach his goal of attending a four year college to study physics.

DRM Intervenes and School Backs Down on Shortened Day

The parent of a 13 year old student with a mental illness contacted DRM because the student had a significantly shortened school day. DRM contacted the student's mental health providers and worked to develop a plan to increase the school day, in line with recommendations of her providers. DRM attended an IEP team meeting and secured agreement to an increase in the school day, increased communication between school and the student's mental health providers, additional check ins and

other supports in school, extensive summer programming, and a school-funded independent educational evaluation.

Student Transitions to Neighborhood School
A 9 year old student with a mental illness was placed in a private day treatment setting over 45 minutes from his home. His family wanted him to return to his neighborhood school. DRM attended three IEP meetings and secured an appropriate plan for transition. The student's needs were significant and the district did not initially, have the resources and expertise to support him. Over the course of several months, the district agreed to expert evaluations and consultation designed to support the creation of a plan for transition that included a plan for building capacity in district. The district made significant improvements to the student's IEP services and goals. Communication between school and home also was significantly improved. The student is transitioning back to his neighborhood school, where he will be able to attend school in his small rural community for the first time in several years.

Student with Mental Health Needs Get Appropriate Program Due to DRM
The parent of a 16 year old student with a mental illness contacted DRM because the student was not receiving any services because he was refusing to leave his home. DRM contacted the school and obtained agreement to provide services in the home pending an IEP team meeting. DRM attended an IEP team meeting where the district agreed to significant daily, in-home educational services. In addition, the district agreed to provide more than 3 hours a day of summer programming. The district also completed a new evaluation which underscored the need for significantly modified education and allowed the IEP team to understand the nature and intensity of the student's needs. The school is working with the student's outside mental health providers to ensure that his needs are met and that he is not denied access to education when his mental health needs limit his ability to access the physical school building.

In order to increase DRM's effectiveness and to empower parents of students with disabilities to advocate for their children, DRM has engaged in an effort to educate parents about the rights of students receiving special education services and to offer advice and technical assistance to parents so that they can advocate for their children. Several examples are:

DRM Technical Assistance Results in Ending Use of Quiet Room
The parent of a 16 year old with an intellectual disability contacted DRM because he was not being educated in the least restrictive environment. DRM assisted the family in preparing for an IEP meeting where they successfully advocated for additional time in the general education setting and an end to the use of a "quiet room." DRM also assisted the family in preparing for a follow up IEP meeting to discuss the student's transition plan and program and placement for the following year. In preparing the family for these meetings, the DRM attorney provided information and advice regarding the least restrictive environment, and appropriate behavioral interventions, transition planning and services. The DRM attorney also encouraged the student's participation in future IEP planning.

DRM Assists Family with Inclusion
The parent of a seventeen year old student with an intellectual disability contacted DRM because the student was being not included in activities with her peers. DRM assisted the family in drafting a request for an IEP meeting and in preparing for the meeting. At the meeting, the school agreed to most of the family's requests. The student will be in the mainstream environment for more classes with agreed upon supports. Additionally, so the student may attend extracurricular activities, the student's staffing issues were resolved. Moreover, the student was able to access job shadowing and Vocational Rehabilitation services.

Student No Longer Punished for Behaviors Related to His Disability
The parent of a 7 year old child with a mental illness contacted DRM because the student was being punished for disability related behaviors. Specifically, the boy had severe anxiety that manifested itself in him soiling his pants, often several times per day. DRM assisted the family in making several requests of the school and preparing for an IEP team meeting. The district agreed to retain an independent expert in behaviors to conduct a functional behavioral assessment and to provide ongoing consultation. With this guidance, the district began using positive behavior interventions. The district also instituted regular meetings and communication with the family and mental health providers. The concerning behaviors have decreased, the student is no longer punished for behaviors that are a manifestation of his disability, and expert consultation and training for staff have continued to result in positive changes.

Student Successful After Finally Identified as Special Ed Eligible Due to DRM
The parent of a 14 year old student with Autism contacted DRM because she engaged in significant school refusal behaviors because her school district had failed to identify her as special education eligible so she did not receive necessary services. DRM attended an IEP team meeting where the student was determined eligible for special education services and a plan was developed to address the student's anxiety about attending school. DRM assisted the student and her family in preparing for two additional IEP team meetings where the plan was further developed and refined. As a result of finally receiving appropriate services, the student started attending school regularly for the first time in two year. The student was also able to build social relationships with her peers and make progress on academic and behavioral goals. The student was not interested in securing compensatory education or revisiting the struggles she had in middle school.

IMMIGRANT LEGAL ADVOCACY PROJECT

FY 2015 Annual Report (January 1, 2015 – December 31, 2015)

The Immigrant Legal Advocacy Project (ILAP) is pleased to present the Maine Civil Legal Services Fund Commission with its 2015 Annual Report.

1. Introduction

ILAP serves indigent and low-income noncitizens and their US citizen family members as well as service providers who need immigration information and legal assistance. ILAP offers the following services: 1) *Education and Outreach* to immigrant communities and to service providers; 2) our *Immigration Clinic* offering attorney consultations, group legal informational workshops with eligibility screenings, and consultations for Maine's criminal defense attorneys on the potential immigration consequences of criminal convictions; 3) *pro se* immigration application assistance and brief interventions for persons with slight immigration complications; and 4) full legal representation for persons with complicated immigration issues. Full representation is provided by our *Pro Bono Asylum Project* and by ILAP staff through our *Full Representation Program.*

ILAP serves clients with incomes up to 200% of the annual federal poverty guidelines. Those who are within 150 – 200% of poverty are charged low fees for ILAP's services. Clients with incomes below 150% of poverty are not charged legal fees. In 2015, 96% of our clients were not charged fees for the legal aid provided to them by ILAP.

The grant from Maine Civil Legal Services Fund (MCLSF) helps sustain ILAP's free legal services across all of our legal programs. Funds received from MCLSF for 2015 were critical to our ability to offer legal assistance to benefit a total of 1,952 individuals including 1,874 at no fee (96% of our clients) and 78 individuals at low-fee, residing in all sixteen of Maine's counties. The MCLSF grant was applied in the manner that ILAP proposed in its request for funding.

2. Types of Cases Handled by ILAP

ILAP specializes in Immigration and Nationality Law matters, representing clients in civil proceedings before the Department of Homeland Security's Citizenship and Immigration Services, Immigration and Customs Enforcement, and Customs and Border Protection bureaus; before the State Department, the Executive Office for Immigration Review, including the Immigration Court of Boston and the Board of Immigration Appeals, and before the Federal District Court of the District of Maine and the First Circuit Court of Appeals. Virtually all of ILAP's work is in these Federal venues. ILAP also provides a very limited amount of advocacy with State administrative agencies, specifically the Department of Health and Human Services or the Bureau of Motor Vehicles. This advocacy is strictly concerning issues such as immigrant eligibility for public benefits or for Maine drivers' licenses and ID cards, respectively, or proving U.S. citizenship for U.S. citizens born abroad who have no proof of their U.S. citizenship.

ILAP prioritizes the following: cases of asylum seekers, noncitizen domestic violence, crime, or trafficking victims' cases, cases involving family reunification, and cases of individuals in removal proceedings who would be separated from their U.S. citizen or permanent resident immediate

family members if they were to be deported. ILAP also handles applications for citizenship, "Temporary Protected Status," work permits, replacement documents, and other immigration matters as our capacity allows. We do not handle any employment-based immigration matters, referring those cases to private attorneys.

3. Number and Demographics of People Served under the Grant

In 2015, the MSCLF grant supported direct legal aid provided at no fee to 1,874 individuals,[1] 1,565 of whom received various services through ILAP's *Immigration Clinic*. The rest were full representation clients, including those whose cases were opened in 2015 and those whose cases were opened in prior years and were still ongoing in 2015.

In 2015, ILAP's clients came from all 16 of Maine's counties. The following demographics were represented: Males: 53.7%; Females: 46.3%; under 18: 12.8%; ages 18-60: 81.8%; over 60: 5.4%.

Additional demographics include the number of clients in categories of citizenship and ethnicity: U.S citizens by birth: 1%; U.S citizens by naturalization: 3%; noncitizens: 96%; Africans: 64%; Latinos: 19%; Caucasians: 15%; Asians: 2%.

ILAP also collaborated in 2015 with dozens of entities statewide, including the Refugee and Human Rights Clinic at the University of Maine School of Law, domestic violence prevention programs from York to Aroostook counties, city governments, hospitals, schools, Maine's Congressional delegation, adult education centers, churches, counseling centers, homelessness prevention programs, Immigration authorities and the Immigration Court of Boston.

4. Status of Matters Handled Under the Grant

In FY 2015, ILAP's **6 legal staff**, augmented by over 200 volunteers, provided the following free legal services:

Immigration Clinic: The *Immigration Clinic* is ILAP's first point of contact with clients. Services range from intake screening (which sometimes involves brief legal advice; or referral in cases where the individual requires other services) to attorney consultations in Portland or Lewiston. Consultations are also conducted in conjunction with outreach events across the state. Persons served in the *Immigration Clinic* may also receive additional *Immigration Clinic* services such as Forms Assistance or Brief Intervention. Forms Assistance includes providing *pro se* immigration application assistance or other assistance to persons needing legal help but lacking major complications. Brief Interventions occur when ILAP helps a client resolve a complication that can be resolved without entering a notice of appearance. If needed, ILAP accepts the case for full representation.

All *Clinic* Services: 1,500[2] matters, directly benefiting 1,630 individuals. Services included:

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[1] 96% of ILAP's clients received free services in 2015. Those who attend our education and outreach events, all provided without charge, are not included in the "direct services" number.

[2] Please note that the number of services is greater than the number of matters because more than one service were provided in some matters.

- 345 attorney consultations for 409 individuals, including 71 consultations with criminal attorneys on the immigration consequences of their indigent clients' criminal charges;
- 272 individuals received brief legal advice during intake screenings (in addition, 29 individuals were referred during intake, and are not counted as matters);
- 28 persons received brief interventions (without an ILAP attorney entering her appearance as the person's attorney);
- 648* *pro se* immigration forms assists were completed (including 289 individuals who received self-help packets with one-on-one advice on how to complete the form), and 61 were in progress at year's end, including:
    - 57 permanent residency applications (5 in preparation at year's end);
    - 17 citizenship (naturalization) applications (3 in preparation at year's end);
    - 37 family-based visa petitions (9 in preparation at year's end);
    - 34 work authorization applications completed (1 in preparation at year's end);
    - Temporary Protected Status application completed for 36 clients;
    - 10 Applications under President Obama's Deferred Action for Childhood Arrivals (DACA) program completed (1 in progress);
    - 105 other types of applications or assists (including applications for replacement permanent resident cards, refugee travel documents, and humanitarian parole, among others), 38 in prep at year's end.
    - 259 individuals received self-help packets for asylum work permit applications, and received individualized advice on completing the application;
    - 30 individuals received self-help packets for change of address forms, and received individualized advice on how to complete it;

Because decisions filed regarding *pro se* applications go directly to the client, rather than ILAP, ILAP cannot track the final outcomes of these matters. However, we encourage clients to contact us once they receive decisions. ILAP therefore measures our performance by the number of applications successfully filed without being rejected by USCIS (the Immigration Service) or the State Department.

Full Legal Representation: In 2015, ILAP's staff and *Pro bono Immigration Panel* attorneys provided full representation services in **289 cases, benefiting 322 clients with complicated immigration issues** (including cases still open from prior years). This includes **193 asylum seekers** who were represented through our ***Pro Bono* Asylum Project** (178 represented by *pro bono* attorneys and 15 represented by staff attorneys). Case activity under the grant included[3]:

- Cases opened: 41
- Cases closed: 37
- Cases open at year-end: 185

Individual Outcomes:

[3] The total number of services does not equal the total number of cases open. Some clients received more than one service, and some cases had no activity as client(s) waited to reach the top of Immigration waiting lists, or for processing backlogs to clear before they could proceed further. In addition, receiving a decision in a case or on an application does not necessarily result in the closing of a case. For example, the case of a permanent resident whose petition for his wife is approved remains open for years while we await the date the wife will reach the top of the waiting list so the final stage of the residency application with Immigration or the State Department can begin.

- Asylum applications granted: 12 granted (5 were affirmative, 7 were defensive cases in immigration court;
- Asylum applications pending or in preparation: 181 (note: the asylum office and immigration court have years' long backlogs);
- Initial stage of residency granted: 16 (including 5 domestic violence survivors' cases and 4 unaccompanied minors);
- Initial stage of residency applications pending or in preparation: 11 (including 3 domestic violence survivors' cases and 3 unaccompanied minors);
- Permanent residency (final stage) granted: 8 (including 1 domestic violence victim);
- Permanent residency (final stage) applications pending or in preparation: 21 (including 3 domestic violence survivors' cases and 6 unaccompanied minors);
- Employment authorization applications granted: 164;
- Employment authorization applications pending or in preparation: 26;
- Naturalization to U.S. citizenship applications granted: 4;
- Removal proceedings successfully terminated (to allow applications to be pursued affirmatively before USCIS), or closed (because relief granted): 5;
- Cases finally denied (including after appeals): 1;
- Other applications approved: 41.

ILAP measures the quality of its full representation work by tracking the outcomes of all intermediate or final decisions received. In 2015, ILAP had a 99% approval rate for full representation cases that received a final decision. 73 applications were approved and 1 was denied. Immigration cases can take years in the ordinary course to receive final decisions; three to five years is common.

Education and Outreach: During 2015, ILAP conducted **42 education and outreach events** throughout the State attended by **1,081 immigrant community members and service providers**, regarding relevant Constitutional and immigration laws. Outreach events included monthly workshops for asylum seekers who are applying for asylum without a lawyer, domestic violence service providers, and annual outreach to migrant workers employed in Maine's agricultural harvests. Additionally, ILAP was quoted and interviewed in the media (radio, TV and print) around various immigration issues.

Impact Project: ILAP continued to address issues that affect high numbers of noncitizens in Maine, in an effort both to improve the quality of their lives here, and also to reduce the numbers of persons who need to seek individual legal representation due to certain systemic issues. Highlights of ILAP's impact work in 2015 include:

- **Advocacy on General Assistance Benefits for Asylum Seekers**: ILAP joined partners on the Maine Immigrants' Rights Coalition and other advocates this year to fight numerous attempts to eliminate safety net general assistance benefits for asylum seekers and other vulnerable immigrants. This culminated in the passage of Public Law 324 (PL 324). ILAP staff testified before legislative committees and the Portland and Lewiston City Councils, met with legislators, provided written legal guidance for legislators, and wrote op-eds. ILAP staff were also quoted numerous times in the media, helping to dispel myths and misunderstandings about the immigration laws and procedures.

The new law was initially proposed to eliminate general assistance benefits for asylum seekers, and was later amended to include language that would retain benefits for those who are lawfully present and those who are pursuing a lawful process to apply for immigration relief, which would include asylum seekers. The Governor had promised to veto the bill, but he failed to do so within the time required by law. While the status of the veto was still uncertain, the Portland and Lewiston City Councils voted to provide municipal assistance for some individuals losing benefits, for a period of one year. Following those votes, the Maine Supreme Judicial Court held that PL 324 was valid. The new law went into effect on October 15th. Asylum seekers and other qualifying immigrants in Maine are now eligible for state funded general assistance benefits. ILAP continues to conduct advocacy work on these issues, recently testifying before the Department of Health and Human Services on the proposed rule to implement PL 324.

- **Advocacy Related to Syrian and Iraqi Refugees**: Following the refugee crisis in Europe, several U.S. leaders, including Maine's Governor, announced that they planned to stop allowing Syrian refugees to enter their states. Congress presented a bill that would effectively bar Syrian and Iraqi refugees from entering the United States. There was a great deal of misinformation about the refugee and immigration processes. ILAP was a critical source to the media, advocacy groups, and the public, providing accurate information on the refugee process.

5. Unmet or Underserved Needs:

Although ILAP provides a tremendous amount of service while remaining an extremely lean organization, many of those seeking ILAP's assistance cannot be served due to lack of capacity. The demand for Immigration law assistance grows each year, but our funding does not allow ILAP to continue to grow in a corresponding fashion. The decline of important recurring funding sources remains a particular challenge to ILAP's ability to meet increased demand.

In 2015, ILAP turned away 244 individuals who were eligible for our services and needed legal assistance, but we lacked the capacity to serve them. This includes 74 asylum seekers. We know that there are many more who do not come to ILAP because they have heard that we are unable to serve everyone. For example we know from data provided by the Cities of Portland and Lewiston that **there are over 1,000 low-income asylum seekers** in those cities. But **we were only able to represent 193 asylum seekers in 2015.** Therefore, we have continued to expand our *pro se* education and outreach, including monthly asylum seeker workshops.

We continued to take steps in 2015 to expand *Pro Bono* Panel capacity, but we continue to be outpaced by the demand for Immigration legal services in general and asylum representation in particular. **In 2015, over 140 *pro bono* attorneys donated 3,167 hours of their time, valued at $799,270, representing asylum seekers.**

During 2015, ILAP also continued to see an increase in the number of unaccompanied minors seeking immigration legal assistance. Many have been abused, neglected, or abandoned by their parents and qualify for Special Immigrant Juvenile Status. ILAP has worked hard to develop relationships with family law attorneys who can handle the family law component of those cases. A shortage of *pro bono* attorneys has been a challenge.

Recognizing an unmet need in Washington and Hancock counties, we are expanding our services in those counties in 2016. We will travel to Milbridge every other month to provide consultations, meet with clients, and conduct outreach in donated office space at Mano en Mano. We hope to expand these services to Aroostook County in the future if we are able to secure additional funding.

6. Conclusion

The MCLS Fund was a critical partner in ILAP's mission in 2015, as we successfully provided information and advice to thousands of Maine's low-income residents. ILAP helped hundreds of low-income immigrants pursue their dreams of permanent residency and citizenship or attain safe haven from persecution or domestic violence, reunite with immediate family members or defeat removal proceedings and remain with their families here in the U.S.

The MCLSF grant was an essential component of our funding mix, helping to sustain all of our free legal services, education and outreach, and systemic advocacy efforts. As Maine's only non-profit legal aid agency offering statewide comprehensive immigration law assistance, ILAP offers a vital service to low-income individuals throughout the State who have nowhere else to turn. With the support of the Maine Civil Legal Services Fund, in 2015 ILAP changed the lives of many of our newest Mainers. ILAP is extremely grateful for the MCLS Fund's support.

Legal Services for the Elderly
Annual Report to the Maine Civil Legal Services Fund Commission
Calendar Year 2015

This is the Annual Report from Legal Services for the Elderly ("LSE") to the Maine Civil Legal Services Fund Commission (the "Commission") regarding LSE's services and accomplishments in 2015. The financial support provided to LSE by the Maine Civil Legal Services Fund ("MCLSF" or the "Fund") is used to provide free legal help to disadvantaged seniors when their basic human needs are at stake. This includes things like shelter, sustenance, income, safety, health care and self-determination.

In 2015, LSE offered the full range of legal services described in the request for funding submitted by LSE to the Commission. During this reporting period, the Fund provided 23% of the funding required to provide the legal services described in this report. The Fund remains LSE's single largest source of funding and LSE would not be able to provide services on a statewide basis without the support of the Fund.

This report describes only services that are supported in part by the Fund. See **Attachment A** for summary information about additional services provided by LSE that are not supported by the Fund.

STATISTICAL INFORMATION

Number of People Served

In 2015, LSE provided free legal help to 4,153 Maine seniors in 4,988 cases involving a broad range of civil legal problems, including the following:

- Elder abuse and neglect;
- Financial exploitation;
- Debt collection and creditor harassment;
- Housing, including foreclosure defense;
- Nursing home eligibility and other long term care matters;
- Medicare appeals, including Medicare Part D;
- Social Security appeals;
- MaineCare, food stamp, heating assistance, General Assistance, and other public assistance program appeals;
- Guardianship revocation; and
- Financial and health care powers of attorney.

This reflects a slight decrease over the prior year when service levels hit record highs. This decrease in service levels is of significant concern given the fact that the elderly population in Maine is growing. Most Maine seniors who face legal problems never even seek help and many of those who seek help do not receive the level of support that is warranted. LSE is losing ground in its efforts to meet the legal needs of Maine's

disadvantaged seniors. See **Attachment B** for more detailed information about LSE's service levels.

LSE's staffing levels are at historically low levels and LSE is increasingly dependent upon short term and temporary sources of funding to maintain even this low staffing level. The direct legal services staffing in 2015 included: .80 full time equivalent (FTE) Deputy Director; 1.0 FTE Intake Paralegal; 2.0 FTE Helpline Attorneys; 1.0 FTE Consumer Debt/Intake/Referral Paralegal; 6.85 FTE Staff Attorneys. This is a total of only 11.65 FTEs of direct legal services staff (including supervisory staff). **Of these positions, 3.6 FTEs (31%) were entirely dependent upon short term grant funding.**

LSE's attorneys are handling over 500 matters per year on average, with the Helpline Attorneys handling about 1,300 matters per year (entirely by phone) and the Staff Attorneys, who are doing full representation/litigation, handling a much lower case volume due to the complexity of the matters they are handling.

Types of Cases Handled

The following chart breaks down the number of cases handled in 2015 by general case type. **Attachment C** to this report provides a detailed chart of case types.

LSE CLIENT SERVICES BY GENERAL CSE TYPE	
Case Type	**Total**
Consumer/Finance (1,130)	23%
Self Determination (1,095)	22%
Housing (1,046)	21%
Health Care (603)	12%
Miscellaneous (279)	5.5%
Family (278)	5.5%
Income Maintenance (267)	5%
Individual Rights (includes elder abuse and exploitation) (189)	4%
Employment (101)	2%
Total Cases (4,988)	**100%**

The greatest overall demand for LSE services based upon total legal matters handled (not time spent on the cases) was in the areas of consumer issues (debt collection, consumer fraud, creditor harassment), self-determination/aging preparedness (probate, powers of attorney, advance directives, will referrals), housing (public and private housing, foreclosures, evictions), and access to health care (Medicare and MaineCare).

Status of Matters Handled

The reported matters were all opened during 2015 and are reported regardless of whether or not they were closed in 2015 (only 102 remained open at the end of the year). LSE consistently reports matters opened for the reporting period in question to all funders unless specifically asked for other data. This ensures the data provided by LSE may be compared from year to year and does not include any duplicate information.

The level of service provided in these 4,988 matters breaks down as follows (from most to least intensive): 6% extended representation services; 7% limited action taken/brief services provided; 62% counsel and advice; 19% information only and referral; and 6% clients who no longer desired services after making initial contact with LSE or who could not be reached again after making initial contact.

Demographic Information

The clients served were 29% male and 71% female. All clients served were sixty years of age or older and 38% were 75 years of age or older. While LSE serves both socially and economically needy seniors, 82% of LSE's clients were below 200% of the federal poverty level and 36% were below 100% of the federal poverty level. Those callers who are not below 200% of the poverty level typically receive only basic information and a referral with the rare exception of a financial exploitation case that may be handled by LSE when a referral to the private bar is not possible due to the time sensitive nature of the case.

Geographic Distribution of Cases

The chart provided as **Attachment D** provides data regarding the geographic distribution of LSE's clients in 2015.

DESCRIPTION OF LSE'S SERVICES

Since its establishment in 1974, LSE has been providing free, high quality legal services to socially and economically needy seniors who are 60 years of age or older when their basic human needs are at stake. This includes things like shelter, sustenance, income, safety, health care, and self determination. LSE offers several different types and levels of service in an attempt to stretch its limited resources as far as possible.

The four types of service provided by LSE include the following: 1) brief services, advice and counseling to clients throughout Maine by the LSE Helpline attorneys; 2) extended representation by seven staff attorneys located across the state who work regular but often very part-time hours in LSE's seven local offices located in Scarborough, Lewiston, Augusta, Bangor, Presque Isle, Machias and Ellsworth ("Area Offices"); 3) special local projects that focus on particular regions of the state where LSE has been able to obtain local sources of financial support; and 4) client education and outreach conducted throughout the state by LSE attorneys and other LSE staff.

Most LSE clients receive help only via telephone. The most intensive level of service, providing a staff attorney to represent an elder in a court or administrative proceeding, is offered only where an elder is at risk of losing their home, can't access essential health or other public benefits, or is a victim of abuse or exploitation, and there is no other legal resource available to help the elder.

The reminder of this report describes these four components in more detail and highlights accomplishments in the past year.

Statewide Helpline Services

LSE operates a statewide Helpline that provides all Maine seniors regardless of where they live in the state with direct and free access to an attorney toll-free over the telephone. The Helpline is the centralized point of intake for the vast majority of the legal services provided by LSE. LSE's Helpline is located in Augusta and accepts calls Monday through Friday during regular business hours. Calls are answered in person by an intake paralegal. Those calling after hours are able to leave a message and calls are returned by the intake paralegal the next business day. Once an intake is complete, all eligible callers with legal problems, except those calling about an emergency situation, receive a call back from a Helpline Attorney in the order the calls were received. Emergency calls are handled as priority calls. **LSE's intake system is set up to ensure that anyone trying to reach LSE to ask for help is able to speak with someone about their problem.**

The Helpline Attorneys provide legal assistance to seniors exclusively via telephone. This is the level of service received by about 80% of the seniors receiving help from LSE though most desire and could benefit from more extensive help. **The number of seniors receiving help entirely via telephone continues to grow as LSE's funding continues to shrink.** Only a small subset of case types are referred on to the nearest LSE Area Office for in person representation. Because Helpline services are much less expensive to deliver than the Area Office services, this overall approach stretches LSE's limited resources as far as possible.

The Helpline received in excess of 10,000 calls for help in 2015 and these calls were handled by a single intake paralegal. About half of those callers end up being referred to other resources because the callers do not have legal problems, or they are not eligible for LSE's services. In addition to making social service referrals, referrals are made by the Helpline, when appropriate, to other legal services providers (in particular, for those under 60), private attorneys, and other existing resources (e.g., the Attorney General's Consumer Division or Adult Protective Services) to take advantage of and ensure there is not any duplication of other available resources. In addition, LSE maintains a panel of referral attorneys who have agreed to accept reduced fees or provide pro bono services when a client is between 125% and 200% of the federal poverty level. The panel has 253 members from across the state. LSE's panel includes lawyers who practice in substantive areas that are in great demand by callers to the Helpline, but are not handled by LSE, including things like probate, MaineCare planning, real estate, and

estate planning. In addition to making full fee referrals to panel members, LSE made 29 pro bono and 251 reduced fee referrals to referral panel members in 2015.

A major accomplishment of 2015 was the replacement of LSE's old phone system with a new state of the art system. This new system was acquired as part of a joint purchase with Pine Tree Legal Assistance. It has more sophisticated call center technology than LSE had in the past and it is allowing for better management of calls and improved access to data regarding the number of calls.

Extended Representation/Area Office Services

The other primary component of LSE's service delivery system involves providing full representation to seniors through local Area Offices. This level of service is provided to less than 20% of those seeking help from LSE. These more resource intensive services are provided by eight staff attorneys (two are very part-time) who each have assigned geographic areas of the state. These attorneys work out of offices in Scarborough, Lewiston Augusta, Bangor, Presque Isle, Machias and Ellsworth. With the exception of the administrative office in Augusta, the Area Offices are located within the local Area Agency on Aging or local Community Action Program. This unique co-location relationship is very important for Maine's elderly and cost effective. Elderly Mainers are able to address many of their problems in one location – a type of one-stop shopping – which removes what is often another barrier to needed services.

The Area Office staff attorneys provide legal services for seniors with legal problems that may require litigation in order to obtain a favorable resolution. This includes things like elder abuse/financial exploitation, MaineCare and other public benefit appeals, and evictions and foreclosures. LSE staff attorneys must be thoroughly familiar with District, Superior and Probate Court procedures as well as with administrative hearing procedures.

Special Regional Projects

In addition to providing services on a statewide basis through the Helpline and Area Offices, LSE conducts special projects that operate on a regional basis and target specific substantive areas of unmet need. These projects are all supported in large part by local funding sources such as United Way or private foundations. The **ten special regional projects in 2015** included the following:

York County Long Term Care Project;

York County Senior Helpline (includes Franklin and Oxford Counties);

Cumberland County Long Term Care Project;

Cumberland County Elder Abuse Law Project;

Cumberland County Senior Helpline;

Androscoggin County Elder Abuse Law Project;

Androscoggin County Senior Helpline;

Kennebec County Elder Abuse Law Project;

Eastern Maine Long Term Care Project (targeting Piscataquis, Penobscot, Washington, and Hancock Counties); and

Downeast Senior Safety Net Program (serving Washington and Hancock Counties).

Long term care projects generally focus on assisting elders in appealing reductions or denials of publicly funded long term care services and, in some cases, appointing a trusted agent to assist the elder in planning and making decisions. Elder abuse law projects generally focus on organizing and collaborating with local senior, community, and law enforcement organizations to increase the community's awareness of, and capacity to, respond to elder abuse and stopping elder abuse in individuals' lives and restoring their independence and dignity through legal representation. Each of these regional projects has a unique set of targeted outcomes and LSE provides periodic reports to its local funding sources on the progress being made toward those outcomes.

Outreach and Education

LSE provides legal information to the public through public presentations, print material and its website. LSE materials are distributed directly to homebound residents through the Meals on Wheels program and by direct mail to all town offices, assisted living facilities, home health agencies, hospice programs, and nursing facilities. LSE information is also posted at the courts, Community Action Programs, Social Security offices, senior meal sites, DHHS offices and Area Agencies on Aging. In addition to the distribution of print materials, LSE's staff made 199 outreach presentations in 2015 that reached over 2,400 people across the state. LSE focuses these presentations on professionals that are potential referral sources rather than trying to reach individual seniors.

The LSE website was expanded in 2014 to include an extensive online elder rights handbook. It includes information on elder abuse, powers of attorney, advance directives, housing rights, consumer debt problems, MaineCare estate recovery, MaineCare eligibility for nursing home coverage, Medicare Part D, and many other topics. The website provides a valuable resource not just to Maine's seniors, but also to their family members and caregivers. The design of the online handbook meets all national standards for on line materials for seniors and is accessible on a wide range of devices. The handbook was also distributed in print form in 2015 using private grant funding. This included direct mailings of over 2,500 handbooks to all libraries and town offices in the state.

With generous private foundation support, LSE is continuing to conduct a major public awareness campaign focused on the financial exploitation of seniors by family members. It includes television, radio and newspaper. This unprecedented and highly successful campaign was developed and conducted in close collaboration with the Office of Adult Protective Services and the Maine Council for Elder Abuse Prevention. It has

led to a nearly 50% increase in the numbers of victims seeking help from LSE and Adult Protective Services.

Training

LSE staff are frequently asked to provide training to professionals, including attorneys, on both the local and national level. LSE is identified as a substantive expert in a number of legal areas impacting seniors, in particular elder abuse. In 2015, LSE attorneys were included in the Maine State Bar Association summer bar conference, the Maine Council for Elder Abuse Prevention annual Elder Abuse Summit, an ethics training sponsored by the Maine Board of Overseers, and at the National Aging and Law Conference. LSE staff also participated in a National Consumer Law Center sponsored webinar focused on elder abuse.

Outcomes Measurement

Using the Legal Files case management software that is shared by several of the legal services providers and Crystal Reports to run reports, LSE is able to collect, maintain, and analyze comprehensive data regarding the scope and nature of its services. This includes things like the location of the individual served, the type of case, and the outcomes achieved. Information from this database is used to monitor compliance with all funder requirements and commitments, including the MCLSF. LSE service and outcome data is also reviewed on a regular basis by the LSE Executive Director and its Board of Directors and this data analysis influences decisions regarding how to allocate resources across the state and how to focus ongoing outreach efforts. In addition to monitoring for compliance with MCLSF commitments, LSE routinely provides extensive statistical and narrative reports to other key funders, including the Maine Justice Foundation, United Way agencies, the Area Agencies on Aging, the Office of Aging and Disability Services and the Administration for Community Living.

UNMET AND UNDERSERVED NEEDS

LSE is required as a part of this annual report to provide information particular to the unmet and underserved legal service needs of Maine's elderly. The landscape in this area is daunting. This is because: 1) Maine's elderly population is growing at an extraordinary rate; 2) the poverty rate among Maine's elderly is very high; and 3) low income elderly face legal problems much more frequently than the general population.

Maine's Growing Elderly Population. Maine is already the oldest state in the nation when measured by median age and Maine's elderly population is growing at a rapid rate. Between 2000 and 2030, Maine's elderly population is expected to more than double, with the bulk of that growth taking place between 2011 and 2025. By 2030, it is projected that 32.9% of Maine's population, or 464,692, will be over 60.[1] Maine is also the most rural state in the nation and most of Maine's elderly live in isolated rural areas.

[1] U.S. Census Bureau, Population Division, Interim State Population Projections, 2008.

High Poverty Rate Among Maine's Elderly. Of those 65 and over living in Maine, the U. S. Census Bureau American Community Survey reported 10.1% live below 100% of the federal poverty level, 39% live below 200% of the poverty level and 57% live below 300% of the poverty level.[2] It is important to note that this American Community Survey poverty data significantly underestimates the actual poverty rate among the nation's elderly. The U. S. Census Bureau has acknowledged that the National Academy of Science ("NAS") poverty formula, which takes into account living costs such as medical expenses and transportation, is more accurate. The NAS puts the poverty rate for elderly Americans at twice the rate reported by the American Community Survey. This is because factors such as high medical and other living costs disproportionately impact the elderly

Low Income Elders in Maine Experience Frequent Legal Problems. In September, 2010, the University of Maine Center on Aging published the first statewide study of legal needs among seniors living in Maine. This study found that from 45% to 86% of the low income elderly surveyed experienced legal problems in the prior three years. A follow up survey done in 2011 found that 67% of Maine seniors who are 70 years of age or older experience at least one legal problem each year. LSE assists less than 3% of the very low income seniors in Maine each year and that percentage is shrinking as the population grows. Seniors who do not get access to the legal help they need often end up requiring extensive social and health care services.

The legal needs studies done in Maine found that without free legal assistance being available when it is needed, elders who can't afford a lawyer are most likely to 'do nothing' about their legal problem. This helps to explain why the growing unmet need for legal help for seniors who are facing situations where their basic human needs are at stake remains a silent crisis in Maine.

SUMMARY

LSE remains committed to working on behalf of Maine seniors to protect their safety, shelter, income, health, autonomy, independence, and dignity. The accomplishments by LSE in 2015 were many but these successes mask what is actually a very dire situation as the number of seniors needing help steadily climbs and the secure and predictable public sources of funding to support LSE's services steadily decline. The support provided by the Fund has never been more important to LSE as LSE struggles to maintain a statewide presence with very limited resources and to meet the legal needs of Maine's growing and vulnerable elderly population.

Prepared by: Jaye L. Martin, Executive Director

[2] U. S. Census Bureau, 2005-2007 American Community Survey and Across the States 2011: Profiles of Long-Term Care, AARP 2011.

ATTACHMENT A
LEGAL SERVICES FOR THE ELDERLY

Additional services provided by LSE that are not supported by the Fund

Services Complementary to LSE's Core Legal Service

LSE is a vital part of Maine's legal services system as well as its eldercare network, which includes the Office of Aging and Disability Services, the Area Agencies on Aging, the Long Term Care Ombudsman Program, and the state's public guardianship program. Working closely with these partners, LSE provides comprehensive, statewide services to Maine seniors. This includes the provision non-legal services that are complementary to LSE's core legal services.

LSE has three significant statewide non-legal programs that are funded entirely by restricted federal and/or state grants (and receive no support from the Fund). This includes: 1) services provided by LSE as a part of the State Health Insurance Assistance Program ("SHIP"); 2) services provided as a part of the Senior Medicare Patrol ("SMP") program, and 3) LSE's Medicare Part D Appeals Unit. The SHIP and SMP programs provide elderly and disabled Maine residents with information and assistance on health insurance matters, in particular Medicare, MaineCare and prescription drugs. The LSE Medicare Part D Appeals Unit assists low-income Maine residents who are being denied access to needed prescription drugs under Medicare Part D in obtaining the drugs they need.

Systemic Work and Public Policy Advocacy

Primarily through its part-time Public Policy Advocate, LSE participates in two general areas of systemic advocacy: legislative work and administrative work, including task forces and work groups. This work enables LSE to have a larger impact on the policies and systems affecting Maine's elderly than would be possible if LSE were to limit its activities to individual representations. The LSE Board of Directors has adopted guidelines which govern the nature and scope of this systemic advocacy work. These legislative and systemic activities are not supported by the Fund.

A major initiative for LSE in 2015 was our involvement in advocating for the implantation of recommendations contained in the Attorney General Elder Fraud Task Force Report published, with our support, in 2014. The report focused on identifying barriers to the prosecution of financial crimes against seniors and making recommendations that would increase the rate of prosecution.

ATTACHMENT B
LEGAL SERVICES FOR THE ELDERLY

Client Services Summary—All Direct, Individualized Services

	2011	2012	2013	2014	2015
Total Legal Matters Opened (these are the only LSE services supported by the Fund)	**4,542 (2.5% decrease due to funding and staffing cuts)**	**4,094 (10% decrease due to funding and staffing cuts)**	**4,661 (14% increase, but comparable to 2010 levels)**	**5,401 (16% increase, record high, accomplished by adding grant funded capacity)**	**4,998 (7.5% decrease due to funding and staffing challenges)**
Medicare Part D Appeals (not supported by the Fund)	748	535	911	1,360	1,463
State Health Insurance Assistance Program (SHIP) services (not supported by the Fund)	1,139	994	1,345	1,322	1,507
Total direct services	6,429	5,623	6,917	8,083	7,968

ATTACHMENT C
LEGAL SERVICES FOR THE ELDERLY
Detailed Case Type Report

CASE TYPE	CY 12	CY 13	CY 14	CY 15
CONSUMER/FINANCE				
Bankruptcy/Debtor Relief	23	26	22	40
Collection/including Repossession	472	492	535	582
Collection Practices/Creditor Harassment	220	98	74	61
Contracts/Warranties	26	48	83	71
Funeral/Burial Arrangements	5	14	6	5
Loans/Installment Purchase (Other than Collection)	43	43	44	31
Other Consumer/Finance	208	220	270	248
Public Utilities	57	122	85	56
Unfair & Deceptive Sales & Practices	51	56	53	36
TOTAL	**1105**	**1119**	**1172**	**1130**
EMPLOYMENT				
Employee Rights	5	3	6	3
Job Discrimination	4	10	4	4
Other Employment	32	35	45	53
Taxes	38	36	59	41
TOTAL	**79**	**84**	**114**	**101**
FAMILY				
Adoption	0	1	2	1
Child Support	9	10	5	9
Divorce/Separation/Annulment	83	100	104	93
Name Change	0	1	1	0
Other Family	95	132	130	175
TOTAL	**187**	**244**	**242**	**278**

CASE TYPE	CY 12	CY 13	CY 14	CY 15
HEALTH				
Home & Community Based Care	19	26	32	31
Long Term Health Care Facilities & Services	43	42	58	68
Medical Malpractice	27	21	15	15
Medicare	19	68	71	58
Maine Care	355	402	489	405
Private Health Insurance	16	19	19	26
TOTAL	**479**	**578**	**684**	**603**
HOUSING				
Federally Subsidized Housing	137	169	264	214
Homeownership/Real Property (Not Foreclosure)	322	311	409	400
Mobile Homes	30	62	45	47
Mortgage Foreclosures (Not Predatory Lending/Practices)	126	175	163	112
Other Housing	42	29	38	35
Private Landlord/Tenant	148	157	208	214
Public Housing	36	36	35	24
TOTAL	**841**	**939**	**1162**	**1046**
INCOME MAINTENANCE				
Food Stamps	21	27	48	68
Other Income Maintenance	31	17	31	40
Social Security (Not SSDI)	38	74	74	61
SSDI	10	21	22	21
SSI	20	30	32	37
State & Local Income Maintenance	19	25	17	13
Unemployment Compensation	9	5	9	6
Veterans Benefits	4	8	16	21
TOTAL	**152**	**207**	**249**	**267**

CASE TYPE	CY 12	CY 13	CY 14	CY 15
INDIVIDUAL RIGHTS				
Civil Rights	2	0	2	2
Disability Rights	3	3	1	3
Elder Neglect, Abuse, & Financial Exploitation (see also domestic violence)	103	137	194	142
Immigration/Naturalization	1	2	0	1
Mental Health	3	3	2	6
Other Individual Rights	30	35	42	35
TOTAL	**142**	**180**	**241**	**189**
MISCELLANEOUS				
Indian/Tribal Law	2	0	0	0
License (Auto, Occupational, & Others)	19	21	14	18
Municipal Legal Needs	5	2	2	1
Other Miscellaneous	177	230	225	229
Torts	22	22	40	31
TOTAL	**225**	**275**	**281**	**279**
SELF DETERMINATION				
Adult Guardian/Conservatorship	33	34	42	40
Advance Directives/Powers of Attorney	334	394	443	351
Wills/Estates	517	607	771	704
TOTAL	**884**	**1035**	**1256**	**1095**
GRAND TOTAL	**4094**	**4661**	**5401**	**4988**

ATTACHMENT D
LEGAL SERVICES FOR THE ELDELRY

Geographic Distribution of Services

	LSE 2015 STATISTICS	
	Total Clients Served	**% of Total LSE Clients Served by County**
Androscoggin	381	9%
Aroostook	217	5%
Cumberland	690	79%
Franklin	78	2%
Hancock	214	5%
Kennebec	367	9%
Knox	91	2%
Lincoln	103	2%
Oxford	155	4%
Penobscot	590	14%
Piscataquis	82	2%
Sagadahoc	109	3%
Somerset	177	4%
Waldo	145	3%
Washington	162	4%
York	592	14%
Total	**4,153**	**100%**

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2015 Annual Report to the Maine Civil Legal Services Fund Commission January 2016

Maine Equal Justice Partners (MEJP) is pleased to provide the Maine Civil Legal Services Fund Commission with its annual report for 2015. Funding from the Maine Civil Legal Services Fund (MCLSF) has enabled MEJP to continue to provide legal representation, administrative advocacy, and outreach and training for people with low income throughout the state.

During this reporting period, the MCLSF provided 43% of the funding required to provide the legal services described in this report. The MCLSF is MEJP's single largest source of funding and provides critical support that allows MEJP to provide individual and systemic services to assist thousands of people throughout the state in meeting their most basic needs.

BACKGROUND

In 1996, Congress passed legislation prohibiting the federal Legal Services Corporation from funding organizations such as Pine Tree Legal Assistance if they provided legal representation to people with low income in class action litigation, "welfare reform litigation," and legislative advocacy. Maine Equal Justice was formed to fill this void in legal representation of Maine's low-income individuals and families in the legislature, the courts, and before administrative agencies.

MEJP's mission is to find solutions to poverty and improve the lives of people with low income in Maine. We accomplish our mission through (1) public policy advocacy in the legislature[1] and with governmental agencies; (2) legal representation and impact litigation on systemic issues; and (3) partnering with diverse low-income communities and agencies through outreach, organizing, and education. MEJP focuses its work on many of the issues that affect people's daily lives – access to adequate health care, food assistance, income supports, housing issues, fair working conditions, and higher education and training opportunities.

MEJP's legal work in 2015 was on behalf of and informed by people with low income and those groups that represent them. Following a 2014 survey of nearly 1,000 people with low income in Maine that explored the experiences of Maine people living in poverty and possible solutions to poverty, MEJP conducted four listening sessions throughout the state with low-income survey respondents. MEJP also conducted one-on-one interviews with people with low income and their allies to learn more about the issues that are impacting their daily lives and how to best address those issues and move people toward

[1] No funds from the Maine Civil Legal Services Fund are used to support MEJP's legislative work.

economic security. MEJP works in partnership with people who are experiencing poverty directly and MEJP's work and priorities are informed by these real experiences.

INFORMATION REQUESTED by the COMMISSION

MEJP relies upon funds received from the MCLSF to support the services described below.

The types of cases handled by the organization as a result of money received from the Fund

In 2015, MEJP handled the following types of legal cases in the form of advice and referrals, limited and full representation to clients located throughout the state:

Case Type	# of Cases
Consumer	2
Employment (UI)	2
Family	9
Health Care	130
Housing	7
Income Maintenance (i.e. TANF, FS, LIHEAP, SSI)	216
Total	366

In 2015, MEJP handled the following types of administrative advocacy cases:

Case Type	# of Cases
Consumer	3
Health	6
Income Maintenance (i.e. TANF, FS, LIHEAP, SSI)	10
Miscellaneous	1
Total	20

1. **Direct Legal Representation** (Advice, Referrals, Limited and Extended Representation, including Impact Litigation)**:**

MEJP provides direct legal representation through its toll-free telephone intake system on issues involving the denial, termination or reduction of benefits under Maine's public assistance programs, including MaineCare, Temporary Assistance for Needy Families (TANF), ASPIRE, the Food Supplement Program (SNAP), General Assistance, low-wage worker programs, and training and educational programs. This legal work provides important input for MEJP's systemic legal work on the same subjects. These services require a thorough understanding of the state and federal statutes and rules governing the various programs as well as an on-the ground working knowledge of the particular programs and how they are implemented. In addition to providing direct representation to income-eligible clients, MEJP also serves as a legal

resource regarding these programs for other civil legal aid organizations in Maine.

In providing direct legal representation to income-eligible individuals on these subject matters, MEJP seeks to determine whether or not a particular issue raised by a client has systemic impact, i.e. an impact on more than the single individual presenting the legal issue. Where MEJP identifies a systemic issue, MEJP works with those responsible for the administration of these programs to make the changes necessary so that the same legal issues do not reoccur. In the rare instances where this representation is not sufficient to resolve a case, MEJP works with other civil legal aid providers and/or *pro bono* attorneys to provide more extensive legal representation.

The initial benefit of providing direct representation on an individualized basis is that individuals receive the legal services they need to resolve their immediate issue. The direct representation work also illuminates issues and barriers that people are experiencing in their daily lives. This in turn enables MEJP to identify systemic issues in a timely manner, which, when corrected, benefit thousands of Maine people, thereby using limited civil legal aid resources efficiently and effectively.

In 2015, MEJP handled a total of 366 cases (this number does not include MEJP's administrative advocacy cases). A sample of those cases is summarized below:

Minimizing Financial Hardship Resulting from State Agency Errors (Redman v. Commissioner):

MEJP filed suit to enforce a provision in federal law that requires the Maine Department of Health and Human Services (DHHS) to establish a process to compromise or waive collection of overpayments in the Food Supplement program when the person is without fault in causing the overpayment. Despite the fact that this provision has been in law for many years and despite the fact that about 1500 people a year have these overpayment cases, DHHS has never granted a waiver or compromise. MEJP and Attorney Charlie Dingman from Preti Flaherty joined with Legal Services for the Elderly, which had an individual client in this circumstance, in filing the suit.

In June, 2015 the Kennebec Superior Court approved a settlement in the case. As a result, more than 4800 families with outstanding "agency error" overpayments (i.e. errors caused by the error of DHHS) received notice of their right to seek a 40% reduction of their outstanding overpayment. In addition, DHHS is undertaking rulemaking and revamping the current notices and procedures to comply with federal law so that in the future similarly situated persons will be able to have their overpayments reduced.

Ensuring Fairness for Working Parents in Need of Child Care (Smith v. Mayhew):

MEJP filed suit in Kennebec Superior Court challenging the failure of DHHS to adopt income eligibility rules for the Child Care Subsidy program through the Maine Administrative Procedures Act. This failure resulted in the arbitrary termination of these benefits for certain working parents. As a result, DHHS agreed to restore benefits for our client and to undertake rulemaking to adopt income eligibility rules for the program. MEJP is now working with DHHS to ensure that those rules protect families with more than two children (current income guidelines reduce income eligibility limits for families with more than two children.)

Continuing Health Care Coverage for 19 & 20 year olds: (Mayhew v. Burwell):

MEJP joined forces with the U.S. Department of Justice, the Maine Attorney General, the National Health Law Program and a number of Maine based organizations to oppose the efforts of DHHS to eliminate Medicaid funding for approximately 6,500 19 and 20 year olds. DHHS first sought to eliminate this coverage in 2012, but the Centers for Medicare and Medicaid Services (CMS) denied the request asserting that this reduction would violate the "maintenance of effort" provision in the Affordable Care Act. Maine DHHS claims that this provision is unconstitutional. The First Circuit Court of Appeals upheld the CMS decision. DHHS sought review at the U.S. Supreme Court and that review was denied in 2015. As a result, health care coverage for about 6500 children in Maine is now protected until at least 2019.

Providing Hearing Aids for Low-Income Adults with Hearing Impairment:

MEJP became aware that MaineCare was not providing coverage for hearing aids for adults in the MaineCare program as is required by federal law. Working with the Maine Center on Deafness, MEJP put together a lawsuit and contacted Maine DHHS to inform them that unless the MaineCare rules were changed to comply with federal law MEJP would pursue litigation. Ultimately this case led to a successful settlement of the matter with DHHS agreeing to provide coverage for hearing aids for adults. DHHS has adopted new rules providing for coverage of hearing aids for adults. MEJP is now working with its clients, DHHS and providers of hearing aids to ensure that those who need this service receive it. It is anticipated that between 500-1000 people a year will benefit from this new service.

Protecting Due Process for People Accessing Maine's Anti-Poverty Programs:

As a result of MEJP's advocacy efforts, DHHS notices to applicants and recipients of public assistance programs (e.g. MaineCare, Food Supplement, TANF) are expected to improve. After years of advocating for changes to DHHS notices to ensure that they are understandable and accurate, MEJP took steps to file a lawsuit on behalf of low-income clients so that DHHS would take the appropriate action. DHHS has agreed to substantially improve their notices and has included MEJP in the process for revising them. MEJP is soliciting input from Legal Services for the Elderly (LSE) and other organizations as part of the notice improvement process. These notices go to more than 400,000 people a year and many get multiple notices each year. These changes will therefore impact over a million notices provided to people with low income in Maine each year.

2. Administrative Advocacy

Maine Equal Justice's advocacy before administrative agencies of government arises from issues identified through the following: (1) direct client services; (2) community involvement and coalition work; (3) outreach and training activities to individuals with low income and to the agencies that serve them; and (4) participation on multiple work groups, commissions and boards related to government functions affecting our clients. The last category often requires a significant time commitment for our attorneys and policy staff due to related legal research and analysis as well as the number of meetings scheduled. It is not unusual for MEJP's staff to collectively serve on 20-plus such bodies in any year. (Please see Appendix A for a list of the various groups in which MEJP participated during 2015.) Our presence is often requested because we (1) have expertise with regard to public benefits programs; (2) work directly with clients with low income; and (3) are strategic about how to move an issue forward. Our presence is vital to the

protection of our clients' interests on a systemic level.

MEJP conducts administrative advocacy at the federal and state level in all of its focus areas. MEJP strives to resolve grey areas in the applicable governing statutes or regulations. By so doing we clarify eligibility and services covered, which, in turn improves the ability of other providers to more efficiently use civil legal aid resources. It also enables our clients to navigate a complex and confusing system more successfully. MEJP also aims to protect the rights of people with low income within the rulemaking and regulatory process and to ensure that programs are implemented in a way that complies with both state and federal law.

In 2015, MEJP either advocated or submitted rulemaking comments at the state and federal level on a wide range of issues. The following provide several examples of some of our activities in this area.

Protection for Income-Producing Property in the MaineCare Program:

When determining eligibility for MaineCare for elderly and disabled populations, DHHS has counted income-producing property that does not earn at least 4% per year as an asset. The counting of these assets often results in the denial or termination of MaineCare benefits for seniors and people with disabilities. MEJP argued that the 4% rate was both unrealistic and in violation of state law. MEJP successfully persuaded DHHS to follow the law and reset the requirement to reflect current bank deposit rates. For example, the new rate will be approximately .2%, which will allow MaineCare recipients to retain income producing assets that produce at least what the asset could produce if liquidated and put into a bank account.

Protection for Parents with Mental Impairments:

Of the approximately 5500 families who receive TANF cash assistance, a significant number of parents have physical or mental health impairments that limit their ability to work. In designing employability goals, DHHS is required to take these impairments into account. However, DHHS has failed to solicit information concerning any mental health impairments that a TANF applicant may have: instead only soliciting information about physical impairments. MEJP prompted DHHS to address this issue because DHHS was violating the American Disabilities Act (ADA). DHHS and MEJP are now working together to craft the appropriate policies and procedures to ensure that DHHS considers the whole person when evaluating employment goals and remedial needs for TANF applicants. As a result of MEJP's advocacy efforts, DHHS has agreed to consider mental impairments as a disability within the TANF/ASPIRE programs. MEJP developed a new form for DHHS to use to collect this information when making these determinations, which DHHS has adopted.

Creating an Arrearage Mitigation Program:

In 2014, working with the Office of the Public Advocate, MEJP's advocacy was successful in having Maine adopt a law to require Maine's electric utilities to offer a program called Arrearage Management or Mitigation, which addresses situations in which clients have large past-due electric utility bills. Essentially, for each month of the year that the customer pays their current electric bill, 1/12th of the customer's arrearage will be forgiven. To their credit, the utility companies ended up being strong supporters of the legislation. In 2015 MEJP worked again with the same parties and with the Maine Public Utilities

Commission to adopt rules for the program. The program started in October, 2015. This program now assists hundreds of people with large past due utility bills.

Increasing Affordable Housing for People with Low Income:

MEJP was appointed to serve on the Maine Affordable Housing Working Group. The Working Group was created by the legislature "to evaluate the extent to which extremely low-income households, including families, persons with disabilities and elderly, lack access to safe and affordable housing, and the burden that this inadequacy creates for individuals and communities. 'Extremely low-income households' mean those with incomes at or below 30% of the area median income for their county or metropolitan area." The Working Group was charged with preparing a report based on its findings, and the Director of the Maine State Housing Authority with submitting the report and recommendations to the Legislature.

The Working Group evaluated existing programs and policy and also held a public hearing to obtain public comment on its draft findings and recommendations. MEJP conducted and analyzed a survey of approximately 135 clients and other people living with low income as well as advocates and service providers who work with them that informed the Working Group. MEJP promoted several recommendations ultimately adopted by the Working Group and incorporated in recommended legislation proposed by the Group to the Legislature that would create more affordable housing for people with low income including better targeting of rents in low income tax credit developments, the design and implementation of a Rental Assistance Pilot Program to stabilize housing for persons at risk of homelessness, and the establishment of a single streamlined application for tenant-based rental assistance.

3. Training, Education and Outreach

Maine Equal Justice provides outreach and training for people with low income and the agencies and providers who assist them. We impart critical information on Maine's public benefit programs and how they work and, at the same time, learn about potential barriers and issues for people in accessing benefits, and systemic problems that need to be addressed. In 2015, MEJP conducted 44 separate training events throughout the state, reaching more than 1240 individuals, including staff from CAP agencies, Head Start programs, health centers, homeless shelters, and hospitals as well as individuals living with low income themselves such as residents of senior housing and New Mainers who are impacted by proposed reductions to assistance.

The number of people served by the organization as a result of the award received from the MCLSF

In 2015, MEJP opened a total of 330 cases (includes full intakes, counsel & advice and referral cases *only*). The services impacted approximately 825 individuals (including those cases still pending). These numbers, however, do not include the individuals that are impacted by our administrative advocacy, which impacts all similarly-situated individuals, or our training, education and outreach efforts. The chart below illustrates the total number of cases opened and closed, and people served in 2015.

Activity	Total # of Cases Opened and closed/ People served (pending and withdrawn cases not included)
Individual cases – includes limited and full representation, counsel and advice and/or referrals	330/825
Administrative Advocacy	6/7500 served (the exact # of people impacted by systemic initiatives is unknown)
Activity	**Total # of Trainings/# of People Participating**
Training, Education & Outreach	44 separate trainings and workshops/1240 people served

Demographic information about people served as a result of money received from the MCLSF

MEJP represents the interests of all Maine residents living in or near poverty, which is defined as less than 200% of the federal poverty level (FPL) or $40,180 in annual income for a family of three in 2015. According to state data on the Kaiser Family Foundation website, there are 423,900 Maine people, of all ages, living under 200% FPL.[2] MEJP's target population is the 423,900 individuals under 200% of FPL receiving or potentially in need of assistance from one or more public benefit programs in order to meet their basic needs. We focus specifically on efforts to benefit the following individuals and families:

- Families receiving Temporary Assistance for Needy Families (TANF) (income support): 5,458 households, representing 9,088 children[3];
- Individuals and families receiving Food Supplement (FS) benefits (food assistance): 102,583 households, representing 195,972 individuals of which 69,172 are children under 18[4]; and
- Individuals covered by MaineCare or the Medicare Savings Program (health insurance or limited assistance with drugs and out-of-pocket costs): 277,011 individuals[5].

The geographical area served by the organization as a result of money received from the MCLSF

In 2015, Maine Equal Justice provided legal services to individuals residing in all sixteen Maine counties.

The status of the matters handled, including whether they are complete or open

In 2015, MEJP opened a total of 330 cases. Of the 330 cases opened, MEJP closed 289; 41 are pending. In addition, MEJP opened 20 administrative cases with 6 completed during 2015.

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[2] http://kff.org/other/state-indicator/population-up-to-200-fpl/

[3] http://www.maine.gov/dhhs/ofi/reports/2015/GeoDistrib_Dec2015.pdf

[4] http://www.maine.gov/dhhs/ofi/reports/2015/SummaryCountsByCounty-December.pdf

[5] Overflow A for 2015 Reports– December, accessed at http://www.maine.gov/dhhs/ofi/reports/2015/RE-PM001A_Dec2015.pdf

Whether and to what extent the recipient organization complied with the proposal submitted to the Commission at the time of application for funds

MEJP complied in all respects with the proposal submitted in October 2015. MEJP has maintained all services described in the proposal. If we deviated from our proposal at all, it was to expand the breadth and depth of the number of issues we undertook.

Outcomes measurements used to determine compliance

The proposal submitted for 2016-2017 is based upon the core legal representation and substantive work that MEJP pursues; therefore, we evaluate our work using outcome measurements that reflect our ability to achieve systemic reform.

- Brief services, advice, referrals and extended representation: MEJP measures its success by the number of cases resolved favorably and in which litigation was avoided through negotiation.

- Administrative Advocacy: MEJP measures its success by the extent to which its rulemaking comments are accepted in whole or in part; by the implementation of policy changes made at the administrative level that improve the lives of people with low income; the number of task forces, work groups and commissions MEJP is appointed to or asked to participate on as a result of our expertise and knowledge; and the number of requests from the State for MEJP's analysis and assistance with meeting federal requirements.

- Training, Outreach and Education: MEJP measures its success by the extent of its outreach and training activities throughout the state and the number of individuals trained during the year. MEJP receives more requests for trainings than it can provide in any given year. The reason MEJP's trainings are so widely sought after is due to our public benefit program expertise as well as our up-to-date information regarding recent changes to the programs. MEJP's training and education sessions are requested and or attended by a diverse number of organizations, including but not limited to, social service providers, family practice residency programs, provider associations, community actions programs, homeless shelters, tenants' organizations, domestic violence programs, Head Start parent groups, seniors, disability rights groups, immigrant communities and coalitions, municipal representatives and grass root coalitions. The evaluations sheets submitted by workshop and training participants in 2015 were extremely favorable and underscored the value of MEJP's expertise and knowledge for direct service organizations and legal aid providers throughout the state.

Information particular to each recipient organization regarding unmet and underserved needs

Maine Equal Justice Partners supports its operating budget through funding from the MCLSF, the Maine Justice Foundation, the Campaign for Justice, Maine-based and national foundations, and individual donors. Similar to our response in previous reports, we have seen a significant decrease in our core legal aid funding over the past several years due to low interest rates and lower than anticipated MCLSF collections. The six core legal aid providers anticipate an across the board cut of 62% in Maine Justice Foundation IOLTA funds in 2016. While MEJP's funding from these sources has decreased, the demand for our services has increased, as Maine's hardworking people continue to suffer from the economic downturn. Further, as changes are made to eligibility criteria and scope of benefits for the state's public

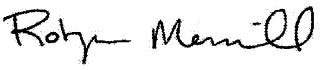
assistance programs, individuals and families and their caseworkers increasingly turn to MEJP for guidance as to how to navigate this complex system. We do our best to meet the needs of these individuals and to address the systemic problems inherent in their cases but it is often difficult to adequately address the extent of the demands. Finally, MEJP does not have the staffing capacity or resources to address several areas of concern to people with low income in Maine. We receive requests from clients and organizations that represent them for assistance with consumer and financial issues, family law issues, certain housing issues, and employment issues.

We remain particularly concerned about consumer issues, given the limited resources and availability of assistance in this area in Maine. In order to meet this need, MEJP would need to increase its staffing; we do not have adequate funding to sustain such a position, however.

CONCLUSION

The funding that Maine Equal Justice Partners receives from the MCLSF is vital to our ability to pursue systemic reform on behalf of Maine's most vulnerable people. Without MCLSF the level and breadth of services MEJP currently provides would be severely diminished. We are grateful to the MCLSF Commission for making the work of MEJP possible. The Board, staff and clients of Maine Equal Justice thank you for your continued support.

Respectfully submitted:



Robyn Merrill
Executive Director

APPENDIX A

The bulleted items listed below represent work groups, advisory committees, coalitions and boards in which MEJP staff actively participated during 2015. Although these commitments consume a great deal of time, it is vital that we participate in these forums as MEJP staff are often the only public benefit experts serving and, more often than not, the only consumer voice for low-income individuals at the table. The relationships and information gained from serving enables MEJP to build broad coalitions and shape systemic policy reform that benefit Maine people with low income.

Health Care

- Cover Maine Now Coalition (MEJP is member of steering committee)
- Gateways Medicaid ACA Committee
- Greater Portland Health Care Collaborative (related to immigrant issues)
- Health Care For Maine Steering Committee
- MaineCare Advisory Committee
- MaineCare Member Materials Committee
- Maine Health Exchange Advisory Committee
- SIM (State Innovation Models) Steering Committee

Oral Health

- FAME Dental Loan Advisory Committee
- Maine Dental Access Coalition
- Oral Health Advisory Committee

Legal

- Advisory Committee of Providers to the JAG
- Campaign for Justice Steering Committee
- Justice Action Group (JAG) (non-voting member)

Due Process and Access

- DHHS-OFI Community Partners Advisory Group
- DHHS Notice Committee

Social and Economic Security

- Asylum Seeker Working Group
- Maine Council on Aging
- Maine Women Alliance
- Maine Women's Employment Issues Committee
- Maine Housing Working Group
- Maine Voices Network Steering Committee
- Maine Immigrant Rights Coalition (Management Committee)
- New England Regional Anti-Hunger Network
- Temporary Assistance to Needy Families Advisory Council
- Working Families Coalition

Maine Volunteer Lawyers Project
Report to the Maine Civil Legal Services Fund Commission
January 2016

Overview

The Maine Volunteer Lawyers Project (VLP) is pleased to submit this year-end narrative report on its operations and services provided to Maine people with low incomes during 2015. Funding from the Maine Civil Legal Services Fund (MCLSF) enabled the VLP to continue to provide a wide range of legal services to thousands of clients and further develop access to services despite a continuing decrease in overall funding levels.

The VLP was formed in 1983 as a joint project of the Maine Bar Foundation and Pine Tree Legal Assistance for the purpose of organizing, encouraging, and coordinating the *pro bono* efforts of private attorneys on behalf of Maine people with low incomes facing civil legal problems. VLP services are generally limited to Mainers whose gross household incomes are at or below 200% of the federal poverty guidelines and whose net incomes following the deduction of certain basic living expenses fall at or below 125% of the federal poverty guidelines. Clients are also subject to asset limitations based on household size. (These eligibility requirements are determined by the federal Legal Services Corporation which provided approximately 24% of VLP's overall funding in 2015.)

The VLP has three broadly stated goals:

- to maximize private bar involvement in providing *pro bono* legal representation and assistance to low-income clients;
- to focus VLP services on the most pressing legal needs of clients; and
- to give all individuals contacting the VLP some meaningful information and assistance with their legal problem

The VLP has been a recipient of MCLSF funding since the Fund's inception in 1998. In addition to supporting the Project's overall provision of client services, MCLSF funding is also used to support *pro bono* representation for a number of clients with particularly compelling cases who do not meet the restrictive criteria imposed by other funding sources. These clients, for example, may have incomes minimally above federal poverty and deduction guidelines or may be victims of domestic violence without meaningful access to family assets. MCLSF funding also may be used when a private attorney contacts VLP requesting permission to provide *pro bono* representation to a particular client who falls within VLP's service priorities but again does not meet the letter of the VLP's traditional eligibility requirements.

In 2015, MCLSF funds represented 13 % of the VLP's total funding.

Services

Initial requests for assistance are made through a statewide telephone intake line staffed by non-attorney volunteers and supervised by VLP staff in its main Portland office. Intake volunteers screen all prospective clients for eligibility and provide every caller with legal information relevant to their problem together with referrals to other organizations where appropriate. Many callers also receive written legal education materials developed by Pine Tree Legal Assistance for people living in Maine as well as being directed to the PTLA website for access to this information.

Participating *pro bono* attorneys provide limited representation through several special VLP initiatives: the Family Law Helpline, the Domestic Violence *Pro Bono* Panel, the Court House Assistance Project (CHAP), and the Penobscot Clinic. Clients for the Helpline and Penobscot Clinic are referred by VLP phone intake volunteers; the clients for the Domestic Violence Pro Bono Panel and CHAP are typically walk in intakes during Court hours. All clinic services are supported by undergraduate student volunteers from various colleges, (including Bates, Bowdoin, USM and Husson University among others), who provide invaluable help with "on the ground" organization and intake.

Additionally, the VLP utilizes attorney volunteers to refer cases for full *pro bono* representation to private attorneys around the state. Cases are chosen for referral based on a series of service priorities which are periodically reviewed by the VLP Advisory Committee and staff. In general, these priorities are designed to meet the most pressing needs, ensure that VLP's services complement the assistance provided by Maine's other legal service providers, and maximize the impact of donated legal services.

Cases Handled in 2015

In 2015, VLP staff or volunteers provided service in **3,673** cases:

Hotline volunteers provided **legal information**:	717 cases
Pro bono attorneys provided **limited representation** through clinic programs:	1976 cases
Pro bono attorneys provided **full representation** through domestic violence panels:	61 cases
Pro bono attorneys provided **representation** in fully referred matters:	919 cases
(402 of these cases were opened in 2015)	
Total:	**3673**

Additionally, in 2015, the VLP provided administrative assistance and technical support for a pro bono homeless clinic in Portland. This clinic is staffed by lawyers from fourteen Portland law firms (and UNUM), and is held weekly at the Preble Street Resource Center. Preble Street provides intake and case management support for the clinic, and the VLP

does not count these cases as "VLP" cases. However, in 2015, over 80 clients were seen at the clinic, and over 60% of these clients were provided with extended legal representation by the participating law firms, who entered into post clinic representation agreements with the clients.

Without including the homeless clinic cases, the VLP opened 2,952 cases in 2015, and closed 3,011 cases, but many VLP cases that are fully referred to a volunteer lawyer are not opened and closed in the same calendar year. At the end of 2015, 615 cases, opened in 2015 or before, remained open.

The VLP cases opened in 2015 fell into the following case types:

Case Type	Total Cases OPENED
Consumer	210
Education	6
Employment	36
Family	2220
Juvenile	75
Health	2
Housing	88
Income Maintenance	181
Individual Rights	4
Miscellaneous (Torts, licenses, wills & estates, etc.)	130
TOTAL	**2,952**

Clients Served in 2015

- VLP's direct services benefited **3,673** Maine households and benefited an estimated 11,000 individuals. The average annual household income was $22,971.80 and the median annual household income was $20,640. Over 60% of households had income from employment or employment based benefits. The average household size was 3.

- The average age of a client at intake was 39 years, but the largest group of clients were between 25 and 34 (30%).

- 16% were 55 or older.

- 87.8% of clients identified as White, 4.3% as Black, 3.1% as Native American 1.2% as Asian, and 1.8% as Hispanic.

- 41.2% of households had at least one person with a disability.
- 66% of clients were female and 34% were male.
- 4.4% of clients did not speak English as a first language.
- 51.8% of households included children, and 31.1% of households were headed by a single parent.

Geographic Areas Served in 2015
Geographic distribution of VLP clients shown by county:

County	
Androscoggin	13.4%
Aroostook	2.2%
Cumberland	25%
Franklin	1.4%
Hancock	2.0%
Kennebec	10.7%
Knox	1.9%
Lincoln	1.9%
Oxford	3.9%
Penobscot	10.8%
Piscataquis	1.2%
Sagadahoc	2.0%
Somerset	2.4%
Waldo	2.1%
Washington	1.8%
York	15.1%

(Out of state 3.2% / Unknown 2.4%)

MCLSF funds support all of VLP's work, but service was provided in **563** of the above cases using specially designated MCLSF funds only. The status of those cases at the end of 2015 was as follows:

OPEN
Intake Interview: Pending review 1
Accepted for Referral 3
Awaiting Client Documents 2
Waiting to be referred 7
0 Referred to VLP Attorney 47
0 Scheduled for Helpline Clinic 4
Open/other 12
Referred to a VLP Attorney 47

CLOSED
A - Counsel and advice 51
B - Limited Action 396
F1 - Negotiated Settlement without Litigation 8
G1 - Negotiated Settlement with Litigation 8
H1 - Administrative Agency Decision/Favorable 5
H2 - Administrative Agency Decision/Unfavorable 1
Ia1 - Uncontested Court Decision/Favorable 3
Ib1 - Contested Court Decision/Favorable 4
L1 - Extensive Service/Favorable 5
X - Other Reason to Close 6
Total **563**

Unmet Need
Most qualifying clients who receive an intake would benefit from full representation, but the VLP is able to provide less than one in six with that service because of lack of resources.
As shown above, in 2015, the VLP opened 2,952 cases, but only 463 (15%) of those clients received a full referral to a volunteer attorney. (While there are an additional 517 full referral cases currently open with a volunteer attorney, those cases were opened before 2015).
Of the other cases opened in 2015, 1,976 (67%) received limited representation from a volunteer lawyer through a clinic program and 24% (or 717) clients received legal information only.

Further, the VLP is aware of a bottleneck in our system in that we do not have the resources to expand our phone intake to accommodate the more than the 2,000 phone intakes that we already conduct each year. A recent upgrade in the phone system now allows us to track the number of callers who get into our phone queue but who are not reached. When we conduct family law intake by phone, the number of unreached callers can be up to 60%. While we provide information through our phone system about other

ways to access family law help (court house clinics), the need for legal help in family law continues to be much higher than can be met through current resources.

To mitigate some of this problem, the VLP has continued to develop limited representation family law courthouse clinics. We know this helps meet more need because the number of clients served rise in every county where a family law courthouse clinic is opened. Additionally, we have set up special phone lines for unemployment compensation, foreclosure and probate issues, which allow clients to get through our phone intake more efficiently where we are confident of having pro bono capacity in the Bar.

Compliance of Services Delivered to Services Proposed

In its application to the Maine Civil Legal Services Fund for 2014/2015, the VLP proposed using its MCLSF Funding to support general legal services to clients from around the state in all areas of law and at all levels of service including: brief legal assistance via the Hotline, limited representation via the Family Law Helpline and clinic projects, and full referral of cases to attorneys throughout Maine. As reported above, in 2015, the VLP provided unbundled and full representation, as well as legal information and referrals, to clients across Maine (including service out of the Bangor office) in a wide variety of substantive legal areas. The VLP was able to maintain services at a high standard and continue a high level of client intake, despite ongoing funding declines. The VLP has done this through innovative programming and increased efficiency, all of which is supported by MCLSF funding.

Outcomes Measures Used to Determine Compliance

The VLP utilizes a number of systems and measures to document information about the clients it serves, case types and outcomes. An intake interview which includes the collection of demographic, geographic, eligibility and case data is conducted for each case and the client and case data is entered into the VLP's computerized case management system, Legal Files, which the VLP uses as part of technology collaboration with other legal service providers in Maine. Each case is assigned a code indicating law type, funding source, level of service provided (including the total number of volunteer and staff hours) and, at the time of the case's completion, case outcome. Clients selected for full referral to a volunteer attorney must submit additional documentation including a signed financial eligibility form.

For cases referred to volunteer attorneys, the VLP requires regular reporting on case progress including the number of hours donated and the final case outcome. Case reporting forms are sent to volunteer attorneys three times per year and attorneys who do not report regularly are contacted by staff to ensure the case is progressing appropriately. Additionally, VLP staff maintains contact with all clients with cases open with volunteer attorneys.

Conclusion

By organizing donated services of private attorneys and community volunteers, and by pioneering new service models, the VLP is able to leverage extraordinary levels of legal service for Maine people. The VLP continues to work providing new opportunities for *pro*

bono service while continuing to develop ways for Maine people to access these services. In 2015, the value of services donated to clients with low incomes under the auspices of the VLP again exceeded $2 million, providing almost $2.5 of service for every $1 in funding actually received. MCLSF funding was critical to supporting the VLP in 2015 in its efforts to maintain and improve the delivery of legal services through the work of volunteers, and in efforts to expand limited representation projects that enable the VLP to efficiently provide access to services for Maine people with low incomes.

Respectfully submitted,

Juliet Holmes-Smith

Juliet Holmes-Smith
Director
Maine Volunteer Lawyers Project

PENQUIS

Helping Today • Building Tomorrow

To: **Maine Civil Legal Services Fund Commission**
From: **Penquis Law Project**
Date: **January 15, 2016**
Re: **Annual Progress Report, January-December 2015**

OVERVIEW

The Penquis Law Project is a program operated by Penquis. It was established in 1995 in response to a grassroots effort to help meet the civil legal needs of the poor. The mission of the Law Project is to assist low-income individuals, primarily victims/survivors of domestic violence, dating violence, sexual assault, and stalking, to become safe, self-sufficient community members through access to free civil legal assistance. The Penquis Law Project primarily serves individuals who have experienced or are experiencing domestic violence, dating violence, sexual assault, and/or stalking. Assistance is available for protection orders; family matters such as divorce, parental rights, and post-judgment cases; as well as other civil matters related to sexual assault and stalking. The Law Project currently serves Penobscot and Piscataquis counties.

Without access to free civil legal services, many victims would be unable to navigate the civil legal system on their own. While some individuals without complex legal issues may be able to proceed without an attorney, or pro se, other individuals face complex legal issues which may prevent them from proceeding pro se, or some individuals may be too intimidated by their abuser or perpetrator to enter a courtroom alone. Individuals can easily be re-victimized by an intimidating legal system, and some may choose to drop their case rather than proceed on their own. The Law Project attorney provides individualized representation to clients, as well as one-time consultations to individuals who are ultimately able to handle their legal matters pro se.

ANTICIPATED RESULTS

The Penquis Law Project seeks to increase physical, emotional, and economic safety for Penobscot and Piscataquis county residents – particularly those who have experienced or are experiencing domestic violence, dating violence, sexual assault, or stalking – by providing civil legal assistance, primarily in matters of family law, to individuals who would not otherwise be able to access these services.

LAW PROJECT

262 Harlow Street
PO Box 1162
Bangor, Maine 04402
www.penquis.org

(207) 973-3671
Fax (207) 973-3699
TDD (207) 973-3520
1-800-215-4942

Client Impacts

Representation: Our attorney represents clients throughout the court process, including preparing filings, court appearances, and negotiations. Clients will receive a final court order, usually an Order for Protection, Divorce Judgment, Parental Rights and Responsibilities Order, or an Amended/Modified Judgment or Order (post-judgment modification of an original judgment or order). Final orders may include a child support order, primary residence and visitation schedule, division of debts and personal property, division of real estate, and an award of spousal support, if appropriate. Clients who choose to dismiss their case and reunite with their abuser or perpetrator will receive information and support and the option to reengage in services when the client is ready to proceed with their case.

One-time Consultation: Our attorney meets one time with an individual to answer questions about the legal process and/or help an individual complete court forms. Individuals receive answers to their legal questions and thus are better able to proceed pro se.

Projected Outcomes

Initial Outcomes: Individuals who are victims of domestic violence, dating violence, sexual assault, or stalking and would otherwise be unable to afford or have access to an attorney receive direct representation and are therefore able to successfully negotiate the court process.

Intermediate Outcomes: Clients increase their physical, emotional, and economic safety.

Long term Outcomes: Clients maintain their physical, emotional, and economic safety.

PROGRESS REPORT

During 2015 we followed the work plan as outlined in our 2013 application. Our work continues to benefit from our strong relationship with our formal partners on a U.S. Department of Justice, Office on Violence Against Women, Legal Assistance for Victims grant. Our partners, Spruce Run-Womancare Alliance, the domestic violence project serving the two-county area, and Rape Response Services, the sexual assault victim services agency serving the area and a subsidiary of Penquis, help us to set priorities and find the best and most effective ways to deliver legal services and comprehensive support services for victims. For example, we are dedicated to reaching the more rural parts of our service area, particularly in Piscataquis county, providing regular office hours at the Spruce Run-Womancare Alliance office in Dover-Foxcroft.

Funds from the MCLSF provided crucial operating support to the Law Project as a whole, which made it possible to achieve the outcomes described in the sections below.

1.) Types of cases handled as a result of money received from the Fund:

The table below details the number and types of cases handled by the Law Project attorney in 2015. Some individuals had more than one case type. Individuals with more than one case type may have a protection order and another family matter, may have pending actions against more than one opposing party (i.e. the current husband and a prior boyfriend) or may have an initial action and then a post-judgment action or multiple post-judgment actions.

Case Type	Rep.	One-times
Divorce	16	48
Protection from Abuse	12	13
Parental Rights	17	19
Post-judgment	18	39
Total Case Types	63	119

2.) Number of people served as a result of money received from the Fund:

The Law Project served a total of 169 unduplicated individuals. There were 53 clients who received representation and 116 individuals who received one-time consultations. There were 121 one-time consultations delivered because some individuals received more than one consultation during the year or received a consultation and then later became a client. Twenty-eight (28) clients were newly served and the rest were carried over from the previous year.

3.) Demographic information about the people served as a result of money received from the Fund:

All clients have experienced some form of victimization. The overwhelming majority of individuals receiving one-time consultations have experienced domestic violence, dating violence, sexual assault, or stalking – 84% of those served. Occasionally, the attorney provides one-time consultations to individuals who have not disclosed that they have experienced violence but have disclosed a reason that might make it particularly difficult for them to proceed without assistance, such as a mental health issue, a teen parent, or extremely limited financial resources. We also may meet with an individual who has not disclosed some type of victimization when providing office hours out in the community. MCLSF funding allows us this flexibility to serve some individuals who may not otherwise be eligible under our other funding sources.

Demographic information for clients served is as follows:

PENQUIS LAW PROJECT		
Demographics	**Rep.**	**One-times**
Age		
Under 18 years	0	0
18-24 years	2	7
25-59 years	51	101
60+ years	1	6
Unknown	0	2
Gender		
Female	51	10
Male	2	106
Race		
White	51	110
Hispanic	0	1
Black or African American	2	2
American Indian	0	1
Asian	0	0
Native Hawaiian/Pacific	0	0
Unknown	0	2
Housing		
Rent	29	65
Own	13	32
Other (includes staying w/ relatives, friends)	11	17
Homeless	0	2
Unknown	0	0
Health Insurance		
MaineCare	46	56
Other Insurance	6	45
No Insurance	1	12
Unknown	0	3
Disabled	12	26
With Minor Children	50	88
Immigrant Status	0	0
Income Level		
≤ 75% of poverty	22	60
≤ 100% of poverty	16	10
≤ 125% of poverty	7	9
≤ 150% of poverty	3	10
≤ 175% of poverty	2	7
≤ 200% of poverty	0	9
At or above 200% of poverty	3	9
Unknown	0	2
TOTAL PERSONS	53	116

4.) Geographical area actually served as a result of money received from the Fund:

While we primarily practice in the District Courts in Penobscot and Piscataquis counties, individuals served sometimes reside in other areas of the state or move while their case is pending.

County of Residence	Rep.	One-times
Aroostook	0	1
Penobscot	38	77
Piscataquis	10	32
Sagadahoc	0	1
Somerset	1	2
Washington	1	1
Waldo	3	0
York	0	1
Out of State	0	1
TOTAL	53	116

5.) The status of the matters handled, including whether they are complete or open:

Of the client files, 28 were closed by the end of December 2015. Twenty-five (25) client files remained open as of January 1, 2016.

Of all client files closed, 25 clients received a final order in at least one of their pending matters. Additional outcome information is described under question number 7. Three cases closed prior to the client receiving a final order because in one instance the moving party dismissed the case and our client chose not to file another action, in another case the client withdrew from representation, and, sadly, one client passed away.

6.) Whether and to what extent the recipient organization complied with the proposal submitted to the Commission at the time of application for funds:

The Law Project provided services as described in its application. For the full two-year project period, we proposed serving 250 individuals, approximately 110 individuals through representation and 140 through one-time consultations; 169 were served in 2015, 53 through representation and 116 through one-time consultations. Over the two-year period we served a total of 101 individuals through representation and 256 through one-time consultations. Whenever possible and when the attorney's caseload allows, we prioritize providing full representation rather than one-time consultations, as full representation is the most needed and impactful service we can provide.

Outcome data demonstrates the positive outcomes for clients served.

7.) Outcome measurements used to determine compliance:

The following table describes the projected and actual outcomes for calendar year 2015, with associated indicators, measurements, and data sources. Data confirms that we have substantially met, or in some cases exceeded, our projected outcomes. We do not track outcome data for the individuals who receive our one-time consultations. Though we know this service is valuable to those who receive it, because it is a brief service, we do not have long-term contact with recipients and, therefore, it is not possible to track long-term outcomes. During the course of this year we continued a new data source we implemented last year. In order to increase the amount of available data, the attorney is asking clients some interim survey questions, if or when appropriate during the course of a client's case. In addition to increasing client satisfaction data, this has provided a good opportunity for the attorney and client to communicate specifically about how the client is feeling and the client's safety needs. Also, in the fall we began to offer a Survey Monkey version of our Closed Client Survey. More clients have begun communicating with our attorney via email and smart phones, making utilization of an electronic survey more feasible. This increased our return rate in the second half of the year. All of the Closed Client Surveys received this year were returned via Survey Monkey.

Outcomes	Indicator	Projected	Actual	Data source:
Initial Outcomes: Individuals who are victims of domestic violence and would otherwise be unable to afford or have access to an attorney will receive direct representation and will therefore be able to successfully negotiate the court process.	Percent of individuals who meet with an attorney at an initial consultation gain access to representation and enter into the attorney/client relationship.	85%	96% (28)	The Law Project keeps records regarding those individuals with whom we have met. Files are maintained for each client.
Intermediate Outcomes: Clients will increase their physical, emotional and economic safety.	Percent of clients who seek an interim order for child support, spousal support or to address a specific property issue will receive the interim order.	90%	83% (24)	(1) Closed Client Survey, Interim Client Survey (2) Closed Client Form
	Percent of clients who seek an interim order granting them primary residence of their children will receive the interim order.	95%	94% (30)	
	Percent of clients who report that threats or abuse were less during involvement with the Law Project than previously.	76%	100% (18)	
	Percent of clients who report that their involvement with the Law Project made them feel more in control of the process.	88%	100% (18)	
Long term Outcomes: Clients will maintain their physical, emotional and economic safety.	Percent of clients who seek a final order for child support, spousal support or to address a specific property issue will receive the final order.	93%	94% (17)	(1) Closed Client Survey (2) Closed Client Form
	Percent of clients who seek a final order granting them primary residence of their children will receive the final order.	93%	90% (19)	
	Percent of clients who seek a final protection order will receive one.	95%	100% (11)	
	Percent of clients who report that threats or abuse were less after involvement with the Law Project than previously.	80%	100% (3)	
	Percent of respondents reporting that utilizing the Law Project helped them to feel that the court process was manageable.	100%	100% (3)	
Percentages are based on the answers of those clients who choose to complete and return the anonymous Closed Client Survey and information gathered from Interim Client Surveys administered by the attorney when appropriate. The Closed Client Form is completed by the attorney and contains information contained in the client file and the attorney's observations.				

8.) Information particular to each recipient organization regarding unmet and underserved needs:

The combined number of reported domestic assaults in the two-county area was 461 in 2014. FY15 civil filings in the two-county area included 733 protection from abuse, 765 divorce, 291 paternity/parental rights, and 633 post-judgment motions. Demand for civil legal services is high, due to limited capacity among all of the legal providers, including the Law Project.

As a result of the population we serve, many of our cases are more likely to involve complex legal issues, such as interstate custody, and be more time intensive and ongoing, with multiple post-judgment actions. As a result, we are limited in the number of individuals we can serve. We still make every attempt to provide one-time consultations when time allows, believing it is far better than turning away individuals without providing any information or assistance. However, the majority of those individuals would benefit from full-representation. Thus, we see full representation as a still unmet need for many.

The court process is lengthy, intimidating, and confusing, especially when one party has experienced interpersonal violence perpetrated by the other party. In the absence of an attorney, parties are often intimidated into agreeing to settlement orders that do not benefit them or their children or address crucial issues. In addition to feeling intimidated, litigants are often simply confused about the process and unaware what their rights may be. Unfortunately, lack of representation can lead to poor long-term outcomes for families and children, including lack of financial and physical safety.

Another unmet area of need that we see is access to guardians ad litem as well as costs related to court that are not covered by a fee waiver such as witness fees, drug testing, fees for medical records or even transportation to court. The Law Project works to secure funding for unmet needs for our own clients. In 2015 we received a shared award of $3,000 from the Gannett Foundation to support a victim assistance fund for clients of the Law Project and of Rape Response Services.

CONCLUSION

Client surveys were developed by Renate Klein, Ph.D., a social science researcher from the University of Maine and our third-party evaluator, in order to provide an outcomes-based assessment of the work of the Law Project. Dr. Klein's most recent report, completed November 2015, contains data from 2002-2015. The following is the "Summary of Highlights" contained in her report:

Monitoring performance for over a decade

> *Since 2002 the Law Project has been sending exit surveys to clients whose cases have been closed. As of November 2015, a total of 133 surveys had been returned; this report is based on these 133 surveys.*

Serving low-income families

The Law Project is serving the population it is supposed to serve; client annual incomes are, on average, significantly below the federal poverty line. 94% of clients would have been without legal representation without the Law Project.

Establishing a presence in the community

Over the past decade referrals to the Law Project have come from a widening range of service providers and informal networks, which indicates that the Law Project has developed good community relations and has become increasingly well-known and respected in the community. For the most recent cohort of respondents family and friends were the second most important referral source after domestic violence project.

Increasing satisfaction and quality of life

On the whole, respondents have been very satisfied with the Law Project and felt that using its services increased their quality of life.

Empowering clients in adverse circumstances

On the whole, the Law Project has been empowering to respondents. This has also been the case where respondents' economic outlook has been difficult.

Making respondents feel safe

Overall, the Law Project has made respondents feel safe for themselves and their children.

Decreasing intimate partner violence

Of particular importance, respondents continue to report that as they work with the Law Project they experience less intimate partner violence from the abusive partner. Over the course of contact with the Law Project the number of respondents who experienced no abuse increased substantially and the number of those who experienced frequent abuse decreased.

Thank you for the MCLSF's support of the Penquis Law Project in 2015, which provided crucial funding to help meet our objectives. As concluded by Dr. Klein, the Law Project "has developed into an essential part of community-based interventions in domestic violence and is an effective way to support victims, increase safety, and promote justice."

I am so thankful that this service exists within our community. Without the Law Project I would not have been able to move forward with Parental Rights and Responsibilities and my Protection Order. Now my daughter and I are figuring out how to live without abuse and fear in our lives. It has given us a fresh start and I am thankful to have worked with Penquis Law, it really made a difference in our lives. Thank you.

--former Law Project client

For any questions regarding the Penquis Law Project or outcomes resulting from MCLSF funding, please contact me at 973-3671 or tmathieu@penquis.org.

Respectfully submitted,

Tamar Perfit Mathieu
Directing Attorney
Penquis Law Project

Pine Tree Legal Assistance
Report to the Maine Civil Legal Services Fund Commission
January 2016

Overview

Pine Tree is Maine's oldest, largest civil legal aid provider. It has been in continuous operation since 1967, allowing it to develop a unique place in Maine's justice system. It is recognized nationally as one of the country's best civil legal aid providers: its reputation reflects both the landmark court decisions secured through Pine Tree advocacy and the quality of its advocacy and other services; its ability to attract, support and retain high quality staff; and its ongoing commitment to make the justice system more accessible to all Mainers.

Pine Tree's network of six local offices in **Presque Isle, Machias, Bangor, Lewiston, Augusta and Portland** assures that its advocates can reach any court in the State within roughly an hour's drive, stay attuned to local needs, and be active partners with other agencies and individuals in local collaborations. In addition to providing a wide range of general legal services responsive to problems impacting basic needs, Pine Tree also operates several unique and specialized projects:

- The **Native American Unit** operates statewide to provide legal assistance to Native Americans who are members of Maine's four federally recognized tribes, as well as off-reservation tribal members;
- The **Farmworker Unit** operates statewide to provide legal assistance to agricultural workers. Due to its effectiveness, Pine Tree has been chosen by the Legal Services Corporation to also administer LSC-funded farmworker advocacy throughout New England;
- **KIDS LEGAL** provides legal assistance focused on the special needs of low-income children and youth, including homeless teens;
- The **Foreclosure Unit** provides legal assistance to low-income Maine homeowners and works closely with *pro bono* attorneys acting through Maine Attorney Saving Homes and other HUD housing counseling agencies to address this issue;
- The **Low-Income Taxpayer Clinic** provides legal assistance with IRS disputes;
- The **Fair Housing Unit** enforces federal and state laws barring housing discrimination around the State; and
- The **Family Law Unit** provides legal assistance to victims of domestic violence, sexual assault and teen dating violence in areas of the State where funding allows, especially where no other legal aid resources are available.

Requests for legal assistance can be made via multiple points of entry over the phone or in person (rather than just relying on a single 1-800 number answered in a single location). In late 2015, Pine Tree also launched a new web-based triage tool that allows users to apply for its legal assistance online, which is expected to increase access to services by rural Mainers who live some distance from a Pine Tree office. The intake process routinely includes questions about household income and assets, as well as citizenship status, all of which are documented on the computerized case management system. No fees are charged for legal services.

In general, Pine Tree's clients are individuals whose household income after certain deductions is at or below 125% of the federal poverty guidelines, and whose assets do not have a value in excess of $5,000 (depending on the size of the household.) Some MCLSF funding supports legal advocacy to low-income individuals with critical legal needs who do not meet the criteria for other general funding services, typically because they are slightly above the income or asset guidelines for those programs but cannot otherwise access legal help. Pine Tree does not discriminate based on race, color, sex, sexual orientation, creed, national origin, age, religion, political affiliation or belief, or disability. However, federal funding restrictions bar Pine Tree from providing legal assistance to certain categories of non-citizens and undocumented individuals except in cases of domestic violence or sexual assault

Legal services range from simple advice and brief service to negotiations and include full representation in the most serious cases.

The program also devotes significant resources to support for individuals who must represent themselves in legal matters. These include the development of legal education materials and other "do it yourself" tools available in hard copy from local offices and online at its program websites (including www.ptla.org, www.helpmelaw.org, www.kidslegal.org, and www.statesidelegal.org, Pine Tree's newest and national website that addresses the legal needs of veteran and military service members.) **In 2015, www.ptla.org alone recorded 1.46 million "unique visitors" (Maine's population is 1.3 million.) These resources benefit all Mainers, regardless of income.**

Pine Tree's general services are structured to respond to the areas of highest need for assistance and the lack of other available resources in the local community to meet those needs. Program wide priorities are established by a 26-member Board of Directors that includes lawyers and low-income representatives from around the State. Pine Tree staff also actively participate on statewide and local initiatives designed to address systemic justice concerns, serve as trainers for social service agencies, landlord associations, municipalities, the Courts and the private bar. Pine Tree staff work closely with other members of the legal service community to avoid duplication of services.

Pine Tree's diverse staff includes advocates who began working at Pine Tree in the 1970's and others who began their legal careers in the past year. Some have always lived in Maine and are deeply familiar with their local communities; others bring skills honed in other settings to their work in at Pine Tree. The average Pine Tree staff member has 14 years of legal aid experience, ensuring that program services can be delivered efficiently and effectively. Pine Tree is committed to strong support and mentoring of its entire staff, and relies on its existing managers in local offices, as well as its Director of Training and Litigation, to provide this support. To strengthen the quality of service, Pine Tree offers ongoing in-house training and supports staff participation in external CLE programs. Pine Tree advocates are encouraged to develop effective working relations with community organizations and client groups in their service areas and to pursue issues of special interest that will strengthen their ability to serve our clients. Pine Tree staff also represent Maine in national endeavors, which recently included service on the American Bar Association Commission on Homelessness and Poverty, an advisory committee

for the National Center for State Courts, and participation in civil justice symposiums organized by the American Academy of Arts and Sciences and the Department of Justice.

Pine Tree has been a recipient of MCLSF funding since 1998 when the Fund first became available to support civil legal services to low-income and needy individuals.

Types of cases handled in 2015

While the database for calendar 2015 is still being finalized, Pine Tree Legal Assistance handled a minimum of 7,547 individual cases. MCLSF provided partial funding support for all of these cases, because it is general funding and augments the more limited support available from other funders. In addition, Pine Tree uses a small portion of its MCLSF award to handle high priority cases that cannot be accepted with Pine Tree's other funding.

Law Category	Cases handled with MCLSF & other funding	Cases handled with only MCLSF funds
Consumer	1,084	52
Education	285	6
Employment (includes tax issues)	326	10
Family Law (includes domestic violence and sexual assault)	735	6
Juvenile	42	1
Health (includes Maine Care eligibility)	142	13
Housing (includes foreclosure)	4,293	207
Government Benefits	505	19
Individual Rights (includes trafficking)	63	9
Miscellaneous (includes tribal law, probate matters)	72	3
Total cases handled	7,547	326

Number of people served as a result of MCLSF funding

A minimum of 18,608 individuals (including 7,295 children) were directly impacted by individual legal advocacy in Pine Tree cases handled in 2015. These cases involved families living in all 16 Maine counties, and a total of 518 Maine communities around the State. Pine Tree staff attorneys also appeared in all 29 District Court locations around the State, reflecting the program's commitment to local representation.

In addition, MCLSF supports other core activities that advance the goal of justice and strengthen our civil legal system in Maine. While the program database for these services is still being finalized, we know that this work included:

- more than 4,660 individuals (including service provider staff, low-income individuals and the general public) who were trained by Pine Tree staff during a wide range of presentations and programs around the state;

- the distribution of 3,282 "hard copies" of self-help materials or other legal education tools created by Pine Tree;
- Consultations with more than 5,100 low-income individuals who received legal information and other referral resources to address their issue.

Pine Tree's popular websites (www.ptla.org, www.kidslegal.org, www.helpmelaw.org, and www.statesidelegal.org) continued to provide important legal information and self-help tools to people in Maine and around the country. **The volume of traffic to Pine Tree websites dwarfs that of most legal aid programs**, including:

- 4.2 million "page views" of website content in 2015;
- 2.16 million "unique visitors" to the websites (a 25% increase above 2014 levels).

Between May and December 2015, Pine Tree's new "find legal help" triage tool at https://ptla.org/triage/me_triage was used more than 7,000 times. Designed as a series of questions to help visitors pinpoint their legal issue, the tool produces information specific for a wide array of legal needs (e.g. what to do first, where to seek help, what online information addresses their issue and, in certain cases, how to apply online for legal assistance.) The largest category of use related to family law, followed by housing and consumer/debt issues.

In 2015, Pine Tree also launched two innovative projects involving medical/legal collaborations with special foundation support. One is located in Lewiston and is designed to address lead paint problems; the other is based at Togus VAMC and is designed to help veterans.

Demographic information about people served because of MCLSF funding

Pine Tree's "typical" client for representation in 2015 was a single parent household with at least one minor child and an average household income of $17,500 (slightly above the federal poverty guidelines), although Pine Tree's statewide service area and role as a "first resort/last resort" provider ensured that a broad cross section of Maine people received help from the program in 2015. Several important characteristics defined the clients served in 2015:

- 47% of all client households included a child;
- 44% of all client households included at least one person with a disability;
- 22% of all client households were headed by a single parent;
- 12% of all client households involved racial or ethnic minority populations (especially African-Americans and Native Americans)'
- 12 % of clients were age 60 or older;
- 10% of client households included a veteran or current service member;
- 9% of clients were under the age of 24;
- 9% of clients were victims of domestic violence or sexual assault;
- 5% of clients were immigrants with limited English proficiency.

These totals do not reflect people served in ways other than individualized legal service. For instance, the tiny staff of the Migrant Farmworker Unit continued to conduct outreach to migrant workers in Maine in order to ensure that the workers understood their legal rights and

how to access help if needed. In 2015, 605 workers received legal information or consultations during outreach to 81 different labor camps through Maine. As part of that outreach, Pine Tree distributed more than 1,300 legal aid packets (in English, Spanish or Haitian Creole) that have been designed for migrant farmworkers. In 2015, these included an innovative Harvest Calendar (that combines easy-to use legal information with a calendar suitable for recording work hours), newspapers addressing the legal rights of H-2A workers and information for victims of sexual assault or domestic violence.

Pine Tree's Native American Unit is staffed by Penobscot Nation tribal member Sherri Mitchell, who is only the second Penobscot Nation woman to be admitted to the practice of law in Maine. Together with staff in the Presque Isle and Machias offices, she conducted regular outreach to all of Maine's tribal communities, allowing Pine Tree to provide much more responsive services to low-income members of the Penobscot Indian Nation, Passamaquoddy Tribe, Houlton Band of Maliseets, and Aroostook Band of Micmacs. Pine Tree also distributed 2,400 copies of its legal newsletter Wabanaki Legal News to tribal members and organizations in 2015.

Geographic area served because of MCLSF funding

As noted earlier, cases handled by Pine Tree in 2015 involved residents of 518 Maine towns and communities. Pine Tree also handled some cases for individuals whose legal difficulties arose in Maine but who were not permanent residents. Many of these matters involved seasonal agricultural workers; others were cases referred to Pine Tree on behalf of former Maine residents. The following table reflects the allocation of cases on a countywide basis during 2015.

County	Total cases supported with MCLSF and other funding	MCLSF cases only
Androscoggin	836	26
Aroostook	493	20
Cumberland	1,480	78
Franklin	80	4
Hancock	196	9
Kennebec	684	56
Knox	92	10
Lincoln	101	2
Oxford	181	8
Penobscot	597	36
Piscataquis	43	2
Sagadahoc	146	7
Somerset	150	6
Waldo	98	6
Washington	287	14
York	819	38

Status of matters handled (including whether they are complete or still open)

In CY 2015, Pine Tree opened a total of 6,550 new matters and continued to work on 997 complex legal proceedings that were open around the State at the beginning of the year. While the database for 2015 is still being reviewed, current information indicates that Pine Tree completed work on a minimum of 6,267 cases during the year.

Of this total, 38% of all cases were resolved with full legal representation, **one of the highest ratios for a full service legal aid provider anywhere in the United States.** Moreover, in the 2,418 cases receiving full legal representation, 97% of the cases were resolved in a way favorable to the Pine Tree client.

Relationship of services to MCLSF proposal

The actual number of cases handled in whole or in part with MCLSF funding was below that originally proposed in the 2014-2015 application as a result of reduced funding. (Pine Tree had sought an increase in its MCLSF funding to $950,000/year to compensate for other general funding losses. However, the formula was not increased and actual MCLSF revenue to Pine Tree in calendar 2015 was roughly one-third below the requested level.)

However, Pine Tree did exceed its application target of 34% in providing full legal representation to individuals accepted as a program clients. Handling a case to completion (rather than just providing advice to the client on how to represent himself or herself) is more time-intensive and reduces the total volume of cases handled by the program. However, the outcome of full representation cases is obviously more significant for affected clients, assuring that their legal obstacle has been confronted and resolved. Full representation is especially important for Pine Tree clients, because many barriers (including disability, transportation issues, language, and educational levels) make it difficult for them to advocate effectively for themselves. As noted above, Pine Tree won 97% of the cases that received full representation.

As noted in the 2015-15 application, Pine Tree continues to use outcome measures to track the actual impact of legal representation in client lives, demonstrating remarkable achievements for the individuals whose cases could be accepted by the program:

- **Pine Tree's legal advocacy has already documented the restoration/return of over $9.3 million to Maine families as a result of enforcement of legal protections/remedies for Pine Tree clients in 2015.** (As the 2015 data entry is finalized, this number may increase.)

- This total includes family law advocacy that secured over $1 million in ongoing annual income from alimony and child support and the proper allocation of over $2.2 million in debt or property for program clients who were primarily victims of domestic violence or sexual assault. It also includes ongoing annual revenue or government benefits equivalent to over $2.1 million for low-income Maine families (including veterans who were homeless or at risk of homelessness.)

- Pine Tree also tracks non-monetary outcome measures. This data documented the program's effectiveness in securing court ordered protection from abuse or harassment for 428 victims, court orders allowing the victim to stay in the family home in 200 cases, 54 cases securing needed educational services for low-income students, 32 cases enforcing laws protecting individual rights or barring discrimination; and 8 cases protecting students from dating violence.

- More than 1,000 families received legal help that secured more time for them to find alternative housing before they became homeless, potentially saving the state more than $1.4 million in emergency shelter costs (assuming a low $50/day cost for emergency shelter).

Consistent with the 2015-2015 application, some MCLSF funding was used to maintain and update the Pine Tree library of legal education materials and self-help tools on program websites. As legal aid resources shrink, access to accurate legal education materials written at a 6th grade reading level, as well as other self-help tools and forms, has become even more essential. The Pine Tree websites remain a unique resource in Maine and continue to grow in popularity:

- Our flagship website at www.ptla.org drew 1,466,440 unique visitors (a 34% increase above 2014 levels) and more than 2.9 million page views of information;

- www.statesidelegal.org is a national website providing legal information and legal resource referrals for veteran and military households around the United States: it drew over 467,000 unique visitors in 2015 and close to a million page views of content.

- www.kidslegal.org was also a popular resource for families and others working with low-income children and youth, drawing 206,183 unique visitors and over 274,000 page views of information;

- www.helpmelaw.org serves as a clearinghouse website for several legal aid providers and nonprofits in Maine; it recorded over 45,000 page views in 2015;

Outcome measurements used to determine compliance

Pine Tree Legal Assistance has a variety of systems in place to determine compliance with funder requirements and to insure the provision of high quality legal services.

- Pine Tree Legal Assistance tracks demographic information (including eligibility data) and other relevant case data in a sophisticated computerized case management system, Legal Files, which is also utilized by the Legal Services for the Elderly, Maine Volunteer Lawyers Project, Cumberland Legal Aid Clinic and Immigrant Legal Advocacy Project. The program identifies the primary funding code that supports each case as it is opened and includes a timekeeping function. The program also tracks the level of service provided and the outcome of each individual case handled by its staff in order to determine the program's rate of success in advocating for low-income Mainers, as reported above.

- All Pine Tree staff track 100% of their work time according to the cases or projects on which they are working. Time spent on individual cases, as well as on training events and all other work activities, is recorded and forms the basis for the cost allocation system by which specific funding sources (including MCLSF) are identified with particular cases or types of legal work. Analysis of time records also allows Pine Tree managers to work with staff on ways to strengthen services in individual cases.

- All Pine Tree Legal Assistance staff are subject to internal "Standards of Practice" designed to insure the quality of all legal services provided to low-income Mainers, in addition to other professional standards governing their work.

- Pine Tree has voluntarily adopted rigorous anti-fraud and risk prevention measures to protect funder investments in its operations. Annual audits are consistently "clean" and confirm that the program's financial operations are operated with integrity.

- Pine Tree Legal Assistance is one of six Maine nonprofits meeting the Better Business Bureau standards for charitable accountability. **It is the only Maine legal aid provider and one of only 25 Maine nonprofits to earn GuideStar's highest rating** – the Gold Star for transparency and accountability.

Information regarding unmet and underserved needs

Pine Tree's unique role as a full-service general legal aid provider in Maine makes it especially difficult to quantify the extent of unmet and underserved legal need in the State.

Legal needs studies consistently find that low-income families experience at least one civil legal problem each year for which legal aid support is needed. According to U.S. Census projections, roughly 75,000 Maine families were living at or below the federal poverty line in 2013 and an additional 100,000 Maine families were living at or below 200% of the federal poverty guidelines (making them potentially eligible for Pine Tree services.) **Collectively, they represent a potential demand for 175,000 civil legal cases/year.**

Voicemail traffic and other data suggest that actual demand for legal help at Pine Tree averages 50,000 requests/year, while the program is only able to accept 6,000 – 7,000 new cases/year. While Pine Tree has been able to provide full representation in over 2,000 cases/year, experience suggests that most of the remaining 5,000 client households receiving a lower level of service could have benefited from full representation if the program had capacity to do so. Because of recent funding challenges, three of Pine Tree's six field offices (Presque Isle, Machias and Augusta) have only one full-time staff attorney available to handle general legal needs in their service areas.

In addition, many families face multiple legal challenges and would benefit from a holistic approach that addressed and resolved all of their pending problems at one time, allowing the family to move forward. In many cases, the families are unaware that relatively simple legal interventions could help resolve a problem they face (such as problems their children are having

in school, harassment by debt collectors, or unsafe housing.) In 2015, 16% of Pine Tree's client households received help with more than one legal need; information suggests that the percentage of those who actually could benefit from that help is much larger. At one time, special funding allowed Pine Tree staff to conduct "legal check-ups" with all of their clients as a way to proactively identify and resolve problems that were not yet at crisis proportions. If funding allowed, this approach would undoubtedly allow more low-income households to achieve lasting stability.

Because of their experience and legal expertise, Pine Tree staff are valued trainers and partners on local, state and national initiatives, both in providing technical support and information and in facilitating connections between other stakeholders in the civil justice system. Pine Tree cannot always accept these requests because of the existing caseload demands on its small staff.

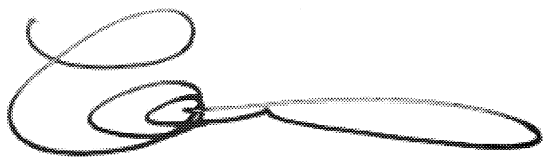
Finally, there is increasing recognition of the ways in which individual legal aid services can contribute to systemic changes benefitting a wide range of vulnerable client populations or addressing widespread social or environmental problems. For instance, national evidence confirms the value of the medical/legal collaboration approach to improving health by using legal strategies to address health-harming social and environment factors, but Pine Tree has had only limited success in expanding this best practice statewide.

However, because of its strong infrastructure, Pine Tree is positioned to fully utilize any additional funding in the most effective way possible.

Conclusion

Every Pine Tree office (Presque Isle, Bangor, Machias, Augusta, Lewiston, and Portland) has been supported with MCLSF funding in the past year. Because of Pine Tree's ongoing investment of MCLSF resources in Internet-based services, individuals all over the State who have access to their public library or school's computers can get easy-to-use information about legal rights and responsibilities under Maine law. Poor Mainers from Fort Kent to Kittery and from Oquossoc to Eastport have a better opportunity to receive justice today, thanks to the continuing services made possible from the Maine Civil Legal Services Fund.

Respectfully submitted,



Nan Heald, Executive Director
Pine Tree Legal Assistance
PO Box 547 Portland ME 04112

YORK COUNTY COMMUNITY ACTION CORPORATION

To: Maine Civil Legal Services Fund Commission
From: The Access to Justice Program
Date: January 15, 2016
Re: Maine Civil Legal Services Fund Annual Report
January – December 2015

Overview of the Access to Justice Program:

York County Community Action Corporation's *Access to Justice Program* provides assistance to self-represented litigants in family law matters, with the goal of assuring that these individuals have the information, assistance, and advocacy required to ensure a positive and productive experience with the judicial system, and that they are connected to other resources as needed to promote family and/or economic stability. The *Access to Justice Program* is comprised of two staff members, Legal Advocates, who are available to assist with court paperwork and to explain the court procedures for divorce, parental rights, post-judgment motions, guardianship, and other family law related matters. Services are provided eight hours a week primarily in our Sanford office, with time spent in our Biddeford or Kittery offices as needed. If required, a home visit is scheduled. Our Legal Advocates assist individuals in filling out forms, notarizes and makes copies for them, and explains the various ways in which service may be accomplished on the opposing party. Individuals are given directions about filing the paperwork, how long to expect to wait for a hearing, and what to expect when they go to court. If mediation is required, the Legal Advocates explain the role of a mediator, how the mediation will be conducted, and how individuals should prepare themselves. The Legal Advocates are also available for follow-up questions as the case proceeds. YCCAC's Executive Director is an attorney, with experience in family law, and she serves as a resource for the Legal Advocates.

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LOCAL 207 324-5762 • TOLL FREE 1 800 965-5762 • FAX 207 490-5026 • TTY 207 490-1078

Program Report:

As a result of funding received from the Maine Civil Legal Services Fund Commission, services were provided to 884 unduplicated clients, during 1378 office visits or phone calls. Of note:

* Approximately 30% were office visits to complete court paperwork or to explain court procedures.

* The remainder were phone calls to complete paperwork, explain procedures, assist with additional motions, discuss rights and responsibilities, or provide information and referral.

* A significant percentage of queries pertain to divorce or parental rights; other topics include guardianship, post judgment motions, and small claims.

* 26%, or 358 individuals, were referred *by* the Courts, Pine Tree Legal, Cumberland Legal Aid, VLP, or attorneys. The remainder were referred by YCCAC staff, other providers such as DHHS, York County Shelter, Sweetser, Maine Behavioral Health and Caring Unlimited, or clients via word of mouth.

* 128 individuals, or approximately 10%, were referred *to* civil legal services providers such as Pine Tree Legal Assistance, Legal Services for the Elderly, Cumberland Legal Aid, other attorneys, etc.

* 78% of those clients coming for office visits had incomes equal to or less than 125% of the Federal Poverty Guidelines.

Geographic Area Served:

ACTON	35	BUXTON	15	KENN'PORT	4	NEWFIELD	43	SANFORD	364
ALFRED	54	CORNISH	18	KITTERY	52	NO.BERWICK	30	SHAPLEIGH	30
ARUNDEL	15	DAYTON	3	LEBANON	50	OGUNQUIT	1	SO.BERWICK	31
BERWICK	44	ELIOT	33	LIMERICK	11	OOB	28	WATERBORO	60
BIDDEFORD	117	HOLLIS	9	LIMINGTON	22	PARSONSFIELD	15	WELLS	38
		KENNEBUNK	41	LYMAN	20	SACO	37	YORK	36

OTHER MAINE TOWNS 28 OTHER STATES 76

TOTAL: 884 UNDUPLICATED CLIENTS 1378 OFFICE VISITS OR PHONE CALLS

Evaluation and Outcome Measurement:

As stated in YCCAC's proposal to the Civil Legal Services Fund Commission, the *Access to Justice Program* is small, but the outcomes can be significant. Some of the legal problems confronted by low-income individuals do not require the direct services of an attorney, which they usually cannot afford, but can be resolved by assistance with paperwork and education about legal procedures and the legal system.

The goal of the program is to *assure that these individuals have the information, assistance, and advocacy needed to ensure a positive experience with the judicial system, and that they are connected to other resources as needed to promote family and economic stability.*

Objective: The *Access to Justice Program* will provide 975 low-income York County individuals with *pro se* assistance in family law matters, including referrals to attorneys as required, and advocacy throughout the process. *During 2015, 884 unduplicated individuals were provided assistance, including 128 referrals to legal services providers, and 59 referrals to other agencies or resources. We served fewer individuals than anticipated due to funding that was less than originally projected.*

Anticipated Outcomes:

(1) Individuals provided services will be adequately prepared to represent themselves in court or to negotiate a settlement through mediation.

One method to measure this outcome is to survey the Clerks of Court regarding adequacy of client preparation to represent themselves in court, and we do this biannually. In the fall of 2015, we received the following responses:

"Referrals to York County Community Action saves a lot of clerk time.....helps the clients since we can not give legal advice." " Incomplete paperwork is the most recurring problem with pro se clients who have not had any assistance." "It is a huge help to be able to refer pro se clients to someone else.":"We are very confident that clients will receive proper support and advocacy when we refer them to York County Community Action."

Another method is to survey a sample of clients regarding their experience with the judicial system, that is, whether the information and support received helped them achieve a positive outcome. In the fall of 2014, staff forwarded a survey to fifty-eight individuals who had received services through the Access to Justice Program in 2013, and twenty-two were returned. All but two believed that they were adequately prepared to represent themselves through the various court processes (i.e. case management conferences, mediation or hearings), and all but one stated that the court clerks were satisfied with their paperwork. Sixteen respondents stated that they had achieved the goal for which they went to court (e.g. a grandparent granted guardianship of two grandsons in unsafe situation, or an increase in child support granted); two achieved a mediated goal that was satisfactory; and four believed that their children are safer than they were prior to the court appearance. Seventeen stated that they had more knowledge of the court system and of their rights, which in turn gave them more confidence that they could proceed without the assistance of an attorney.

(2) Individuals provided services will be connected to a comprehensive network of other programs and resources as needed.

128 individuals were referred to a legal services provider, and an additional 59 were referred to a wide range of other resources and services, e.g. Caring Unlimited, DHHS, Social Security, Southern Maine Agency on Aging, and the myriad of programs and services offered through York County Community Action.

Unmet and underserved needs:

York County Community Action's *Access to Justice Program* occupies a unique niche in the broad network of civil legal services. Very low-income persons who are in need of legal assistance for family law matters often do not have money to hire attorneys, and therefore either do not seek help or else they burden an already overloaded court system with improperly completed paperwork. Moreover, some of the legal problems confronted by the poor do not require the direct services of an attorney, but can be resolved by assistance with paperwork and education about legal procedures. Even when the legal issues are not particularly complicated, people with literacy challenges find navigating the system to be daunting at best, and, for some, too difficult without assistance. Our goal is to ensure that people who are representing themselves fully understand how the court works and that they receive all the assistance they require with paperwork.

That said, we know that in an ideal world attorneys would be available to all who need them, and we know that each one of the legal service providers struggles daily with the challenge of balancing limited resources and the ever present legal needs of our poorest and most vulnerable Maine citizens. ***It is worth noting that, as the number of people representing themselves in court increases, and stakeholders are exploring solutions to this dilemma, there are community-based resources that can be effectively and efficiently leveraged at community action agencies and other non-profits.***

A) **Attorney representation**, especially pertaining to family law, continues to be an unmet/underserved need. There are simply not enough *pro bono* attorneys for cases that require attorney representation. Cases stall, or clients give up because they cannot proceed further. One solution might be consideration of an expanded role for legal advocates in the court procedures.

B) **Legal advocates**: Persons living in poverty have great need of better understanding of their rights and responsibilities, our system of law and justice, and the means of working with that system. At present, advocates from domestic violence programs provide a crucial role supporting their clients through the court process for a Protection from Abuse Order. More advocates should be allowed into the court as support for clients who cannot always understand what is going on, when or if they should speak, and what exactly the judge is asking. This could be not only in Family Law but in Small Claims, Disclosures, and Forcible Entry and Detainers. At present, most attorneys are pleased when an advocate sits with their client at a mediation; it often helps keep emotions from flaring and issues clarified. Unfortunately, advocates are not typically allowed at hearings, and if they are, they have no voice. An advocate is usually well-informed and could be of valuable assistance to the Judge when the client loses his or her way because of stress and intimidation. ***The recent report by the Family Division Task Force on the decreasing resources for pro se litigants in family matters comments that the Maine family court system needs more judges and clerks. While that is certainly important, we suggest that a lower cost resource would be investment in additional Legal Advocates.***

C) Another serious unmet need relates to clients who must represent themselves at a trial. In front of a judge, the Rules of Civil Procedure must be followed. When one side is *pro se* and the other side has an attorney, the self-represented individual is disadvantaged in a number of ways. They do not know how to prepare for court, questions to ask, how to subpoena witnesses, how to prepare exhibits, and how to testify. They can be overwhelmed or easily cut off by an attorney, and justice is not served. Going to trial is difficult under any circumstances, but being unprepared is a serious liability on the day of trial. When both parties are self-represented, they are still expected to follow the rules, but often the judges can be more lenient.

It would be helpful if a small booklet could be available, in simple and clear language, which details how to prepare for a trial. It could also provide guidance on conduct in

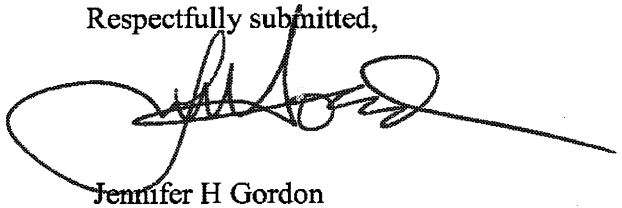
court and proper ways to give testimonies and ask questions of witnesses.

D) Finally, an issue which the court cannot address, but which impacts many low-income clients, is transportation. Many clients miss court dates because their car breaks down, they don't have the money for gasoline, a friend fails to pick them up as promised, and so forth. This is a great barrier to access to justice.

Conclusion:

On behalf of York County Community Action Corporation's *Access to Justice Program*, we thank you for your support through 2015. Unfortunately, our Request for Funding for 2016/2017 was unsuccessful as the Commissioners decided that our program did not meet the eligibility requirements under the Rules and discontinued our funding. As a result, after offering Legal Advocate services for sixteen years, we will no longer be offering phone or office support to households with Family Law Matters.

Respectfully submitted,



Jennifer H Gordon
Director of Housing Counseling and Education