Maine Civil Legal Services Fund Commission

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Maine Civil Legal Services Fund Commission

Report to the Joint Standing Committee on the Judiciary

130th Legislature, First Regular Session

February 4, 2021

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MAINE CIVIL LEGAL SERVICES FUND COMMISSION

February 4, 2021

Anne Carney, Senate Chair
Thomas Harnett, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, Maine 04333-0100

RE: 2020 Report of the Maine Civil Legal Services Fund Commission

Dear Senator Carney and Representative Harnett:

I am pleased to submit the 2020 Annual Report of the Maine Civil Legal Services Fund Commission to the Joint Standing Committee on Judiciary, as required by 4 MRSA §18-A.

Paul R. Dumas, Jr., Sara A. Murphy, and I were the three Commissioners who oversaw the Maine Civil Legal Services Fund during this period.

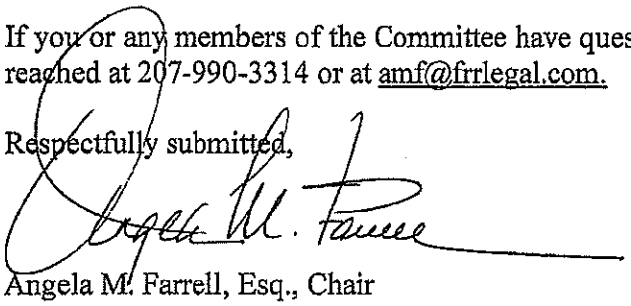
The Annual Report includes information about the amounts and uses of the funds allocated from the Fund. This compilation includes a report from each of the seven organizations receiving these funds. The total amount distributed in 2020 was $1,134,414.49. This was $132,095.23 less than the amount distributed in 2019. The distributions in 2020 were made according to the following formula and in the following amounts:

Organizations Receiving Funds from Maine Civil Legal Services Fund	**% Share of Allocation**	**Amount Received ($)**
Cumberland Legal Aid Clinic	6.5000	73,736.94
Disability Rights Maine	3.0000	34,032.43
Immigrant Legal Advocacy Project	6.0000	68,064.87
Legal Services for the Elderly	22.0000	249,571.19
Maine Equal Justice Partners	10.5000	119,113.52
Pine Tree Legal Assistance	47.5000	538,846.88
Volunteer Lawyers Project	4.5000	51,048.65
Total	**100.0000**	1,134,414.49

The Maine Civil Legal Services Fund plays a critical role in funding access to justice for residents of Maine who are low income, elderly, and/or have a disability. As Commissioners, we will continue to monitor the good work performed by these organizations in order 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 MRSA §18-A. On behalf of all persons who benefit from this Fund, we thank you for your support.

If you or any members of the Committee have questions, please feel free to contact me. I can be reached at 207-990-3314 or at amf@frrlegal.com.

Respectfully submitted,



Angela M. Farrell, Esq., Chair
Maine Civil Legal Services Fund Commission

Enclosure

cc: Sara A. Murphy, Esq., Commissioner
Paul R. Dumas, Esq., Commissioner

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MAINE LAW
UNIVERSITY OF MAINE SCHOOL OF LAW

Cumberland Legal Aid Clinic

2020 ANNUAL REPORT TO THE MAINE CIVIL LEGAL SERVICES FUND COMMISSION AND THE JOINT STANDING COMMITTEE ON THE JUDICIARY

The Cumberland Legal Aid Clinic of the University of Maine School of Law ("the Clinic") is pleased to submit this report on its use of the funds it received in 2020 from the Maine Civil Legal Services Fund ("the Fund" or "MCLSF").

A. Overview of the Clinic's Programs And Activities

Established in 1970 and now celebrating its 50th year, the Clinic is a program of the University of Maine School of Law in which second- and third-year law students, specially licensed to practice under court and agency rules, provide free legal services to low-income individuals in Maine. Student attorneys at the Clinic work under the close supervision of Clinic faculty, who are themselves experienced members of the Maine Bar. The Clinic's mission is two-fold: educating Maine Law students through an intense clinical and mentoring experience while providing high-quality pro bono legal services to indigent Maine citizens.

The Clinic serves clients with a range of legal matters pending in state, probate, and federal courts and agencies throughout Maine. Services are provided through five distinct MCLSF-supported clinical programs: General Practice; Prisoner Assistance; Juvenile Justice; Refugee and Human Rights, and Protection From Abuse. As described in more detail below, each of these programs has a target population. Eligibility requirements for clients are somewhat different in each program, but all serve indigent clients almost exclusively.[1] Most individuals qualify for our services when (a) their household gross income falls within our financial guidelines, (b) the court or agency is within our geographic service area, and (c) we have openings for new clients.

Initial screening of clients to determine eligibility is conducted by Clinic staff. Student attorneys complete the intake process, and cases are accepted only after faculty approval. Because our resources are very limited, the Clinic cannot accept every case that meets our eligibility requirements. Other considerations given priority in accepting a case are (a) the acuteness of a client's need, (b) the availability of alternative sources of legal services or assistance, (c) the Clinic's ability to provide quality representation, (d) the amount of financial and other resources required to represent the client in the matter, and (e) the educational value of the case.

A total of forty-nine students enrolled in Clinic courses during the spring and fall semesters in 2020. During the summer, the Clinic hired six law students as full-time interns, one student as a full-time fellow doing policy development work in the area of juvenile justice as well as direct representation of clients, and two students as a part-time fellows doing working on policy and outreach projects. As a result, the Clinic was able to provide much-needed representation to individuals on a year-round basis.

[1] As a general matter, the Clinic provides assistance to low-income residents of Maine, defined as those receiving needs-based public benefits or having an adjusted income under 125% of the Federal Poverty Level.

The **General Practice Clinic** is a six-credit course and enrolls up to twelve law students, each of whom represents between four to eight clients over the course of a semester. This program provides full representation to low-income Mainers in a broad range of litigation-related matters at both the trial and appellate levels. The majority of cases involve family law and domestic matters, but student attorneys also work on state and federal cases involving consumer, criminal, juvenile, probate, administrative, and miscellaneous civil issues. Priority for representation by the General Practice Clinic is given to (a) clients with whom we have worked in the Protection from Abuse Project and other limited-representation programs of the Clinic, (b) referrals from other legal aid providers who are unable to provide assistance, and (c) referrals from area courts and agencies who have identified litigants as having a particularly acute need for quality legal representation in their legal matters.

Through its **Prisoner Assistance Clinic**, the Clinic provides civil legal services to persons incarcerated in the Maine state prison system. This program includes six-credit course during the school year that enrolls up to five Maine Law students each semester. The program emphasizes the development of interviewing and counseling skills by delivering "unbundled" legal services (i.e., limited representation) on a wide range of issues. To meet with prisoners having civil legal matters, students in the program visit the Maine Correctional Center in Windham every week and the Southern Maine Re-Entry Center for Women, also located in Windham, as needed. The Prisoner Assistance Clinic also serves a small number of prisoners in other facilities through correspondence and telephone calls. In 2020, this clinic provided over 75 prisoners with legal information, advice, and, in some cases, full representation.

The **Juvenile Justice Clinic,** a six-credit course, enrolls up to five Maine Law students each semester. Practicing under the supervision of a Clinic faculty member, student attorneys in this program have the opportunity to work with youth in several different contexts. As well as representing children with matters pending in the Maine Juvenile Courts, they provide information and advice on a wide range of legal matters to homeless teens and young adults through an outreach program at the Preble Street Teen Center. Law students in the Juvenile Justice Clinic also benefit Maine children and youth statewide through their work on policy development with regard to such issues as the sealing of juvenile records and alternatives to incarceration.

The **Refugee and Human Rights Clinic** (RHRC), a six-credit course, provides an opportunity for Maine Law 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 many of the RHRC's clients. Those served include (a) asylum applicants who have fled human rights abuses in their home countries and are seeking refuge in the United States, (b) immigrant survivors of domestic violence, (c) immigrant victims of certain crimes, and (d) abandoned or abused children seeking legal status in the United States. In 2020, RHRC students assisted fourteen such immigrants and refugees and also participated in public education and outreach initiatives that reached dozens of other Maine residents. Among these initiatives were monthly training sessions with ILAP staff on how to apply for asylum, conducted by RHRC students using a *pro se* manual developed in collaboration with ILAP.

Maine Law students enrolled in all of the above Clinic courses or covering Clinic cases as summer interns participate in the **Protection From Abuse Project**, which receives top marks from students, courts, and clients alike. Student attorneys attend the weekly Protection From Abuse docket calls in Lewiston District Court and represent any victim-survivor of domestic or dating violence, sexual abuse, or stalking who needs representation. In 2020, through support from the Fund and the United

States Department of Justice Office of Violence Against Women, the program provided such representation to over two hundred Maine victim-survivors.

B. Specific Information Requested by the Fund Commission

The Maine Civil Legal Services Fund is a critical source of external funding for the Cumberland Legal Aid Clinic. In 2020 the Fund provided approximately 17% of the external funds received by the Clinic and nearly 9% percent of the total funds we used for our programs. While the Clinic relies on money received from the Fund for nearly all the programs described above, it depends on that funding especially for the work of the Summer Intern Program, the Prisoner Assistance Clinic, the General Practice Clinic, and the Protection from Abuse Project.[2] Thus, in 2020, resources provided by the Fund enabled the Clinic to retain two of its four full-time faculty supervisors and a part-time adjunct faculty member, provide administrative coordination for the Prisoner Assistance Clinic, and hire two of the five summer interns whose coverage of ongoing cases made it possible for us to operate throughout the year. MCLSF funds also enabled us to purchase training and research materials for our Clinic library and to cover expenses directly related to providing legal services, such as travel to court, hiring interpreters and translators, and printing, telephone, and mail. Through its funding of the Clinic, the MCLSF has supported the training of a significant cohort 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 50% of the Clinic's General Practice and Prisoner Assistance civil caseloads, or 64 cases. In addition, the Clinic handled 232 Protection from Abuse/Harassment cases for a total of 296 family-related cases last year. The family law caseload is varied. Such cases in the General Practice Clinic involve disputes regarding parental rights and responsibilities, adoption, child protection, child support, spousal support, parentage, or divorce, and minor guardianship. We also assisted teens and young adults with family law matters through the Preble Street Law Program.

Other areas of civil legal services handled in the General Practice Clinic in 2020 include foreclosure, landlord/tenant, administrative appeals, Special Immigrant Juvenile Status predicate orders for 18-20 year olds, adult guardianship, protection from harassment, real estate, recovery of unpaid wages, name change, education, wills and trusts, power of attorney, and changing gender identity markers on passport, license, birth certificate, and court documents.

The Prisoner Assistance Clinic assisted prisoners with a full range of family law questions, including divorce, annulment, adoption, child protection, de facto parents, delegation of parental rights, child support, minor guardianship, parentage matters, termination of parental rights, appeal of DHHS indication determination, and protection from abuse. One such case involved the intersection of state and tribal family law. Student attorneys in this clinic addressed a wide variety of other civil legal issues, among them eviction; trusts and wills; adult guardianship; foreclosure; conversion of property; social security disability benefits; contract claims; powers of attorney; tax issues; small claims; bankruptcy; medical malpractice; immigration; personal injury; tort claim; intellectual property; tax lien; recoupment of title; and real estate.

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[2] The Clinic does some work in the areas of criminal and juvenile law. While those clients (a total of approximately 125 cases) have not been included in the client totals for this report, some of them, particularly the juvenile clients, also had civil legal matters for which we provided assistance.

Through the Street Law Program at the Preble Street Teen Center, Maine Law students in the Juvenile Justice Clinic provided information and advice to teens and young adult on a range of civil matters. These included education rights, public benefits, housing, disability benefits, immigration, name change, emancipation, and changing gender identity markers on legal documents.

In the Refugee and Human Rights Clinic, student attorneys assisted clients with matters involving defensive asylum, bond/detention, work permits, asylum derivative/family reunification, Special Immigrant Juvenile Status, waiver of inadmissibility (Form 601), and naturalization, as well as two impact litigation cases in federal court.

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

In 2020, the Clinic provided civil legal assistance to a total of 332 individuals; for several of these clients, we provided assistance on multiple legal matters.[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 in 2020 is as follows: Androscoggin 202; Aroostook 0; Cumberland 102; Franklin 0; Hancock 1; Kennebec 3; Knox 2; Lincoln 0; Oxford 6; Penobscot 5; Sagadahoc 1; Somerset 0; Waldo 0; Washington 0; York County 6; Out of State 4.[4]

The Clinic assisted a large number of clients with Limited English Proficiency or who were born outside of the United States. During 2020, our clients' countries of origin included Angola, Brazil, Burundi, Columbia, Cuba, the Democratic Republic of the Congo, the Dominican Republic, El Salvador, Guatemala, Honduras, Iraq, Ivory Coast, Mexico, the Philippines, the Republic of Congo, Rwanda, Somalia, South Sudan, Sudan, Uganda, and Vietnam. The Clinic also assisted clients from Maine's tribes.

The Clinic also regularly 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*

The Clinic serves clients with matters pending throughout Maine. Because the legal work is performed entirely by law students enrolled in other courses in Maine Law School, the Clinic's geographic coverage in full representation matters is primarily in federal, state, and probate courts

[3] An additional 582 individuals contacted the Clinic for legal assistance last year by phone or walk-in and were provided referrals to other agencies due to their ineligibility for our assistance or a lack of available openings at the Clinic. We have excluded from our calculations three prisoners with whom the Clinic had some contact but for whom services were not provided for some reason: e.g., they were not eligible due to their case type, or they did not follow up after an initial contact, or we had to decline representation due to a conflict of interest.

[4] These numbers include clients in our Prisoner Assistance Clinic, 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.

and agencies located in Cumberland, York, Androscoggin, and Sagadahoc counties. We do, however, appear in courts in other parts of Maine as well. In 2020, we provided full representation to clients with cases in state and federal courts and agencies located in Alfred, Auburn, Bath, Biddeford, Bridgton, Ellsworth, Farmington, Lewiston, Portland (including the Maine Supreme Judicial Court and Department of Homeland Security), Skowhegan, Springvale, South Paris, Kennebunk, Machias, York, Wiscasset, West Bath, and Boston, Massachusetts. In addition, through the Prisoner Assistance Clinic, we served, on a more limited basis, clients with legal matters arising anywhere in the state, covering nearly every district court, many county probate courts, and some tribal courts.

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

The Clinic had 46 civil cases open at the start of 2020. During the year, it opened 328 new cases and closed 317. Currently, at the end of the year, the Clinic has 57 civil cases open. With the start of the new semester in January 2021, we expect to close many of these cases in the opening weeks of the year as well as take on new clients.

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 key respects with the proposal submitted in September 2019. As indicated in the Overview provided in this report, the Clinic has maintained all the programs described in that proposal. Our central focus, providing high-quality full representation to low-income individuals, has remained unchanged, and we continue to develop innovative ways to serve individuals, even during the current covid-19 pandemic.

Along with the other MCLSF recipients, we had hoped that the passage of P.L. 2019, ch. 509 "An Act to Increase Funding for Civil Legal Services," would have resulted in our program seeing an increase in funds during 2020, enabling us to expand some of our programs and serve additional clients. Unfortunately, the combination of the unexpectedly limited reach of that new law and the covid-19 pandemic resulted in a decrease of funds we received through the Fund, as well as from some other sources; we are hopeful that such trend will reverse at some point during 2021.

The dedication and creativity of the Clinic's faculty, staff, and students ensured that we were able to maintain all of our core programs throughout 2020, including in-court representation for those proceedings not conducted remotely, such as Protection from Abuse and Immigration hearings. We also expanded and enhanced our use of technology to ensure that we could continue to serve our full-representation clients and provide unbundled legal assistance to others effectively. However, there is little question but that the pandemic, and its impact on many of our partner organizations, affected our ability reach and assist as many clients as we typically serve. For example, without our regular weekly presence at the Preble Street Teen Center, we did not assist as many clients through that partnership (although we did provide telephone assistance to several who contacted us through staff referrals). The somewhat lower number of clients served did not result in any conservation of resources, however, as serving the clients we had was far more time- and resource-intensive due to the complexities and barriers presented by covid-19. We fully expect that as Maine begins to "re-open" during 2021, we will begin our return to our pre-pandemic numbers of clients served.

7. *Outcomes measurements used to determine compliance.*

The Clinic tracks data regarding its cases through the same case management system (Legal Server) used by many other legal services providers. This software enables us to review the type and volume of cases handled each year. Caseload volume usually depends on the complexity of the individual cases being handled as well as student enrollment. The latter can depend in turn on the number of Clinic faculty supervisors available, the degree of student interest, and overall enrollment in the Law School. Faculty supervisor approval is required for every case acceptance, ensuring that the case falls within the Clinic's relevant parameters, which include measurements set to ensure compliance with our 2019 proposal to the Commission.

The Clinic employs specific evaluation mechanisms to ensure both the high quality of the representation we provide to our clients and also the benefit that students receive from their experience working in the Clinic. Faculty supervisors accompany students to every court appearance. All incoming mail and every phone message is routed to the student's faculty supervisor, and no text (e.g., letter, e-mail, or court filing) can be printed, faxed, or mailed without the supervisor's written approval. Since the students are participating in an academic program for which they receive a final grade, every aspect of their work is subject to evaluation as well as supervision by faculty.

As an educational program, the Clinic is subject to ongoing evaluations conducted in the Law School and the University, including extensive evaluations of members of our faculty. In addition, the Clinic regularly contacts the judges, clerks, and social service providers who work with our program to solicit their feedback. All clients served receive a questionnaire when their case is closed, and completed questionnaires are reviewed by the relevant student attorneys and faculty supervisors and the Clinic Director. While response rate to these exit questionnaires is not high, those clients who do respond nearly always give warm praise to the work performed by students and express deep appreciation for the assistance they received from the Clinic. Also, all students enrolled in Clinic courses are asked to complete detailed evaluations of the Clinic and of their experiences working there.

An important measure of the success of the Clinic's programs is our students' career choices after they graduate. Recent Maine Law graduates who participated in Clinic programs have taken positions with Catholic Charities, Disability Rights Maine, the Maine Legislature, the American Civil Liberties Union of Maine, Maine Legal Services for the Elderly, Pine Tree Legal Assistance, the U.S. Department of Homeland Security and Department of Justice, and Judge Advocate General programs as well as positions in the state and federal courts, county prosecutors' offices, and the Office of the Attorney General. Other recent Maine Law graduates associated with the Clinic 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 to accept court appointments in the areas of child protection, juvenile defense, or criminal defense. Several Clinic 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 hundreds of calls from individuals seeking legal assistance every year and also receives many referrals from courts and agencies. Because the number of low-income Maine residents who need our help greatly exceeds our program's capacity, the Clinic designates certain priorities for case acceptance. Thus, in assessing eligibility, we give priority to those potential clients who would otherwise have particular difficulty representing themselves due, for example, to language barriers, immigration status, mental illness or other disability, a 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, such as complex family law matters with issues of family violence, substance abuse, mental illness, or conflicting jurisdiction. The Clinic makes every effort to accommodate referrals from courts and other organizations that have identified specific individuals who would benefit from our assistance, particularly where this is due to the limitations of other legal aid programs. Because a number of our programs provide a broad range of assistance to many people, for example, at the Preble Street Law Project, through the Protection from Abuse Program, and through the Prisoner Assistance Clinic, we are able to identify individuals with a particular need for extensive legal assistance, thus ensuring that our resources are allocated to those for whom the need for such assistance is most acute.

C. Conclusion

The Clinic must rely on external sources of funding to continue its work. State funding for higher education in Maine has been limited for years, and the covid-19 pandemic has had a substantial, negative impact on the University of Maine System's budget. The faculty, staff, and students of the Cumberland Legal Aid Clinic join me in expressing our appreciation of the Maine Civil Legal Services Fund for its continued support of our programs. Without that support, particularly during the crisis of the past year, we would be severely restricted in our ability to pursue the Clinic's double mission of providing much-needed legal services to chronically underserved populations in Maine while educating the next generation of attorneys. The Fund is an especially valuable source of support in enabling the Clinic not only to continue its legal aid work at current levels but to explore and develop ways to pursue that mission even more effectively and extensively.

We would be happy to answer any questions or supply any additional information that is requested.

Respectfully submitted,

Deirdre M. Smith
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DISABILITY
RIGHTS
MAINE

DISABILITY RIGHTS MAINE
2020 ANNUAL REPORT TO THE
MAINE CIVIL LEGAL SERVICES FUND COMMISSION
JANUARY 15, 2021

Disability Rights Maine (DRM) is Maine's statewide protection and advocacy agency (P&A) for people with disabilities. Incorporated in 1977 as a private, nonprofit corporation, DRM's mission is to advance and enforce the rights of people with disabilities throughout the state. DRM currently employs 40 people, 14 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 a nationwide network of federally funded and mandated disability rights Protection & Advocacy agencies (P&As). P&As are the largest providers of legally based advocacy and 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 8 federal grants (described in Appendix A), four state contracts with the Department of Health and Human Services, one contract with the 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 and half an attorney for patients at Riverview Psychiatric Center and an attorney for patients at Dorothea Dix Psychiatric Center. Another state contract provides for Developmental Services Advocacy (DSA) which replaced an internal state advocacy program. DRM agreed to take over that program with three

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

In 2015, DRM also assumed the contractual duties and responsibilities of the former Maine Center on Deafness. DRM provides Peer Support services to individuals who are Deaf, Hard of Hearing or Late–Deafened and who have an intellectual disability. DRM administers the Telecommunications Equipment Program (TEP), a federal and state funded program that provides no cost 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 communications. DRM also provides advocacy services to Deaf, hard-of-hearing and late-deafened persons in the areas of employment, education, legal aid, health care, social services, finance, housing and other personal assistance. No attorney is currently employed under that 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 and Late Deafened individuals under a contract with Telecommunications Relay Services Council. As a result of the contract with Sprint, 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 investigates and monitors representative payees for the Social Security Administration. The Protection and Advocacy Program for Beneficiaries of Representative Payees monitors, investigates, and reviews representative payees to prevent and detect financial exploitation or misuse of an individual's benefits and may advocate on behalf of beneficiaries to ensure that their needs are being met.

This year, DRM became the designated agency for the Client Assistance Program (CAP), as the prior CAP agency, C.A.R.E.S., Inc., withdrew. The purpose of the CAP is to advise and inform applicants and individuals eligible for services and benefits available under the Rehabilitation Act of 1973 (Rehabilitation Act), as amended by the Workforce Innovation and Opportunity Act (WIOA), and Title I of the Americans with Disabilities Act of 1990 (ADA), including students with disabilities. In addition, applicants and eligible individuals may be provided advocacy and representation to ensure their rights in whatever projects, programs, or services they are involved with to protect their rights provided under the Rehabilitation Act, especially those who have traditionally been unserved or underserved by the vocational rehabilitation program, with respect to services that are directly related to facilitating the employment for applicants or eligible individuals.

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 adheres to strict priorities because the need is so great and the volume is so high. They prioritize assisting children with severe disabilities who are being excluded from school or being restrained or secluded in school. DRM also has a transition priority because so many children with disabilities either graduate from high school or age out of the children's system with little or no prospect for employment.

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 2019, DRM applied for funds to hire a full time attorney and was awarded 3 % of the Fund. In 2020, DRM received $33,950.07from the Fund.

DRM uses 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. 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 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. Federal funding has been stagnant and has not kept pace with inflation and DRM is faced with a challenging future.

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

Appendix B includes a sampling of the types of cases DRM attorneys handled during 2020 for indigent Mainers. Because the amount of the award did not allow DRM to hire a full time attorney, the Fund award was 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 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, individuals with disabilities who want to live in a community of their choosing, or those having trouble accessing government services or public accommodations, 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 2020 are listed below:**

Case Problem Area[1] (Based on Total # of Active SRs[2]):

[1] The number of cases does not include cases handled under our state mental health grant for people in the state hospitals

[2] SR stands for Service Request or case

Abuse, Neglect and Other Rights Violations	261
Beneficiaries of Social Security	12
Community Integration	195
Due Process	21
Education	121
Employment	30
Government Services & Public Accommodations	82
Guardianship	38
Housing	13
Vocational Rehabilitation	11
Voting	6
Total	**790**[3]

- **Number of people served;**

DRM Attorneys provided direct representation to 682 Maine citizens with disabilities, excluding citizens in state psychiatric hospitals. DRM advocacy staff provided representation to an additional 277 Maine citizens and DRM hospital advocates represented 35 Maine citizens in psychiatric hospitals. In total, DRM served 994 Maine citizens with disabilities in 2020.

Data Based on Total # of Unique Clients with Active SRs

Age:

Birth – 18	187
19 – 30	145
31 – 40	106
41 – 50	93
51 – 60	92
61 – 70	41
71 & Over	18
Total	**682**

Gender:

Female	277

[3] Some clients had more than one SR or case

Male	401
Non-Binary	4
Total	**682**

Ethnicity/Race:

Hispanic/Latino	6
American Indian/Alaskan Native	5
Asian	5
Black/African American	8
Somali	2
White	448
Two or More Races	15
Ethnicity/Race Unknown	191
Declined to Respond	2
Total	**682**

County:

Androscoggin	53
Aroostook	29
Cumberland	175
Franklin	11
Hancock	9
Kennebec	97
Knox	18
Lincoln	9
Oxford	18
Penobscot	60
Piscataquis	1
Sagadahoc	24
Somerset	46
Waldo	25
Washington	8
York	89
Out-of-State	10
Total	**682**

Disability:

Absence of Extremities	2

ADD/ADHD	4
Autism	98
Auto-Immune (Non-HIV/AIDS)	2
Blindness	9
Cerebral Palsy	21
Deaf-Blind	2
Deafness	21
Diabetes	4
Epilepsy	3
Hard of Hearing (not Deaf)	4
Heart/Other Circulatory	1
Intellectual Disability	247
Mental Illness	143
Multiple Sclerosis	1
Muscular Dystrophy	6
Neurological Impairment	12
Orthopedic/Physical Impairment	24
Respiratory Disorders	4
Skin Conditions	1
Specific Learning Disability	4
Substance Use Disorder	2
Tourette Syndrome	1
Traumatic Brain Injuries	63
Visual Impairment (not Blind)	3
Total	**682**

Income:

100% FPL	387
125% FPL	34
N/A FPL	111
Unknown	150
Total	**682**

- **Geographic area actually served**; Statewide

- **Status of matters handled, Cases for Attorneys, Excluding SMHA**
  - Active in 2020: **790**

- Opened in 2020: 535
- Closed in 2020: 448

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

DRM's 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 Fund monies to pay staff attorney salaries to represent Maine citizens living in poverty who have a disability, and not for any other expenses such as administrative costs, support staff salaries or advocate salaries. 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 process, many are direct referrals to staff or "field intakes" brought back from facilities, trainings, and outreach, and some come as "reportable events", where mandated reporters, including providers, report rights violations to the Department of Health and Human Services. After an in-depth intake interview, 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.[4] The ADA Team meets monthly. All team meetings were held using Microsoft Teams or Zoom. 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 DRM's Developmental Disabilities Team, and are usually are housed is DHHS offices. Because of the pandemic, DSA advocates

[4] The Education Team is part of the Children's Team.

worked from home, as did most DRM employees. The state contracted advocates who are ordinarily housed in the two state psychiatric institutions are part of the Mental Health Team were in the hospital part time throughout the pandemic. The privately contracted advocate who worked in a free-standing psychiatric hospital likewise mostly worked at home. Because of the pandemic, meetings between attorneys and their clients were virtual.

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's 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 engages in daily case discussions. In addition, for best practice and quality improvement, lawyers always discuss cases with and seek assistance from other lawyers in the office or who are part of the P&A network.

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 case for appropriateness of intervention, timely client contact, accuracy of data and quality 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's services including input on annual priorities. When the surveys are returned, the responses are entered into a database, the compiled results are shared quarterly with the 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.

The 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.

DRM reports to the two state hospitals and one private free standing hospital quarterly. Usually those meetings are in person, but because of the pandemic, they had to be virtual. The hospital advocates report on cases handled and discuss issues and trends they identified and provide suggestions for improvement. The Riverview Psychiatric Center advocates meet monthly with the Superintendent. The Dorothea Dix Psychiatric Center advocate meets at least quarterly with the Superintendent, and more frequently, if needed. The Acadia Hospital advocate also meets quarterly with the Administration and more frequently, if needed.

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 needs**

Unfortunately, the list of challenges for DRM this year remains similar to the list of challenges from last year. The need for our services continues to grow and grow but the funding remains flat or worse, is decreased by Congress. At best, our federal programs will be flat funded. DRM could face considerable cutbacks, while costs and demand continues 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 the legal needs of low income Maine citizens who we would otherwise turn away.

Specific needs that DRM cannot adequately address currently include:

- The Children's Advocacy Program has brought to public attention the dire state of the children's behavioral health system in Maine. Receiving necessary in home and community support and crisis services would prevent many children from being placed out of state or other institutional settings. DRM is concerned about the increasing number of children being placed out of their home and medicated, including in psychiatric hospitals and residential treatment, and out of state. *Olmstead* claims need to be filed on behalf of these kids. Residential providers seem to have adopted a technique long used by providers of adult services of criminalizing behavior that is a manifestation of the child's disability. Residential providers are calling law enforcement more and more, resulting in more children with disabilities being ensnarled in the criminal justice system and being placed in juvenile detention facilities.[5] Residential providers then refuse to take those children back and they languish in juvenile detention facilities, emergency departments, or psychiatric hospitals.

- 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 clients of their rights every day. Under the Uniform Guardianship and Protective Proceedings Act (UGPPA) which will took effect on September 1, 2019, before a judge can grant a guardianship, the judge must consider whether lesser restrictive alternatives would be appropriate, including Supported Decision Making (SDM). SDM is an alternative to guardianship that allows people with disabilities to retain their decision-making capacity by choosing supports to help them make choices. DRM is conducting SDM trainings across the state, but is unable to represent many of the individuals who would benefit from SDM.

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[5] Disability Rights Maine, Assessing the Use of Law Enforcement by Youth Residential Service Providers (August 2017), available at http://drme.org/assets/uncategorized/Law-Enforcement-08.08.17.pdf.

- DRM needs the additional capacity to explore the adequacy of court-appointed attorneys when courts threaten to terminate the parental rights of individuals with disabilities and in representing those facing criminal prosecutions who have disabilities.

- DRM remains concerned about 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 not enough interpreters in Maine particularly in Aroostook, Washington in Waldo Counties. We need interpreters in these grossly underserved regions of Maine.

- DRM needs to be able to do far more MaineCare appeals for 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 is now a member of the Juvenile Justice Advisory Group and is working with other stakeholders on this issue.

- 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, sometimes as young as 5 years old, 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. The 127th Legislature passed legislation granting DRM standing to pursue cases against public accommodations under the Maine Human Rights Act that are not accessible to people with disabilities. We are working to make Maine accessible to people with disabilities.

- 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.

- The crisis system in Maine is itself, in crisis. Crisis is the safety net for people with disabilities. Maine citizens with intellectual disabilities and autism who need a crisis bed often can't find one. Adults with mental illness are told to go to emergency departments when in crisis. Children are sent to hospital where they can languish for months. DRM is looking at ways 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 mental retardation 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, and then to Disability Rights Center (DRC). DRC became DRM in 2015. The state statute, 5 M.R.S.A. §19501 et seq., is modeled on the DD and PAIMI Acts, is 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. The 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.

8. In the 1984, Congress amended the Rehabilitation Act and created the Client Assistance Program (CAP). The CAP was established to protect the rights of

individuals with disabilities who are eligible to receive services from programs funded through the Rehabilitation Act. CAP works primarily with clients seeking or receiving services from the Vocational Rehabilitation (VR) system, as well as for individuals eligible for services from an Independent Living Center. CAP plays an important role in ensuring effective transition from school to higher education and competitive, integrated employment for children with disabilities. CAP advocacy services are vital to assisting people with disabilities re-enter or enter the workforce and receive the wide range of Rehabilitation Act services necessary to be economically self-sufficient and live more independently in the community. When people with disabilities obtain jobs, this reduces their need to remain on government benefits and helps the overall economy. CAP is funded through the U.S. Department of Education, Rehabilitation Services Administration.

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

1. 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.[6] In 2015, the DSA contract was amended adding two advocates that focus on children's behavioral health services.

2. 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

[6] DSA employs five advocates, 1 FTE is an attorney. There is currently one vacancy.

disabilities who are being excluded from school or being restrained or secluded in school. DRM has a "transition" priority because so many children with disabilities simply drop into an abyss upon graduation from high school. In an attempt to increase DRM's advocacy capacity and impact at educational planning meetings, the Education Team also provides training to case managers and DHHS staff.

3. In 2015, DRM took over the Maine Center on Deafness (MCD), a small nonprofit organization in Portland providing telecommunications equipment to and advocacy for Deaf Mainers, because of 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 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 in Maine. MCD had contracts with the Federal Communications Commission to distribute equipment to Deaf/Blind Mainers. Under a separate contract with Hamilton Relay, MCD provided outreach regarding relay services, Captel and other telecommunications equipment. The Maine Department of Health and Human Services contracted with MCD to provide peer support for adults who are Deaf and have an intellectual disability.

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 keep the MCD staff and continue to fulfill MCD's contractual duties. 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.

DRM was able to keep Deaf services alive in Maine as it added four new already underfunded service contracts with very specific deliverables. This increase in the overall budget did not adversely affect DRM's ability to provide free legal services to Maine citizens with disabilities.

Appendix B
Sample Closed Case Report 2021
Services

Development Disability/Autism/Brain Injury/Other Related Conditions

DRM Successfully Represents Client and Guardianship is Terminated

An individual with an intellectual disability contacted DRM seeking assistance in terminating her sister's guardianship and conservatorship of her. DRM determined it would represent her in the termination proceeding. The client lived in her own apartment with part-time supports, was employed, and largely made all of her own decisions with supports in place. The client's staff and case manager all believed that the client could make her own decisions with supports. The client also had a favorable psychological assessment and her doctor filled out a form indicating she did not need a guardian or a conservator. Even though it was clear that the client did not need a guardian, the guardian opposed the termination. DRM filed paperwork with the court to terminate the guardianship. Although the family member appeared at the court date and indicated opposition to the termination, she chose not to formally oppose, and the guardianship and conservatorship were terminated. The client will continue to utilize Supported Decision-Making and use her supports to make her own decisions going forward.

Guardianship/Supported Decision Making

DRM represents individuals seeking to termination guardianship. Maine enacted the Uniform Guardianship and Protective Proceedings Act (UGPPA) which will took effect on September 1, 2019. Under the UGPPA, before a judge can grant a guardianship, the judge must consider whether lesser restrictive alternatives would be appropriate, including Supported Decision Making (SDM). SDM is an alternative to guardianship that allows people with disabilities to retain their decision-making capacity by choosing supports to help them make choices. DRM actively promotes the use of SDM as an alternative to guardianship.

DRM Assists Clients and Families with Drafting SDM Agreement

- An 18-year-old man with autism and his parents contacted DRM, as they were interested in utilizing supported decision-making as an alternative to guardianship. The young man recently graduated high school and was moving out of his family home and preparing to start college. DRM met with the young man and his family to discuss the framework of supported decision-making, to assist in identifying areas and means of support, and to determine supporters.

Based on this, DRM drafted a Supported Decision-Making Agreement for the client.

- A 17-year-old individual with a developmental disability and his mother contacted DRM. The mother had been a vocal supporter of guardianship for her son. As her son approached transition age, the family decided to contact DRM to explore alternatives to guardianship. DRM met with the young man and his mother multiple times to discuss decision-making and supports, and to aid in determining needed areas of support in decision-making and to assist in identifying supporters. DRM also met with the young man and his chosen team of supporters and assisted in describing the help he specifically wanted from each one. Then DRM drew up a Supported Decision-Making Agreement (SDMA) that the young man and his supporters could use in the community and with his school, medical, and financial providers. Because of the SDMA, the young man is able to receive the support he wants and needs without the need for a more restrictive or over-broad guardianship.

- A 26-year-old man and his grandmother who wanted help in avoiding guardianship contacted DRM after the client's medical provider told them that the client needed a guardian for her to continue to prescribe medication. DRM contacted the compliance department for the health clinic, spoke with counsel of the parent affiliation, and explained supported decision-making and the client's desire to avoid a guardianship. The provider agreed that DRM could train the medical staff on the new probate code and that internal counsel would make clear to the doctor that the client did not need a guardianship for medical decision-making support. DRM also worked with the client and his grandmother on creating a supported decision-making agreement. They identified areas of decision-making that he requires additional support in and the type of support he wanted. The medical provider agreed to continue providing care, preserving the client's right to a less restrictive means of support.

Client Found Eligible after DRM Demonstrates Due Process Violations

The Adult Protective Services Director of one of Maine's federally recognized tribes contacted DRM on behalf of a young woman with an intellectual disability whom she represented as guardian and who received a denial of developmental services. DRM requested records from the Department of Health and Human Services multiple times, as each time only a portion of the young woman's file was produced. Once

DRM received all the records, DRM determined that the department failed to provide the young woman with proper notification of her right to appeal the initial decision two years prior. Based on this denial of due process, DRM requested that the application be re-opened and filed an appeal of the eligibility determination. Since the department could produce no evidence that proper notice had been given, a hearing was scheduled. The week prior to the hearing, the hearing officer notified the department that the application should be considered as a first application, since they had no proof of notification of appeal rights. DHHS overturned the earlier decision and found her eligible for services.

Client Placed Out of State Returns Due to DRM Advocacy

The guardian of a man whose provider had given him discharge notice because they felt they were unable to meet his behavioral needs contacted DRM. The provider discharged the individual, and since DHHS was unable to find an in-state provider, DHHS sent the client to an out-of-state facility where he remained for over a year. During this time, DRM continued to advocate for the client's return home and supported his team in filing a reasonable modification request for the client to live without a roommate. An in-state provider was located, the client's reasonable modification request was granted, and the client returned to Maine.

Client Determined Eligible for DS Due to DRM Advocacy

DRM received a request from an individual who had applied for and been denied eligibility for Adult Developmental Services (DS), and wanted assistance appealing the denial. Because the individual had a visual impairment, it was not possible to get a Full-Scale IQ, as there is no standardized IQ testing for individuals with visual impairments. Because a FSIQ could not be obtained, the client had not been found eligible under DHHS's regulations, which require a FSIQ in order to be found eligible for DS. The client had received no accommodations in his cognitive testing. The evaluator merely skipped the visual portions of the testing and then concluded he was not eligible. DRM worked with the client and his team to obtain further testing by an evaluator with vast experience working with blind individuals. That evaluator opined that even though a FSIQ was not attainable, there was a vast amount of other evidence indicating the individual has an intellectual disability. DRM drafted a reasonable accommodation request that DHHS's "IQ" requirement be waived because his visual impairment made it impossible to comply, and that he be found eligible for DS. During the time the accommodation request was pending, DRM requested numerous continuances of the administrative hearing, all of which were granted. About 3 months after the accommodation request was filed, DHHS

approved the request and eligibility was retroactive to the date of the original denial, almost a year and a half prior.

Client with Wernicke-Kosakoff Syndrome Determined Eligible for BI Waiver after DRM Appeals Denial

DRM represented a 56-year-old woman with brain injury determined to be ineligible for waiver services and thus denied a waiver slot. The client's medical team provided clinical support that Wernicke-Kosakoff was a brain injury, so DRM appealed the denial and continued to negotiate with state. Just before the hearing, DHHS agreed to amend the waiver rules and allowed someone with Wernicke-Kosakoff to be eligible for brain injury waiver services.

Client gets ORC Waiver Funding Reinstated

DRM received a call from an individual with multiple sclerosis seeking assistance with challenging DHHS's notice of termination of her Other Related Conditions (ORC) waiver services. The Department was seeking to terminate her services after her provider agency had given her a notice of discharge and a replacement provider could not be identified to serve her. Without the services, the client would be required to go into an institution. DRM represented the client on the termination of her ORC waiver services, as well as appealing a denial of her application for Section 19 services. DRM also assisted the client in requesting a reasonable accommodation to allow her to receive an increased level of ORC home supports. DRM represented the client at an administrative hearing on the ORC waiver termination (over DRM's objections that the hearing be continued pending the ADA request), and also initiated an appeal to Superior Court when the hearing officer upheld the termination. The hearing officer upheld the termination and the provider discontinued services almost immediately, with the Department's knowledge and approval, with instructions that the client call 911 when an emergency arose due to the complete lack of home services. The client, who is not mobile and required full assistance for all transfers out of her bed to her wheelchair, had to resort to calling 911, and spending over 2 unnecessary months in the hospital. Ultimately, the client had to move to a nursing facility out of state, away from her family in Maine. During this process, the Department agreed to reinstate the client's ORC waiver funding, and the Superior Court appeal was dismissed. With regard to the Section 19 denial, the appeal was ultimately dismissed with assurance from the Department that the client could apply for a renewed assessment at any time. Although the client's ORC waiver funding was reinstated, she remained confined to an institution out of state while the Department makes minimal efforts to identify a home support provider.

Woman Continues to Receive 160 Hours a Week of Nursing Services Due to DRM

A woman with a brain injury, who aged out of children's services after she turned 21, was assessed needing only 30 hours of nursing care a week after receiving 160 hours of nursing care a week as a child. As a result of a near drowning as a young child, the client sustained a brain injury and has spastic quadriplegia and chronic respiratory failure. Because of her chronic respiratory failure, she is in constant danger of aspirating and requires suctioning by a nurse at least 10 times hourly and even more frequent suctioning when she is ill. DRM appealed the assessment, which had the effect of continuing services until a hearing decision. DHHS then reassessed the client as needing 120 hours of nursing services a week, a reduction of 40 hour a week that the family said was unsustainable. The client's medical providers agreed with the family. DRM filed a reasonable modification request with DHHS to allow the client to exceed the cap on services for adults, arguing that any reduction would place the client at significant risk of institutionalization. More than a year after the request, DHHS granted the request and she continued to receive 160 hours per week of nursing services.

Client Gets PDN Services at Community Support Program Due to DRM Advocacy

The mother and guardian of a young woman with an intellectual disability and very high medical needs contacted DRM because the woman needed a high amount of Private Duty Nursing services per week, and also attended an HCBS waiver community support program under Section 29. DHHS had contacted the providers to inform them that the client could not bring her nurse with her to her waiver program because the services were not meant to be provided at the same time. The waiver program did not provide a nurse, and without nursing assistance, the client would not be able to attend the program. DRM pointed out to the Department that no provision supporting the Department's contention. Finally, the Department reconsidered and agreed there was no conflict with the services, and that the client's nurse could accompany her to her program

Client Prevails at Hearing and Reassessment Due after DRM Finds Error

DRM received a call from a woman with cerebral palsy requesting assistance with appealing a reduction in her approved hours for Private Duty Nursing. The woman lived independently with approximately 20 hours per week of supports, which the Department intended to reduce to 10 hours per week. DRM's noted an error in the

assessment, which found her at the incorrect level of PDN services. DRM did not directly represent at hearing, but provided substantial assistance to the client's brother, who represented the client at the hearing. DRM notified the Department, who conceded the error but continued to challenge the approved hourly reduction. The hearing officer ordered a new assessment done. In the second assessment, the client was approved for a slight increase in her 20 hours per week.

Client Found Eligible for BI Waiver Services Due to DRM Representation
The Long-Term Care Ombudsman's office (LTCOP) contacted DRM regarding a 23-year-old with acquired brain injury (ABI) who was denied services under the Brain Injury Waiver. LTCOP appealed the denial and sought DRM's assistance to pursue the appeal. DRM believed that the denial of services was based on medical records that did not sufficiently explain how the client's seizures caused an acquired brain injury. Without this official diagnosis, the client was deemed ineligible for the waiver. DRM worked with the State and the client's case manager to negotiate a new evaluation by a neuropsychologist to clarify the brain injury diagnosis.
Once this occurred, the State agreed to a new assessment, which ultimately led to the client's approval for the Brain Injury Waiver.

Developmental Services
DRM is obligated to investigate reports of rights violations, called reportable events. DRM also attends person centered planning meetings when the client invites DRM. Some of the issues DRM attorneys successfully resolved by investigating rights violations and attending meetings included:

- A client's access to food was being improperly restricted by the provider;
- the individual's group home had no working phone so the individual was without any means of contacting persons outside of his home;
- DRM presented at the meeting about the rights as a tenant, in regard to her group home and prevented the residential service provider from attempts to evict her;
- Staff was improperly opening client's mail, listening to his phone conversations, and refusing to give client and his visitors privacy because of an alleged "three-foot rule";
- Staff improperly videotaped the client without the client's permission; and
- Staff refused to accommodate a client who wanted to attend community events in the evening.

Mental Health

Client Granted RA Because of DRM

A 60-year-old man with mental illness and brain injury contacted DRM seeking a reasonable accommodation from the court. He was supposed to appear in court on an assault charge. The court granted an accommodation due to the client's stage 4 cancer diagnoses and imminent admission to hospice and the client did not have to appear. As the result of the involvement of APS, the client applied for waiver services and was accepted for waiver home support in southern Maine.

DRM Filing of Grievances Revealed that Agency Not Following Proper Procedures; DHHS then Remedied.

A 61-year-old woman with psychiatric labels called a mental health agency seeking an intake for case management. The mental health agency re-directed her to a different type of service notwithstanding the fact that she had a right to the service both sets of services under the regulations. DRM filed an administrative grievance and a Medicaid program integrity complaint against the agency. During the course of this process it was determined that the agency was not following proper procedures. The Office of Behavioral Health then took steps to remedy the situation. DRM created a handout for individuals regarding how requests are processed.

Hospital Stops Policy and Practice of Forced Changing Due to DRM

A 57-year-old woman with mental illness contacted DRM after she was forcibly restrained and forced into scrubs in a hospital emergency department when she refused to wear "psych scrubs." DRM learned that the hospital's practice had been found to violate federal patient rights rules in other states. DRM reached out to hospital administration and brought this issue to their attention. After an investigation, the hospital determined that both the policy and practice of forced changing had to be halted immediately. Subsequently, the hospital began to revise its policies and additionally planned on bringing an outside trainer in to train ED staff on the trauma that psychiatric patients experience while in the emergency department.

DRM Forced Hospital to Halt ECT; Hospital Agrees to Provide DRM Notice of Intent to Use ECT

A 41-year-old woman with mental illness contacted DRM because a psychiatric hospital obtained a district court order forcing ECT on her. DRM immediately intervened and contacted the hospital counsel, arguing that the mental health regulations and statute did not allow for ECT. DRM informed hospital that DRM planned to file a motion for temporary restraining order the next day if hospital

intended to force ECT on the woman. The hospital agreed it would not do us ECT and further agreed that they would not attempt to use this order without first giving DRM the opportunity to file a motion and having a judge rule on the motion prior to any administration of ECT.

Mental Health Agencies Agree to Sweeping Changes Due to DRM Representation of 41-Year-old Woman with Mental Illness

A client who was receiving an assertive community treatment or ACT services, was notified by the team that she would not be able to use the 24-hour service and other associated services that the State was paying for under the contract. The state contracts with ACT teams to provide the substantive crisis services to individuals in the community. Those services are supposed to be available 24 hour a day 7 days a week. DRM filed a licensing complaint and a complaint against the State's contract enforcement agency. Licensing found this ACT team in violation of a number of regulations and ordered compliance. The state's contract agency also found the ACT team noncompliant and ordered them to provide the client with services. The client's services were restored. It was discovered that the agency was using this sort of denial of services as a treatment modality for other clients as well and was ordered to cease such actions going forward as it was in violation of both licensing and their state contracts.

29-Year-Old Man with Mental Illness Avoids Homelessness Due to DRM Intervention

A client residing in a mental health crisis unit was given notice that he was going to be discharged without any services and homeless to the streets. The client called DRM hours before his scheduled discharge. DRM determined that there had been a delay in the client being assigned a community case manager and that the crisis unit had not provided him with interim case management services while he was at the unit. Therefore, adequate discharge services were not in place for the client to avoid homelessness. DRM immediately filed a request for a reasonable accommodation that the crisis unit not discharge the client until he had time to work with his new case manager in the community to obtain the necessary services for him to be discharged in a safe and appropriate manner. The crisis unit agreed, the man's discharge was rescinded, and he was allowed to work with his case manager to develop a more appropriate discharge plan.

Services Continue After DRM Appeals Service Termination
A 56-year-old woman with mental illness received notification from Maine's Medicaid managed-care agency that they were terminating her daily living support skills. Her service providers were of the opinion that without these services she would likely become re-institutionalized. DRM filed an administrative appeal in order to assure that her services continued in place while the appeal was pending. After reviewing the appeal, the managed-care agency decided to withdraw its termination request and the client continued to receive her services.

Transportation-Medicaid Non-Emergency Transportation Waiver
DRM Ensured NET Users Not Stranded Out of State
The guardian of an individual with a developmental disability contacted DRM after the client, who lived near the state line and utilized counseling services in the nearby neighboring state, had been transported to her counseling appointment without issue. However, the return ride canceled without notifying the client, the agency, or the transportation broker. The broker had utilized a ridesharing company which did not have policies that complied with the NET regulations. The client, who is selectively mute and has anxiety, was left sitting outside of her counselor's office, waiting for hours when her ride did not show up. Fortunately, the counselor noticed the client was still sitting outside when the counselor was leaving for the day, and assisted her in getting to a safe place with relatives. DRM had a phone conference with a representative from the broker who confirmed this had happened and explained there was a systemic issue with using rideshare companies, in that if the company cancels the ride, the broker is not informed unless the broker specifically seeks out the information. DRM ensured that the broker noted in the client's file not to use rideshare and that this client needs special attention when rides are scheduled to ensure they happen. DRM encouraged the broker to rectify the systemic issue so that this does not happen to other clients in the future. The guardian has not used NET services since the incident and has no plans to, despite her daughter being eligible for this service.

Client Gets Reliable Transportation and Keeps Job, Due to DRM
The case manager for a 41-year-old woman who received developmental services contacted DRM because she was having trouble with transportation to work. The woman had missed multiple days of work because the broker was not providing consistent scheduled rides and her job at a large retail store was in jeopardy. She had received a write up from her employer and wanted assistance in advocating for consistent transportation so that she did not lose her job. DRM reached out to the

transportation broker. The broker felt that the distance was a barrier and stated they could not provide a consistent service. DRM requested that the broker assign a driver to the woman's route, and assisted the case manager in advocating for advanced notice of the woman's work schedule from the employer. The woman was assigned a driver, which ended the inconsistencies in attendance and preserved her employment.

Client Not Required to Provide an Escort When Being Transported Due to DRM Advocacy

The guardian of an individual with an intellectual disability contacted DRM after a transportation broker informed the individual that he could only be transported if he could provide an escort to ride with him. This is not allowed under regulation, is a huge and unattainable burden on clients, and an issue DRM has contested successfully in the past. Nevertheless, the transportation broker continued to engage in the practice. DRM spoke with the client's guardian and filed an administrative appeal of the transportation broker's decision, and a hearing was scheduled. When a client in another matter won on the very same issue, DHHS reached out and offered to do a "trial" period to see if the individual could be transported alone safely. Once transportation began, the broker and DHHS found there were no issues in providing the transportation. With the issue resolved, the attorney withdrew the appeal and the matter was dismissed.

DRM Resolves Transportation Issue for Client

The guardian of an individual with an intellectual disability contacted DRM seeking assistance with an administrative hearing about the chronically inadequate and unreliable transportation provided by the broker. The broker's reasoning was the remoteness of the client's home (it was about an hour each way to his community support program) and the inability of the broker to provide transportation that could accommodate the client's wheelchair. Providing reliable transportation regardless of location and accommodating individuals who use wheelchairs is exactly what the brokers are responsible for under state regulation and the broker's contract with the state. When DRM began working on the case, the client's mother was transporting her son 50% of the time under a temporary agreement so that he could receive his service while the grievance was pending. This required his mother to drive 2 hours each day, 5 days a week, and to be reimbursed only for the time the client was in the car (50% of the time). DRM worked with the Department and the broker, and engaged the parties in number phone conferences. Eventually, transportation improved such that the broker was transporting all of the time. The parties continued to work on issues involving communication and the broker continued to work toward

ensuring drivers have vehicles that can accommodate transporting a wheelchair. Transportation improved to such an extent that the grievance was able to be withdrawn, with the guardian and broker agreed to continue to work to improve services on an informal level.

Deaf Services

Deaf Client's Access to Legal Representation Secured to DRM

A Deaf man contacted DRM for assistance with communication accommodations at a court hearing. The court used remote interpreters for the proceedings, and the internet connection was so poor that he could not understand the interpretation. The client had been appointed an attorney for the matter at his next hearing, but had been unable to reach the attorney through video calls. DRM contacted the appointed attorney at the client's request to ensure the attorney understood the client's communication needs and their responsibility to ensure those needs were met at upcoming hearings. DRM also explained videophone technology, so the attorney was prepared to accept relayed calls from the client. The client's appointed attorney then contacted him directly to provide further assistance.

Governmental Services/Public Accommodations

Inmate Gets Diabetes Friendly Diet Due to DRM

During a visit to a correctional facility, DRM spoke with an inmate with Type II diabetes who was not receiving a diabetic friendly diet, despite being prescribed a diabetic-friendly diet by his treating physician. Often the individual had to forego part of, or all of his meal in order to avoid spiking his blood sugar. He had asked for a reasonable accommodation but had been ignored. He has been hospitalized twice due to his diabetes. DRM contacted a DOC official seeking a reasonable modification of the correctional facility's prescription meal policies, practices, and procedures. The DOC official set up a meeting between the individual and food service personnel from the correctional facility. The individual was able to see his menu in advance, and help customize his menu in a way that was healthy and practical. His diet is now in in compliance with his medical needs.

Housing

Housing Provider Changes Policy as a Result of DRM Advocacy

A 58-year-old man with psychiatric labels name came up on a waiting list to be given an apartment that was owned and operated by a housing provider that had a policy that refused to take vouchers of individuals whose state funded voucher required them to pay more than 40 percent of their income toward rent. The state program

required the individual to pay 51 percent. The provider refused to grant a reasonable accommodation request to modify its policy. DRM discussed the issue with the Department and the Department agreed that this was disparate impact discrimination. The Department agreed to modify its voucher policy and provide the client with a 40 percent voucher so he could get into an apartment with the understanding that the client was to file a charge of discrimination with the Maine Human Rights Commission. The MHRC Investigator found that the client was discriminated against because of his disability (disparate impact). The parties then reached a conciliated agreement whereby the client got an apartment and there was a financial settlement.

DRM Helps in Crafting Reasonable Accommodation Request Means Client Keeps Housing

A 59-year-old man with psychiatric labels, who was an involuntary patient at a psychiatric hospital, received a notice from his landlord terminating his lease due to behaviors that were manifestations of his disability. DRM worked with client, community case manager and hospital clinicians in order to craft a reasonable accommodation request to be given to the landlord. The request was presented to the landlord who accepted it and the client moved back to his apartment after being discharged from the hospital.

Nursing Home Changes Policy after MHRC Finds Reasonable Grounds

A 48-year-old man with quadriplegia and other disabilities who lived in a nursing home wanted to move closer to his family. He applied to be admitted into a different nursing home nearer to his family but was denied and then denied a written explanation. The facility's practice was to deny, without explanation, over the telephone. The facility denied DRM's request that the facility modify its policy as a reasonable accommodation in order to determine whether or not the individual could be accommodated. DRM then filed a MHRC complaint and the Commission found reasonable grounds to believe that discrimination had occurred. The facility agreed to implement a new policy which required them to give written reasons when they deny applications for admissions.

Homeless Shelter Permitted Access

A 39-year-old woman was denied access to a homeless shelter because of her service dog. The client went to the shelter every day for two weeks but she was denied a bed. She was told they didn't have any room at first, then she was told that they couldn't let her in because of her service dog. The staff said that it was a liability issue, that there were children at the shelter, and they didn't have any space for dogs. The client said it

was an ADA requirement to accommodate her service dog. The staff maintained that the ADA did not apply because the shelter was private and asked her to leave. The client's case manager contacted shelter staff explaining that service dogs needed to be allowed. The shelter said they would get back to the case manager but did not. DRM drafted a detailed letter to the shelter outlining the woman's rights under state and federal law and demanded that the shelter allow her access with her service dog immediately. Thereafter, shelter managers contacted DRM and indicated that the woman may stay at the shelter with her service dog.

Assistive Technology/Durable Medical Equipment

Client Gets Power Wheelchair After DRM Forces A Hearing to be Scheduled

A 55-year-old woman whose leg had been amputated and who was seeking a power wheelchair due to recent falls while using crutches contacted DRM. MaineCare had denied the prior authorization request and although the client had requested a hearing, no hearing had been scheduled. DRM contacted MaineCare and secured a hearing date. The day after DRM submitted documents to the hearing officer in preparation for hearing, MaineCare reversed its decision, and authorized the power wheelchair. The hearing was then was dismissed as moot.

DRM Successfully Appeals DHHS Denial of Two Prosthetic Articulating Fingers

A 34-year-old woman who was seeking to appeal a MaineCare denial of prior authorization for two prosthetic articulating fingers contacted DRM. The client had suffered a significant work-related injury years before which resulted in the amputation of two fingers and significant damage to her hand. In the years since her injury, advances in prosthetic design have resulted in articulating fingers, which are designed to restore lost functioning. The client obtained the necessary medical documentation and sought approval of this medical equipment. MaineCare refused to fund the equipment because the equipment was not necessary to restore a basic function. DRM represented the client on an appeal and the Hearing Officer reversed the decision, writing, in part "the 'basic function level the Department expects [client] to withstand requires her to accept an ongoing course of chronic pain, forego household chores and other tasks that require weight bearing activity of two hands, and limit her diet to foods that can only be eaten with one hand. Deeming such a state as one where [client's] basic needs are satisfied contradicts the opinions and prescriptions of [client's] treating clinicians. Such a state also limits, if not reduces her ongoing ability to secure and maintain the maximum level of independence and avoid the further need for other Departmental services related to performance of activities

of daily living. It cannot be reasonably concluded, based on a preponderance of the evidence, that [client's] needs are being met by her current, passive prostheses."

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IMMIGRANT LEGAL ADVOCACY PROJECT

Immigrant Legal Advocacy Project
Report to the Maine Civil Legal Services Commission
January 15, 2021

In 2020, funding from the Maine Civil Legal Services Fund (MCLSF) enabled the Immigrant Legal Advocacy Project (ILAP) to advance justice and equity for immigrants and their families through direct immigration legal services, community legal education, and systemic advocacy.

Overview

Founded in 1993, ILAP's mission is to help low-income immigrants improve their legal status and to work for more just and humane laws and policies affecting immigrants. We are Mane's only state-wide immigration legal services organization, with full-time offices in Portland and Lewiston, bi-monthly office hours in Milbridge in Washington Country, consultations at Cumberland County Jail, and a regular presence across the state through our expanded "Rural Maine Project." Increased use of technology, volunteers, and partners help us reach more than 3,000 people each year in all sixteen Maine counties.

In March, we closed our Portland and Lewiston offices to the public following public health guidance related to the **COVID-19 pandemic**. From getting people out of detention to ensuring asylum seekers met their one-year filing deadline, our attorneys continued their complex work remotely. Complicated immigration applications were prepared over the phone, computer, and mail in a climate of extreme stress and uncertainty. We also made more self-help guides and client education materials available on our website and social media, as well as offered virtual outreach to share important updates with Maine's immigrant communities and service providers. To lower the barriers to accessing our services, we launched a **multilingual online intake request platform** for people to request immigration legal help.

Our **Asylum *Pro Bono* Panel** remained an essential part of our programming in 2020, with 175 volunteer attorneys donating 3,781 hours of their time, at a value of $996,963, representing 190 people in asylum cases before U.S. Citizenship & Immigration Services (USCIS) and Boston Immigration Court. An additional 12 attorneys on our newly formed **Immigrant Children's Project *Pro Bono* Panel** donated 136 hours of their time, at a value of $43,822, representing 17 youth in Special Immigrant Juvenile Status cases.

In addition, we expanded assistance for people we cannot represent in their **asylum cases**, including consultations, a comprehensive workshop series, and translated online self-help

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resources. We also advocated against devastating asylum rules that were proposed and implemented. These attacks ranged from rules changes that would deny work permits to many asylum seekers to border policies that separated families and prevented people from making a lawful asylum claim. And in the fall, we began a new project for asylum seekers who may benefit from the *Mendez-Rojas* Settlement Agreement that will help people avoid deportation because they missed the one-year deadline for filing asylum applications. We believe there are many people in Maine who will qualify, and screenings began in December.

In 2020, we expanded our *pro bono* work to include legal representation for immigrant children and youth through a new "**Immigrant Children's Project**." This project will increase access to legal representation for vulnerable immigrant children and youth across Maine and builds on our previous advocacy work. In 2019, ILAP collaborated with partners to fix an age discrepancy between state and federal law related to Special Immigrant Juvenile Status, opening a pathway to safety and stability for more young people. During just the first month of the "Immigrant Children's Project," we connected 17 young people with *pro bono* attorneys at Preti Flaherty who will help them pursue life-changing legal status.

As we navigated the challenges presented by the remote environment, our strong network of partners became even more essential to our work. In **Lewiston** we deepened our long-time partnership with the Immigrant Resource Center of Maine to ensure immigrant survivors of human trafficking and domestic violence have access to legal guidance and representation. At a time when survivors of abuse face more barriers to their safety due to the pandemic, we are grateful for their work and partnership. Asylum continued to be the top area of need in the Lewiston/Auburn area, again accounting for more than 80% of our cases in 2020.

Our "**Rural Maine Project**" began the year by responding to increased immigration enforcement in rural areas, including the presence of U.S. Customs & Border Protection (CBP) agents at bus stations and other transportation hubs. ILAP quickly provided know-your-rights outreach to community groups and service providers and shared information on how to navigate immigration arrests and detention. Throughout the summer and fall, we utilized partnerships with Maine Mobile Health Program and Mano en Mano to ensure hundreds of migrant farmworkers received important health, labor, and immigration packets in English, Spanish, and Haitian Creole. Importantly, we also completed our state-wide needs assessment and now have a clear vision for the direction of the Rural Maine Project once travel resumes.

Internally, we began to undertake a comprehensive process to build **anti-racism** into all aspects of our work. By applying a racial justice and equity lens to our organizational development, we aim to identify, discuss, and better manage the power dynamics inherent in providing legal aid and as a white-led organization working primarily with Black Mainers and other people of color. Historically, legal aid organizations have followed a model that suggests that doing anti-poverty work on behalf of people of color addresses persistent racial disparities. Guided by a team of consultants, we seek to move beyond this perspective to create an organization grounded in racial justice, equity, and anti-racism.

Types of cases handled

In 2020, ILAP handled **287 full representation cases and 815 limited representation cases** on the following matters:

- Asylum – 302 cases
- Deportation/removal defense – 213 cases
- Permanent residency – 144 cases
- Relief for immigrant children and youth, including Deferred Action for Childhood Arrivals (DACA) and Special Immigrant Juvenile Status (SIJS) – 122 cases
- Citizenship – 88 cases
- Family reunification – 81 cases
- Relief for survivors of domestic violence, crime, or human trafficking – 54 cases
- Work authorization – 22 cases
- Temporary Protected Status (TPS) – 3 cases *(an additional 46 TPS holders were provided with legal information on the automatic extension for some countries announced in fall 2020)*
- Other – 67 cases

Because of the nature of immigration law, each of these cases involved multiple services. For example, a typical asylum case might require more than 200 hours of work over several years and require a change of address application, change of venue filing, work permit authorization and renewal applications, asylum application, and removal defense preparation. In total, the **1,102 cases listed above included 2,456 services** in 2020.

Note that ILAP does not handle employment-based immigration matters and refers those cases to private attorneys.

Number of people served

Direct legal services

ILAP provided **direct legal services to 1,680 people** on the case types detailed above and **benefitted 1,120 of their household family members**. This includes:

- ILAP staff and volunteer attorneys provided full representation to 388 people in the most complex cases, including 190 people applying for asylum who were represented by *Pro Bono* Panel members.
- ILAP staff and trained volunteers provided limited representation to 1,257 people, including 42 through brief legal advice or referral during intake, 532 through consultations, and 683 through *pro se* forms assistance.

Note that the number of people served differs from the number of cases handled because some people had multiple cases and some cases involved multiple family members.

Community legal education

Through our community legal education, we provided timely, accurate, and accessible group informational workshops on immigration law matters. In 2020, **1,396 immigrant community members and service providers across the state attended 62 outreach events**. These activities were held in-person through mid-March and then offered virtually in line with public health guidance.

Central to our outreach was an ongoing **asylum workshop series** that answers some of the questions most asked by people who are applying for asylum: (1) Am I eligible for asylum? An overview of asylum eligibility, (2) Overview of the defensive process for people who came to America without a visa, (3) How to submit an asylum application with immigration court, and (4) Master calendar and individual hearings in immigration court for unrepresented people. Sessions were offered in English, French, Portuguese, and Lingala on a rotating basis.

Additional workshops and trainings with health care, education, employment, public safety, and other service providers and immigrant groups covered the following topics:

- Immigration 101
- Know your rights
- Public charge
- Domestic violence remedies for immigrant survivors
- Special Immigrant Juvenile Status
- Remedies for survivors of human trafficking and other crimes
- COVID-19 impacts on immigration
- Immigration consequences of crimes
- Changes to immigration fees and waivers
- Employment eligibility and documents for refugees, asylees, and asylum applicants
- Changes to work authorization for asylum seekers

After we transitioned to the remote environment, we began to offer **more robust client education and self-help tools via our website and social media pages**. From early May through the end of the year, these materials received **28,000 unique page views by more than 12,500 users**. Content that shared information on asylum and work authorization was most frequently accessed, with the following pages receiving the greatest number of views:

Page	Unique Views
Home Page	8,359
Get Legal Help	1,775
Asylum Self-Help	1,737
Staff and Board	1,567
Changes to Work Permit Eligibility for Asylum Seekers	1,554

Systemic advocacy

The American Immigration Council estimates that there were 47,418 immigrants living in Maine in 2018, comprising approximately 4% of the overall population. In addition, 90,635 people, or 7% of the state's population, were U.S. citizens by birth who had at least one immigrant parent (https://www.americanimmigrationcouncil.org/research/immigrants-in-maine). With our partners in Maine's immigrant justice movement and other regional and national organizations, our **systemic advocacy at the local, state, and federal levels safeguarded and promoted legal protections** for these communities and ensured that more Mainers had equitable access to justice. As part of these efforts, ILAP was **quoted in the media on 32 occasions** about a range of immigration issues.

Note that MCLSF funds supported ILAP's direct legal services and community legal education, but not our systemic advocacy work.

Demographic information about people served

ILAP services are available to people with incomes up to 200% of federal poverty guidelines (with a few exceptions). Those with incomes within 150-200% of poverty are charged a low fee. Clients with incomes below 150% of poverty are not charged legal fees. In 2020, 94% of clients had incomes below 150% of poverty and were not charged legal fees for ILAP services.

Demographic information for the 1,680 people reached through our direct legal services is:

Category	% of people
Gender	52% female 47% male 1% nonbinary/gender nonconforming
Age	32% under 18 65% ages 18-60 3% over 60
Race/ethnicity	78% African or African American 14% Latinx 3% Caucasian 2% Asian 3% Other
Citizenship status	97% noncitizens 3% U.S. citizen by birth or naturalization
Top countries of origin	Democratic Republic of Congo, Angola, Burundi, Rwanda, Guatemala, El Salvador, Djibouti, and Brazil (approximately 90 counties of origin total)
Most common languages spoken at home	French, Lingala, Portuguese, and Spanish (more than 30 languages spoken at home total)

Although we do not collect detailed demographic information for those participating in our community legal education, the data listed above is broadly reflective of those services as well.

Geographic area served

Geographic information for the 1,680 people reached through our direct legal services is:

County	# of people
Androscoggin	220
Aroostook	3
Cumberland	1268
Franklin	0
Hancock	17
Kennebec	20
Knox	3
Lincoln	6
Oxford	3
Penobscot	21
Piscataquis	1
Sagadahoc	14
Somerset	1
Waldo	5
Washington	19
York	36
Unknown	43

We held community legal education workshops, in-person or remotely, for organizations located in Androscoggin, Aroostook, Cumberland, Kennebec, Penobscot, and Washington counties, as well as hosted online events that were open to the public from across the state.

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

For our 287 full representation cases, case activity included 28 cases opened, 41 cases closed, and 246 cases open at year-end. The majority of our 814 limited representation cases were opened and closed during 2020, with 270 open at year end.

Whether and to what extent the organization has complied with its proposal to the Commission

As detailed in this report, ILAP fully complied with our proposal submitted to the Commission in fall 2019 for 2020-2021 funding. In total, we reached 3,076 people in 2020 through direct legal services and community legal outreach, compared to our target of 2,300-3,400 people. These outcomes indicate that we achieved our goal of helping more immigrants in Maine attain

and maintain legal status, a threshold need and the critical first step towards finding safety from persecution and violence, keeping families together, and improving economic security.

Outcome measurements used to determine compliance

ILAP measures the quality of our full representation work by tracking the outcomes of all intermediate or final decisions received. In 2020, we had a 96% approval rate for full representation cases that received a final decision. Immigration cases can take years to receive final decisions; three to five years being typical.

Because decisions on limited representation matters go directly to the client, rather than ILAP, we are unable to track final outcomes. Instead we measure our performance by the number of applications successfully filed without being rejected by the relevant government department or agency.

Information regarding unmet and underserved needs

In 2020, we were forced to turn away 158 individuals who were eligible for ILAP services and needed legal assistance because we did not have the capacity to help them, including 89 people applying for asylum. We know that there are many more individuals who do not come to ILAP because they have heard that we are unable to help everyone.

Unfortunately, when ILAP does not have the capacity to help a particular person, they are forced to navigate our increasingly unjust immigration system alone, risking loss of legal status, loss of work authorization, and deportation. Research has long shown that members of mixed-status or undocumented families suffer many adverse effects to their well-being, such as poorer health outcomes, higher rates of homelessness and food insecurity, and lower rates of educational attainment.

<u>Challenging injustices in the immigration system</u>

During a year of national tragedy and reckoning, the injustices inherent in the U.S. immigration system were made painfully clear. Immigrant families were excluded from COVID-19 relief while they worked on the front lines of our health care, transportation, and food systems. Immigrants and people of color were getting sick and dying of COVID-19 at disproportionate rates while the government exploited the crisis to block asylum, separate families, and over-police Black communities and communities of color.

Once again, anti-immigrant policies at the federal level presented huge challenges for us as an organization and, more importantly, hurt countless people and families in Maine. For example, the harmful effects of the "public charge" rule change have been highly evident during the COVID-19 pandemic, with many families unwilling to access testing, treatment, and healthcare due to fears of detention, deportation, or other negative immigration consequences. With

partners including the Maine Immigrants' Rights Coalition, Maine Equal Justice, and Maine Law Refugee & Human Rights Clinic, we have continued our outreach and advocacy remotely to mitigate misinformation and advance solutions.

In November, we joined with ACLU of Maine and the Maine Law Refugee & Human Rights Clinic to file a Freedom of Information (FOIA) lawsuit against USCIS, seeking to compel the release of information about how asylum requests are assessed in the Boston and Newark offices. We first filed the FOIA request in July 2019 after seeing a marked decrease in asylum approvals from Boston (8% versus 30% nationally), especially for applicants from central Africa. By referring almost all asylum cases to immigration court, traumatized survivors of violence are forced to navigate the complex and unfamiliar immigration court system, delaying work permits and family reunification. With this lawsuit, we seek to understand if these USCIS offices are discriminating against asylum seekers from central Africa, and if further legal action is required.

Although we hope that the incoming administration will reverse the damage of the last four years, we know that the flaws in our immigration system are decades old and will require rigorous and ambitious action as we move forward. Looking ahead, we recently completed a strategic planning process to guide our work over the next five years. Priorities include expanding outreach and collaboration with Maine's immigrant communities, deepening our state-wide presence, turning away fewer people who need immigration legal assistance, and changing our immigration system through advocacy and federal litigation.

Conclusion

MCLSF is an important source of support for ILAP, providing 5% of our funding. In addition, approximately 45% of our funding comes from private foundations, 40% from individual donations, 5% from special events, and 5% from Maine's Interest on Lawyers' Trust Accounts (IOLTA) program. Because ILAP is ineligible for most federal funding and our level of community support fluctuates as immigration is in and out of the headlines, MCLSF remains one of our only reliable revenue sources from year to year.

On behalf of ILAP's Board of Directors, staff, volunteers, and clients, I would like to thank the Commission for their continued support of Maine's civil legal aid community. We very much appreciate your generous investment in ILAP's mission again in 2020. Our strong network of support, of which MCLSF is a vital part, makes our work possible and helps Mainers navigate the immigration system we have now while we push for lasting structural change.

Respectfully submitted:

Susan Roche, Esq., Executive Director

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Legal Services for the Elderly
Annual Report to the Maine Civil Legal Services Fund Commission
Calendar Year 2020

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 2020. 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, public benefits, health care and self-determination.

During this reporting period, the Fund provided 19% of the funding required to provide the legal services described in this report. This is down from 24% as recently as 2018. LSE received an amount from the Fund that was 22% ($75,000) below the level LSE expected to receive. This happened in a year when LSE had expected to receive increased funding due to legislation passed in 2019 and a small increase in LSE's percentage award. This shortfall would have resulted in reductions in services had it not been for federal relief aid received by LSE.

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.

OVERVIEW
COVID-19 IMPACT

COVID-19 Impact on the Delivery of Services

Due to extensive planning efforts that started in early February, LSE was in a position to move nearly all employees to working remotely from home as of March 16, 2020. There was only a two hour disruption to intake on the morning of the 16th before Helpline services re-opened. LSE is making remote use of call center technology that is part of our custom designed telephone system. The statewide Helpline receives the calls for help that are being made to the call center on their cell phones via a software application called Jabber (something LSE was already using).

The services LSE had already been providing entirely via telephone have not been disrupted by this change, but our most intensive level of service, which involves providing Staff Attorneys to represent seniors in situations where their health or safety are at immediate risk, experienced significant impacts from this change. These more intensive services are now being provided without in person contact with clients to the greatest extent possible. This is to avoid the risk that an LSE staff person might inadvertently expose a senior, someone who is who by definition in a high risk group, to the virus. This change coupled with the challenges of working from home offices is causing the Staff Attorneys to spend much more time on their cases to get the same or

similar results as we would have in the past. In particular, conducting capacity and merit assessments is more time consuming and cumbersome without in person contact. Finally, during much of 2020, extra time had to be spent on each case to advocate for the proceeding to be conducted via telephone or videoconference.

Overall call volumes were well below the prior year after being on trend prior to March to be slightly above the prior year. This was in part due to the pandemic and in part due to restrictions placed on intake to address a staff vacancy and preserve limited resources for the most at-risk callers. While overall call volumes were down, **the number of calls that were priority/emergency calls requiring a higher level of service and immediate attention was 64% higher than the prior year (1,250 as compared to only 761).** That trend is continuing into 2021. **Cases that LSE defines as priorities/emergencies run across a range of case types including eviction, foreclosure, public benefit denials and reductions, resident rights and elder abuse, but the common theme across all of them is that a senior is facing a legal problem that puts his or her housing, health and/or safety at imminent risk.** These are cases where a person is living in an unsafe situation, is threatened with loss of housing, or is being denied critically needed public benefits. Legal problems that are emergencies are more time intensive to address and the complexity of these cases was further increased as LSE staff needed to begin to take extra procedural steps in most of these cases to ensure that clients were permitted to appear in court remotely in order to protect their health.

So far LSE has not had to turn away a single person with a priority legal problem. It is unlikely this is sustainable. On a recent Monday in 2021, LSE had a record number of priorities come in on a single day (18). All of this is happening with both an eviction and foreclosure moratorium in place that are keeping the total number of cases in those two areas much lower than would otherwise be the case.

As a final note, in response to the impacts of the pandemic on older Mainers and their ability to safely access the courts, LSE actively participated in the development of an eviction diversion program designed by the court system to allow people to navigate that process without appearing in person and to increase the likelihood of resolving the dispute through mediation. LSE also successfully advocated for a presumption by the courts that anyone over 60 who requested a remote hearing should be granted that request for health and safety reasons.

COVID-19 Financial Impact

As a direct result of the pandemic, LSE projected a shortfall in budgeted revenue in 2020 of at least $225,000. This was avoided because LSE was able to obtain a Paycheck Protection Program loan. These funding challenges were due to multiple major funding sources that have been adversely impacted by the pandemic. This includes the Maine Civil Legal Services Fund; Interest on Lawyers Trust Accounts funding which is impacted by the federal interest rate and the real estate market; and United Way revenues. These funding sources have been the bedrock of LSE's financial support for the last two

decades. Combined, they make up nearly 40% of the funds required to deliver statewide legal services to Maine's seniors.

STATISTICAL INFORMATION

Number of People Served and Legal Matters Handled

In 2020, LSE provided free legal help to 2,346 Maine seniors in 2,740 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;
- Social Security appeals;
- MaineCare, food stamp, heating assistance, General Assistance, and other public assistance program appeals;
- Guardianship limitation or revocation; and
- Financial and health care powers of attorney.

Eight hundred and fifty eight callers were turned away at intake that would have received Helpline services if LSE had not restricted intake to ensure we were able to serve all callers who were facing emergencies.

LSE provided this level of service with an extremely small staff. The direct legal services staffing in 2020 included: .80 full time equivalent (FTE) Litigation Director; .25 FTE Helpline Director; 1.0 FTE Intake Paralegal; 1.4 FTE Helpline Attorneys; 1.00 FTE Elder Abuse Paralegal; and 7.60 FTE Staff Attorneys. This is a total of only 12.05 FTEs of direct legal services staff (including supervisory staff).

Types of Cases Handled

The following chart breaks down the number of cases handled in 2020 by general case type.

LSE CLIENT SERVICES BY GENERAL CASE TYPE	
Case Type	**Total**
Housing (794)	29%
Self Determination (542)	20%
Consumer/Finance (459)	17%
Health Care (414)	16%
Individual Rights (includes elder abuse and exploitation) (240)	9%
Income Maintenance (205)	6%
Miscellaneous (48)	2%
Family (32)	1%
Employment (6)	-
Total Cases (2740)	**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 housing (public and private housing, foreclosures, evictions), self-determination/aging preparedness (probate referrals, powers of attorney, advance directives, will referrals), consumer issues (debt collection, consumer fraud, creditor harassment), and access to health care (Medicare and MaineCare).

Status of Matters Handled

The reported matters were all opened during 2020 and are reported regardless of whether or not they were closed in 2020. 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 2,740 matters breaks down as follows (from most to least resource intensive): 10 % extended representation services; 54% counsel and advice; 27% information and referral; and 9% 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 33% male and 67% female. All clients served were sixty years of age or older, and 58% were 70 years of age or older. While LSE serves both socially and economically needy seniors, 91% of LSE's clients were below 250% of the federal poverty level and 45% were below 100% of the federal poverty level. Those clients who are not below 250% 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

LSE provides services on a statewide basis. LSE's clients are consistently distributed across the state in proportion to the distribution of seniors across the state. Year after year, LSE serves clients in nearly every organized township in Maine. The chart provided as **Attachment B** provides data regarding the geographic distribution of LSE's clients in 2020. It is interesting to note that while overall service levels were down, the proportion of service being provided in each county was maintained consistent with historic data and state demographics. This seems to indicate that LSE was able to maintain our visibility and access to services equally across the state despite the considerable challenges we faced in doing outreach. We attribute this to the strength of our partner and referral relationships going into the pandemic.

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, public benefits, 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 three types of direct service provided by LSE include the following: 1) brief services, advice and counseling to clients throughout Maine by the LSE Helpline; 2) extended representation by eight Staff Attorneys (7.60 FTEs) located across the state who prior to the pandemic worked regular but often part-time hours at LSE's five local offices located in Scarborough, Lewiston, Augusta, Bangor, and Presque Isle ("Area Offices"); and 3) client education and outreach conducted throughout the state by LSE attorneys and other LSE staff. As noted in **Attachment A,** LSE also engages in extensive public policy advocacy but that work is not supported by the Fund.

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 case types accepted by LSE, the level of service provided by LSE in each case type (information and referral only; telephone assistance only; or full representation), and the range of possible desired outcomes for each case type are governed by comprehensive written client service guidelines that are consistently applied on a statewide basis ("LSE Targeting Guidelines"). The LSE Targeting Guidelines ensure LSE is thoughtfully putting its limited resources to work where they will have the

greatest impact. The Guidelines also ensure an equitable distribution of LSE's resources and services across the entire state.

The remainder of this report describes these three 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 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 that LSE assists with, except those calling about an emergency situation, receive a call back from a Helpline Attorney in the order the calls were received. All emergency calls are handled immediately. **In 2020, all callers with emergency legal problems received same day, or next business day, services.** Other callers received a call back within three to five days on average. **LSE's intake system is set up to ensure that anyone trying to reach LSE to ask for legal help with a civil matter 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 81% 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 need for help goes up steadily while LSE's funding fails to keep pace. Only a small subset of case types are referred on to the nearest Staff Attorney for in person representation. Because Helpline services are much less expensive to deliver than the Staff Attorney services, this overall approach stretches LSE's limited resources as far as possible. LSE's Helpline services are provided at an average cost per case of only $52.97 as compared to the national average for senior helplines of $85.47.

The Helpline received in excess of 9,000 calls for help in 2020, 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 were calling on behalf of someone else, do not have legal problems, or were 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 provide reduced fee or *pro bono* services when a client is between 125% and 200% of the federal poverty level. The panel has 199 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 MaineCare planning, real estate, probate and estate planning. LSE has a joint project with the Elder Law Section of the Maine State Bar Association to support LSE in recruiting referral attorneys to the panel. In addition to making full fee referrals to panel members, LSE made 45 *pro bono* and 101 reduced fee referrals to referral panel members in 2020.

Extended Representation/Staff Attorney Services

The other primary component of LSE's service delivery system involves providing full representation to seniors through Staff Attorneys who historically have worked out of local Area Offices but are currently working from home. This level of service is provided to 19% of those seeking help from LSE. These more resource intensive services are provided by eight Staff Attorneys (one is part-time) who each cover assigned geographic areas of the state. With the exception of the administrative office in Augusta, the Area Offices are located within the local Area Agency on Aging. This unique co-location relationship is very cost effective and prior to the pandemic it enabled elderly Mainers 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. LSE fully intends to resume use of this co-location model when it is possible to do so safely.

The Staff Attorneys provide legal services for seniors with legal problems that place them at immediate risk of harm and 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.

LSE rigorously merit assesses cases before committing these intensive resources to a case, but once cases are accepted for full representation, Staff Attorneys are successful more than 87% of the time in stopping abuse, recovering homes and assets that have been stolen, saving homes from foreclosure that seniors have lived in for decades, stopping evictions and/or preserving housing subsidies, and helping seniors obtain needed home care and other long term care services that allow them to continue living in their own homes longer. Three client stories illustrating the impact of LSE's work, in particular during the pandemic, are included at the end of this report.

Outreach and Education

LSE provides legal information to the public through public presentations, print material and its website. LSE distributed over 8,400 LSE brochures in 2020. LSE information is posted at the courts, Community Action Programs, Social Security offices, senior meal sites, Department of Health and Human Services offices and Area Agencies on Aging. LSE materials are also distributed directly to homebound residents through the Meals on Wheels program and by direct mail to a broad range of referral sources including all town offices, food banks, homeless shelters, assisted living facilities, home health agencies, hospice programs, and nursing facilities. In addition to the distribution

of print materials, LSE's Staff Attorneys did direct outreach with key referral sources based upon regional outreach plans. To magnify the impact of the direct outreach, LSE focuses on connecting with professionals who are potential referral sources rather than trying to reach individual seniors.

The LSE website includes an extensive online elder rights handbook. The handbook 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. In addition, 254 print copies of the elder rights handbook were distributed in 2020.

LEADERS IN THE FIGHT AGAINST ELDER ABUSE

Multiple international studies have found there has been a tenfold increase in elder abuse as a result of the pandemic. This is because seniors are being forced to shelter in place with the perpetrators of their abuse and fear trying to address the situation will force them to put their health at risk. In addition to providing legal representation to 221 victims of elder abuse in 2020, LSE also pursued a major systemic initiative. At LSE's urging in conjunction with other victim services providers in the private sector, the Governor formed a new Elder Justice Coordinating Partnership via Executive Order. The twenty-two members include a broad range of public and private sector leaders. The Executive Director of LSE is Co-Chairing the Partnership. This new public/private leadership structure is focused on creating an Elder Justice Roadmap that will identify strategic priorities for preventing and responding to elder abuse. The Roadmap will be published in December of 2021. In addition, LSE staff continued to play critical leadership roles in seven local Elder Abuse Task Forces and on the Maine Council for Elder Abuse Prevention. LSE also provides the administrative support for two annual multi-disciplinary training events, the Elder Abuse Summit and the Elder Abuse Roundtable.

OUTCOMES MEASUREMENT

Using electronic case management software called Legal Server that is shared by several of the legal services providers, 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 specific outcomes achieved. Outcomes are assigned to every case that is closed based upon the range of potential outcomes for the given case type. Information from this database is used to monitor compliance with all funder requirements and commitments, including the MCLSF. In addition to monitoring outcomes achieved across all case types, LSE also conducts periodic client satisfaction surveys for our Helpline intake process. The intake and Helpline satisfaction rating in 2020 was 90%.

LSE service and outcome data is 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.

In addition, in July of 2018, the LSE Board of Directors adopted a strategic plan that includes measurable objectives in five areas. This includes increasing the number of seniors who seek and obtain help, helping seniors maintain safe and affordable housing, helping seniors access publicly funded health care services, increasing the financial security of Maine seniors, and helping seniors to live their lives free from abuse, neglect or exploitation. The Board closely monitors progress under the plan.

UNMET AND UNDERSERVED NEEDS

LSE is required as a part of this annual report to provide information regarding the unmet and underserved legal service needs of Maine's elderly. It is important to note that available data does not reflect the impacts of the pandemic on the legal needs of Maine seniors. We know that impact has been significant because LSE saw a 64% increase in the number of seniors facing emergency legal problems in 2020 as compared to 2019. There are essentially three major drivers behind the significant and growing unmet need for legal services among Maine's disadvantaged seniors.

1. **Maine is the oldest state in the nation and the number of seniors living in Maine is growing at an incredible rate.**

By 2030, it is expected that 32.9% of Maine's population, or 464,692, will be over 60. Between 2020 and 2030, the overall rate of growth in Maine's elderly population will be 6%. **This means that by 2030, nearly one out of every three Mainers will be over 60**. In addition, by 2025, the number of Mainers age 85 and over (a group with a much higher demand for services of all kinds including legal services) will grow by 4,000 people, a 14% increase.

2. **There is a very high poverty rate among Maine seniors and seniors face many other unique challenges.**

In Maine, 29% of seniors are low income and over half live below 300% of the poverty level.[1] Maine is the only New England state that has an elder poverty rate above the U.S. average and Maine's 65-and-above poverty rate is the highest in New England.[2] The oldest Mainers, the group that will increase in size by 14% by 2025, are most often low income. Seventy percent of low income seniors receive Social Security as their sole source of income compared to only half of seniors who are above poverty levels. The high poverty rates among Maine seniors does not tell the whole story. Low

[1] A Portrait of Wellbeing The Status of Seniors in Maine, Carsey School of Public Policy, 2014.
[2] U.S. Census Bureau, American Community Survey One-Year Estimates for 2010, "Poverty status in the past 12 months by sex by age".

income Maine seniors living on fixed incomes face additional financial challenges, including a high tax rate, high medical costs, high food costs, high electricity costs (41% above the national average) and an aging housing stock heated with oil. Many seniors in Maine are also extremely vulnerable in other ways. Under America's Health Rankings, Maine ranks 33rd in the nation (with 1 being best) for seniors living in poverty, 34th in the nation for prescription drug coverage, 33rd for excessive drinking, and 43rd for falls. In addition, the percentage of adults aged 60 and older who faced the threat of hunger in the past 12 months is higher in Maine than in the rest of the U.S. (15.6% compared to 14.7%), and Maine's number of suicides in adults aged 65 and older is higher than the rest of the U.S. (17.4 per 100,000 population compared to 16.6).[3]

3. Low income seniors face frequent legal problems.

Seniors face more frequent legal problems than the general low income population and are at higher risk of harm when facing a legal problem. **A legal needs study conducted in Maine in 2011 by the University of Maine Center on Aging revealed that 56% of Maine's low income seniors had experienced a legal problem in the past year (this went up to 67% for low income seniors 70 years of age or older).**[4] This is consistent with a very recent national study showing that 56% of low-income seniors' households experienced a civil legal problem in the past year, and a stunning 10% experienced six or more legal problems per year.[5] Using census statistics and the need estimates in the available studies, we can estimate that at least 33,000 elderly Mainers would benefit from receiving free legal services each year right now. By the year 2030, the low income seniors that could benefit from free legal help will grow to at least 44,000. LSE was meeting, at the very best before the pandemic, about 15% of the need for services.

Complicating the landscape is the fact that without ready access to free legal assistance, Maine elders who can't afford a lawyer are most likely to "do nothing" about their legal problem.[6] This reality was exacerbated by the pandemic as many seniors waited until the very last minute before seeking help for very serious legal problems. This finding from Maine's legal needs study is supported by national survey data showing that 87% of low-income seniors with legal problems receive inadequate or no help because they don't know where to seek help, decide to deal with the problem on their own, don't have time to deal with the problem, or aren't sure they have a legal

[3] America's Health Rankings 2018. (https://www.americashealthrankings.org/explore/senior/measure/overall_sr/state/ME)

[4] Legal Needs Assessment of Older Adults in Maine: 2011 Survey Findings from Key Populations of Older Adults, University of Maine Center on Aging, December, 2011.

[5] Justice Gap Measurement Survey, The Justice Gap Measuring the Unmet Civil Legal Needs of Low Income Americans, 2017.

[6] Legal Needs Assessment of Older Adults in Maine, University of Maine Center on Aging, September 2010.

problem.[7] **Doing nothing when facing a legal problem like foreclosure, eviction, or overwhelming medical debt quickly leads to a downward spiral in what had previously been a productive and independent person's life.**

SUMMARY

While the stakes associated with obtaining access to free legal help when their basic human needs are at stake have always been high for Maine's disadvantaged seniors, in 2020, it became a life or death matter in many circumstances. Due to a much higher risk of hospitalization and death as a result of contracting COVID-19, it was imperative that Maine seniors got the legal help needed to avoid a loss of housing, obtain the public benefits needed to remain safe and secure, and restore safety in homes that were being occupied by perpetrators of elder abuse. LSE adapted to the challenges and managed to reallocate limited resources in a way that ensured that every call that came to LSE from a senior facing an emergency situation got through the door and the person got the help that was needed. The three client success stories found at the end of this report illustrate just how high the stakes were and there were hundreds of cases like this in 2020. Despite the significant shortfall in the anticipated level of funding LSE received from the Fund, the support of the Fund remains more critical than ever to LSE's ability to respond to the extreme challenges faced by our clients and our staff.

Prepared by: Jaye L. Martin, Executive Director

[7] Legal Services Corporation, The Justice Gap, June, 2017, page 47.

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, Adult Protective Services, Office of Securities and the state's public guardianship program. Working closely with these partners, LSE provides comprehensive, statewide services to Maine seniors. This includes the provision of 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 and MaineCare. 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.

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 much 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 currently supported by the Fund.

ATTACHMENT B
LEGAL SERVICES FOR THE ELDELRY

Geographic Distribution of Services

	LSE 2019 STATISTICS		LSE 2020 STATISTICS	
	Total Clients Served	**% of Total LSE Clients Served by County**	**Total Clients Served**	**% of Total LSE Clients Served by County**
Androscoggin	386	9%	208	9%
Aroostook	202	5%	108	5%
Cumberland	699	17%	405	17%
Franklin	81	2%	57	2%
Hancock	176	4%	98	4%
Kennebec	449	11%	255	11%
Knox	102	3%	63	3%
Lincoln	113	3%	54	2%
Oxford	182	5%	119	5%
Penobscot	584	14%	319	14%
Piscataquis	83	2%	49	2%
Sagadahoc	81	2%	45	2%
Somerset	168	4%	99	4%
Waldo	127	3%	77	3%
Washington	147	4%	87	4%
York	507	12%	303	13%
Total	**4,087**	**100%**	**2,346**	**100%**

Keeping Seniors Safe During the Pandemic

John called LSE after his house had been foreclosed on due to a tax lien and he had an eviction hearing pending against him by the town. He lived in the house with his wife and adult child who has disabilities. He had recently paid off the mortgage. John missed a tax payment after he became unable to work for a period of time. Despite his best efforts, his bid on the property at public sale was rejected due to technicalities. An LSE Attorney pressured the town into accepting John's initial bid through letters, phone calls, the recruitment of a state senator, and participation in a Selectpersons' Board meeting. The LSE Attorney also got the eviction dismissed. ***If John had not had the help of an attorney, John and his wife and their adult child with disabilities would have been forced out of their home of 30 years in the midst of the pandemic.***

Mary called LSE because she had family members living in her home that had become abusive and were destroying the property. In addition, Mary wanted to isolate herself from the public as much as possible due to her significant health risks if she were to contract COVID-19, and the family members refused to take any precautions of any kind. Tension was growing over the property damage and health concerns, and the family members were becoming physically threatening when Mary tried to reason with them. An LSE Attorney started an eviction proceeding. Although most eviction hearings were on hold at the time this was happening, the Attorney handling this case got it set for hearing by identifying it to the court as a case involving escalating safety concerns. Mary obtained an eviction order, and the Sheriff removed the family members from her home. ***If Mary had not had the help of an attorney, Mary would have been forced to choose between continuing to live in unsafe conditions for the indefinite future or trying to find alternative housing in the midst of the pandemic.***

When Julie called LSE, she had just learned that the town code enforcement officer was going to post her home as condemned at the end of the week. The home was unsafe but Julie had no place to go. In addition, Julie was in desperate need of surgery but her medical providers would not do the surgery until she had secured safe housing. Julie was over the age of 80 and completely overwhelmed by the situation. As this was happening, everything had just shut down because of the COVID-19 pandemic. An LSE Attorney reached out to the town and convinced them to delay the condemnation until Julie could secure safe housing. Because of the pandemic, emergency housing was unavailable. The LSE Attorney worked with several partner agencies to search for alternative housing and eventually Julie secured a safe place to go, and she was able to receive the surgery she so desperately needed. ***Julie would have become homeless in the midst of the pandemic if she had not had the help of an attorney.***

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Maine Equal Justice
People Policy Solutions

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2020 Annual Report to the Maine Civil Legal Services Fund Commission
January 2021

In 2020, funding from the Maine Civil Legal Services Fund (MCLSF) enabled Maine Equal Justice (MEJ) to provide statewide legal representation, administrative advocacy, and outreach and training for Mainers with low income. During this reporting period, the MCLSF provided approximately 48% of the funding required to provide the legal services described in this report. The MCLSF is MEJ's single largest source of funding and provides critical support that allows MEJ to provide statewide services in all sixteen counties.

In response to COVID-19, MEJ pivoted to address the most pressing community needs identified through our legal services, community outreach, and collaboration with other organizations, providers, and agencies. We worked to address the immediate needs of people who found themselves out of work, facing an eviction, or going without enough food. MEJ advocated for swift policy responses to help Mainers access vital supports like health coverage, food assistance, and income supports during the COVID-19 emergency.

BACKGROUND

In 1996, Congress passed legislation that prohibited 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, administrative advocacy, or legislative advocacy. Recognizing that systemic legal advocacy was often the most cost-effective way to protect and advance the interests of low-income persons, and that all people deserve justice in all three branches of government regardless of socio-economic status, the Maine bench and bar fostered the creation of Maine Equal Justice Partners (now Maine Equal Justice) to continue this work.

Since its beginning, MEJ has worked to increase economic security, opportunity, and equity 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) statewide outreach and training on issues affecting people with low income and supports that help prevent or move people out of poverty. MEJ employs an array of tools to advocate directly for

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

clients and pursue innovative solutions to poverty on a broadscale. MEJ focuses its work on issues that affect people's daily lives – access to adequate health care, food, housing, employment opportunities, and higher education and training opportunities.

MEJ provided legal support and advocacy on behalf of people with low income in all sixteen counties of the state in 2020. MEJ also continued to build the Equal Justice Partners Circle, a group of over 150 people living in poverty from across the state who engaged in advocacy and civic engagement activities in partnership with MEJ staff.

The pandemic has increased hardship and demand for legal services and systemic legal advocacy.

When enhanced federal unemployment benefits ended at the end of July 2020, applications for food assistance in Maine increased by 40% in the first week of August, and applications for cash assistance through TANF tripled. Maine's unemployment rate in October was 5.4%. This was an increase from a rate of 3.0% one year ago. According to recent Census Bureau Household Pulse data, more than 1 in 4 (29%) of Maine adults report difficulty covering usual household expenses. More than half of all Maine households with children were "not at all confident", or "not very confident" that they will be able to afford needed food in the next four weeks. A report published by the National Council of State Housing Agencies and distributed by Maine Housing estimates that roughly 20,000 – 40,000 renter households in Maine are behind in their rent and at risk of eviction. Recent Unemployment Insurance data shows approximately 2,800 people filing an initial or reopened claim for UI benefits—more than four times pre-pandemic levels, with nearly 42,000 continued claims for the same week. The need for MEJ's services and advocacy has never been greater.

INFORMATION REQUESTED by the COMMISSION

Maine Equal Justice relies on 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 2020, MEJ handled the following types of legal cases in the form of advice and referrals, and limited and full representation to clients located throughout the state:

Case Type	# of Cases
Consumer	7
Education	3
Employment	8
Family	22

Health	97
Housing	65
Income Maintenance (i.e. TANF, SNAP, LIHEAP, SSI, Unemployment)	440
Individual Rights	14
Miscellaneous	10
TOTAL	666

In 2020, MEJ handled the following types of administrative advocacy cases:

Case Type	# of Cases
Consumer/Finance	3
Education	1
Employment	1
Health Care	4
Housing	1
Income Maintenance (i.e. TANF, SNAP, LIHEAP, SSI)	25
Individual Rights	4
TOTAL	39

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

Maine Equal Justice provides direct legal representation through its toll-free telephone intake system on issues involving the denial, termination, or reduction of public assistance, public health insurance, and training and educational programs. These services require a thorough understanding of state and federal statutes and rules governing the various programs as well as an on-the-ground working knowledge of the programs and how they are implemented. In addition to providing direct representation to income-eligible clients, MEJ serves as a legal resource regarding economic security programs for other organizations in Maine.

When providing direct legal representation, staff determine whether issues raised by the client have a systemic impact, (i.e. an impact on more than the single individual). When MEJ identifies a systemic issue, staff works with those responsible for the administration of the program to make the changes necessary, so the same legal issue does not reoccur.

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. This work also reveals systemic issues and barriers that people are experiencing in their daily lives. This enables MEJ to identify and address the systemic issues, which, when corrected, benefit thousands of Maine people, thereby using limited civil legal aid resources efficiently and effectively.

In 2020, MEJ handled a total of 666 cases (this number does not include MEJ's administrative advocacy cases).

Impact litigation in 2020: MEJ's impact litigation in 2020 focused on protecting the rights and interests of low-income consumers and homeowners in Maine.

Consumer Data Industry Association v. Frey, et. Al. (First Circuit Court of Appeals)

In 2019, MEJ helped to pass "An Act To Provide Relief to Survivors of Economic Abuse", CH 407, 2019 (LD 748). This bill resulted in (1) changes to the Maine Protection from Abuse Statute that allowed judges to provide relief to domestic violence survivors based on the behavior of their abusers; (2) changes to Maine Fair Debt Collection Practices Act that prevent debt collectors from collecting debts arising from economic abuse from domestic violence survivors; and (3) required Credit Reporting Agencies (CRAs) from reporting debts resulting from economic abuse from a survivor's credit report. CRAs filed suit against the Maine Attorney General to invalidate portions of the law that limit the ability of CRAs to report debts that are the result of economic abuse. MEJ filed an amicus brief with the National Consumer Law Center (NCLC) arguing that these protections were not preempted by federal law. While the Federal District Court ruled in favor of the CRAs that state protections for victims of domestic violence were pre-empted by federal Law an appeal has been filed to the First Circuit Court of Appeals. MEJ will file an amicus with NCLC on appeal.

Portfolio Recovery Associates, LLC v. Casey Clougherty (Maine Law Court)

Third party debt collectors purchase debt from original creditors for pennies on the dollar, and the evidence they use to support their claims is often unreliable. Two of the major debt buyers, Portfolio Recovery Associates and Encore (which operates in Maine as Midland Funding), are currently subject to a consent judgment with the Consumer Financial Protection Bureau. At trial, the court admitted into evidence business records of questionable veracity. The consumer appealed on the issue of whether the evidence was admissible. MEJ filed an amicus brief arguing that the records should not be admitted and that the Law Court should defer to the standard of evidence adopted by the Maine State Legislature in regulating third party debt buyers that is set forth in the State of Maine's Fair Debt Collection Protection Act. This case is currently set for oral argument before the Law Court on February 9, 2021.

HSBC Bank USA National Association v. Lombardo (Federal District Court)

This case is a foreclosure case brought in Federal District Court. Maine law provides that homeowners who are sued for foreclosure have the right to participate in the State of Maine judicial foreclosure program. In an attempt to evade this requirement, some national banks started

pursuing foreclosure cases in federal court. MEJ co-counseled this case with Pine Tree Legal Assistance and argued that homeowners in Maine had the right to participate in the State's foreclosure mediation program even if the case were brought in federal court. The court entered an order finding that national banks could not evade the mediation requirements of the State of Maine's foreclosure program by bringing a case in federal court and ordered that the State of Maine mediation be provided to the homeowner in this case.

Bank of New York Mellon v. Shone (Maine Law Court)

This is a foreclosure case in State Court. The trial court refused to admit evidence submitted by BONY pursuant to prior Maine precedent developed since the foreclosure crisis as a result of the unreliability of records produced by many financial institutions. BONY appealed arguing that the Law Court should adopt the business records standard adopted by the First Circuit Court of Appeals. MEJ filed an amicus brief supporting the homeowners. In a very unfortunate decision, the Law Court ruled in favor of BONY and abandoned its interpretation of the business records exception to the Maine Rules of Evidence that it had previously adopted to protect homeowners.

Wilmington Trust v. Lisa Berry (Maine Law Court)

In this foreclosure case in State Court the trial court refused to admit evidence submitted by Wilmington Trust and entered judgment in favor of the homeowner. Wilmington Trust appealed arguing that the Law Court should overturn the evidentiary standard the Law Court had previously employed to admit business records in foreclosure cases. Counsel for the homeowner could not handle the appeal and MEJ represented the homeowner on the appeal to the Law Court. The Law Court ruled that the trial court had properly excluded the business records and sustained the entry of judgment in favor of the homeowner.

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 for individuals with low incomes and agencies that serve them; and (4) participation on multiple work groups, commissions and boards related to government functions affecting our clients.

MEJ conducts administrative advocacy at the federal and state level in all its focus areas. Federal and state agencies often define and operationalize law in regulations and rules and these details can have a significant impact on our clients. MEJ strives to ensure fairness and due process at the administrative level. We also aim to resolve grey areas in the applicable governing statutes. By so doing we clarify eligibility and services covered, which improves the ability of other providers' to efficiently use their civil legal aid resources. This also enables our clients to navigate a complex and confusing system more successfully.

In 2020, MEJ submitted rulemaking comments at the state and federal level on thirteen proposed rules covering a wide range of issues and handled thirty-nine administrative cases.

During 2020, MEJ collaborated with state agencies including the Maine Department of Health and Human Services (DHHS), the Maine Department of Labor (DOL), and MaineHousing to respond to the needs of people with low incomes during the pandemic. In this time of crisis, the need for swift and effective policy solutions has been critical to the wellbeing of tens of thousands of low-income Mainers impacted by the pandemic. Government officials and policymakers have worked hard to meet peoples' needs but are understandably stretched and challenged by the magnitude of need and the limitations of existing programs and systems. MEJ has assisted by providing recommendations for policy changes based on research, policy expertise, and community input. We have provided technical support and assistance that has helped to implement swift changes to meet peoples' immediate and longer-term needs.

Because MEJ works directly with many low-income people in need of help, we can raise issues with state agency staff about what is most urgently needed to address needs in the community. MEJ's advocacy pertaining to unemployment insurance (UI) is illustrative of these efforts. MEJ heard from many people in the community who were struggling to access UI after suffering job loss due to the pandemic. During 2020, MEJ handled 163 unemployment cases. Legal services staff were able to address individuals' particular problems and their experiences informed MEJ's administrative advocacy working with DOL to address systemic problems. For example, MEJ's advocacy resulted in DOL's reinstatement of benefits for over two hundred households whose UI had been terminated without first being afforded the opportunity for an administrative hearing. MEJ also heard from people who were unable to access or navigate the online application for UI, and from social service providers trying to serve them, about the barriers to access related to literacy, language, or technology challenges. In response, MEJ built a simple screening tool and partnered with DOL to disseminate the tool through community-based organizations that used the tool to connect people with direct assistance from their local career center.

Policy staff at MEJ have devoted a good deal of time to advancing policy solutions through administrative advocacy to address peoples' immediate needs related to COVID-19. MEJ advocated administratively to help Mainers access vital supports like health coverage, food assistance, and income supports during the COVID-19 emergency. MEJ focused on some policy areas we were not previously focused on because of the pressing needs created by COVID-19. This is especially true in the areas of unemployment, housing affordability, and tenant rights.

3. Training, Education and Outreach

Maine Equal Justice provides outreach and training for people with low incomes and the agencies and providers who assist them. We impart critical information on Maine's economic security programs and how they work and, at the same time, learn about potential barriers and issues for people accessing benefits, and systemic problems that need to be addressed. In 2020, MEJ conducted 49 virtual training events throughout the state, reaching more than 1978 individuals, including staff from social service agencies, Head Start programs, health centers, and homeless shelters as well as individuals living with low incomes themselves.

MEJ's direct training, education, and outreach is supplemented by our website (www.mejp.org), which contains a wealth of client education materials and information on public assistance programs, public health insurance, and training and educational programs. In 2020, we launched a redesigned website improving its content and accessibility. We created a COVID-19 Resources page in March of 2020 to inform people on frequent policy changes and to improve access to available supports and services.

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

In 2020, Maine Equal Justice handled a total of 666 cases (includes full intakes, counsel & advice and referral cases *only*). MEJ closed 645 cases in 2020, impacting at least 756 individuals.

These numbers, however, do not include the individuals who are impacted by our administrative advocacy, which impacts all similarly situated individuals, or by our training, education, and outreach efforts. The chart below illustrates the total number of cases closed and people served.

Activity	Total # of Cases Closed/ People served
Full intakes – includes limited and full representation	211 cases/272 served
Counsel & Advice	249 cases/299 served
Referred	185 cases/185 served
Administrative Advocacy	39 cases/183,781 served (estimate based on available data; may include overlap where people were impacted multiple times by multiple policy changes and included in the count more than once for that reason; exact numbers unknown)
Activity	**Total # of Trainings/# of People Participating**
Training, Education & Outreach	49 separate trainings and workshops/ 1978 people served

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

Maine Equal Justice 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 $43,440 in annual income for a family of three in 2020.[2] According to state data on the Kaiser Family Foundation website, there were 377,800 Maine people, of all ages, living under 200% FPL in 2019.[3] Notably, this number will be higher for 2020 because of the pandemic. MEJ works toward solutions that will impact individuals and families currently living under 200% FPL. MEJ's direct legal assistance targets

[2] https://aspe.hhs.gov/2020-poverty-guidelines
[3] https://www.kff.org/other/state-indicator/population-up-to-200-fpl/?dataView=1&currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D

people who are eligible for economic security programs. The following numbers provide a snapshot of the number of Maine people receiving public assistance from these programs in 2020:

- Families receiving Temporary Assistance for Needy Families (TANF): 3,982 households, representing 7,069 children;[4]
- Individuals and families receiving Food Assistance (SNAP) benefits: 91,722 households, representing 164,975 individuals[5] of which 53,134 were children under 18;[6] and
- Individuals covered by MaineCare or the Medicare Savings Program (health insurance or limited assistance with drugs and out-of-pocket costs): 337,268 individuals.[7]

The geographical area served by the organization as a result of funds from the MCLSF:

MEJ provided legal services to individuals residing in all sixteen Maine counties in 2020.

County	# of Cases
Androscoggin	65
Aroostook	11
Cumberland	177
Franklin	15
Hancock	17
Kennebec	95
Knox	24
Lincoln	18
Oxford	28
Penobscot	80
Piscataquis	2
Sagadahoc	18
Somerset	29
Waldo	11
Washington	8
York	68
TOTAL	666

[4] https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/GeoReportNov2020.pdf
[5] https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/GeoReportNov2020.pdf
[6] https://www.maine.gov/dhhs/ofi/about-us/data-reports; https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/SummaryCountsByCounty_1.xlsx
[7] https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/GeoReportOverflowANov2020.pdf

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

In 2020, Maine Equal Justice handled a total of 666 cases. Of the 666 cases handled, 29 are pending. In addition, MEJ handled thirty-nine administrative cases with twenty closed during 2020.

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

Maine Equal Justice complied in all respects with the 2020-2021 proposal submitted in the fall of 2019. MEJ has maintained all services described in the proposal.

Outcomes measurements used to determine compliance:

The proposal submitted for 2020-2021 is based upon the core legal representation and substantive work that MEJ pursues; therefore, we evaluate our work using outcome measurements that reflect our ability to achieve systemic reform.

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

- **Administrative Advocacy:** MEJ 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 MEJ 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 MEJ's analysis and assistance with meeting federal requirements.

- **Training, Outreach and Education:** MEJ measures its success by the extent of its outreach and training activities throughout the state, the number of individuals trained during the year, and the feedback received on training evaluations. MEJ receives more requests for trainings than it can provide in any given year. MEJ conducted trainings virtually in 2020 due to the pandemic. MEJ'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, 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 that were submitted by workshop and training participants in 2020 were generally favorable and underscored the value of MEJ'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:

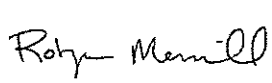
Maine Equal Justice supports its operating budget through funding from the MCLSF, the Maine Justice Foundation, the Campaign for Justice, Maine-based and national foundations, and individual donors. Two of the principal sources of funding for the legal services MEJ provides are IOLTA and the MCLSF. As a result of the economic impact of COVID-19, interest rates have plummeted, which has reduced income from IOLTA. At the same time, projected and anticipated funding from the MCLSF has shrunk because the fund is derived from surcharges on traffic violations and court filing fees. While the Payment Protection Program (PPP) helped mitigate harm resulting from the shortfall in 2020, it does not look as though similar support will be available to MEJ in 2021.

Legal services staff hear from an increasing number of people across the state who struggle to access public assistance for which they are eligible. Many people who contact us are interacting with the public benefit system for the first time because their lives have been torn apart by the pandemic and its economic consequences. As demand for our services has increased and numerous changes are made within the state's economic security programs to respond to the public health emergency, individuals and families and their caseworkers increasingly turn to MEJ for help navigating 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. Funding shortfalls and great uncertainty and challenges related to COVID-19 add strain when it comes to sustaining current capacity at a time when MEJ should be increasing capacity to meet the unmet and growing needs in Maine communities.

CONCLUSION

Maine Equal Justice receives critical support from the MCLSF that enables us to pursue individual and systemic solutions on behalf of Maine people with low incomes. Without the MCLSF, the level and breadth of legal services MEJ currently provides would be severely diminished. We are deeply grateful to the MCLSF Commission for making this work possible. The Board, staff, and our clients thank you for your continued support during these challenging times.

Respectfully submitted:



Robyn Merrill
Executive Director

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Maine Volunteer Lawyers Project
Report to the Maine Civil Legal Services Fund Commission
January 2021

Overview of Applicant Organization

The Maine Volunteer Lawyers Project (VLP) was originally formed in 1983 as a joint project of the Maine Justice Foundation (MJF) and Pine Tree Legal Assistance (PTLA). In 2016, the VLP became a separate, non-profit organization.

The Mission of the VLP is to increase equal access to justice for low income and vulnerable Maine people by engaging Maine lawyers in *pro bono* service.
Our goals are to increase awareness of the civil legal needs of people with low incomes, to highlight the importance of *pro bono* service in filling the gaps in legal aid, to connect low-income clients who have civil legal issues with volunteer lawyers, and to develop current and potential *pro bono* opportunities for lawyers and non-lawyer volunteers.

We do this with a small staff who provide administrative and technical assistance to support the volunteer efforts of the Maine legal community. The VLP provides training, supervision, and support for student and local volunteers who support VLP *pro bono* projects. We provide free continuing legal education programs for volunteer attorneys. We outreach to newly admitted lawyers to engage them in *pro bono* service as a routine part of their legal practice, and partner with community service agencies to make services as effective and accessible as possible. These activities all support our work of delivering legal services to low-income Mainers who need them.

The VLP provides services statewide with an office in Bangor and an office in Portland. The Executive Director supervises four program staff (two full time, two part time) plus an AmeriCorps VISTA volunteer, whose combined duties include operating our programs and clinics; recruiting and retaining attorney volunteers; developing new programing, interfacing with clients requesting assistance; overseeing case referral; managing clinic projects; and recruiting, training, and supervising student and community volunteers.

To be eligible for VLP services, clients must have a civil legal issue in Maine and have an income of 200% or less of the annual federal poverty guidelines, or up to 250% if they are part of a priority population (veterans and victims of domestic violence, for example), or have exceptional needs or circumstances that are determined on a case-by-case basis.

Along with the tremendous disruption of the pandemic, the VLP suffered a terrible loss in 2020, when our founder and executive director, Juliet Holmes-Smith, unexpectedly fell ill in the summer of 2020 and died in August. The VLP has hired an interim executive director, Elizabeth Stout, an experienced family law practitioner and long-time volunteer with the VLP.

The pandemic caused an emergency halt to most of VLP's services in March of 2020. Over the course of the next six months, the delivery of all legal services and programs had to be reconfigured to accommodate remote work. The VLP determined early in the pandemic that we would not ask our attorney volunteers to attend in person clinics or court events. By November, all our programs had moved to a remote protocol. Staff time required for each client has increased due to the new procedures. The number of people served by the VLP during the pandemic has been dramatically impacted, resulting in an approximately 47% reduction in number of people served over the course of the year, compared to 2019.

Services

Types of Cases Handled:

Full Referral. The VLP conducts statewide intake for all priority civil legal matters.

1. Statewide telephone intake for non-family law cases conducted during specific intake hours. Intake process has shifted to allow remote intake procedure for volunteers and supervision is now provided via Zoom. Supervised volunteers conduct phone intake and staff select priority cases for full referral in consultation with the Executive Director.
2. These priority matters will become the subject of referral efforts made by the "Lawyers of the Day" (participating volunteer lawyers) who make referrals to members of the Maine Bar during specific shifts in Portland and Bangor. "Lawyer of the Day" shifts have also moved to a fully remote protocol.
3. Although the above-described intake and full representation referral services do not include family law matters, there will be some referrals of family cases for full representation by the VLP. Family Law and Protection from Abuse cases that are flagged as priority cases through limited representation projects (described below), are reviewed for full referral.

Limited Representation Projects. The VLP runs nine different limited representation programs as follows:

1. The Family Law Helpline. The helpline is staffed by volunteer attorneys who provide in-depth advice and assistance to self-represented clients in family law matters. Clients are scheduled for telephone consultations and may have multiple

appointments over the course of their cases. Helpline volunteers advise on legal strategy, assist with filling out forms or drafting motions and provide advice about the following court procedure and relevant law. Intake for the Family Law Helpline comes through a collaboration with domestic violence and sexual assault agencies and other legal aid providers. Priority cases may be picked up for full representation referral.

2. Domestic Violence *Pro Bono* Panel. For this project, VLP co-ordinates a collaboration between domestic violence advocacy organizations and attorneys. Private attorneys are recruited for a comprehensive training in working with victims of domestic violence who are seeking orders of protection. After the training, the attorneys provide *pro bono* limited representation to survivors of domestic violence in protection order hearings. In the pandemic, we have shifted our methods of delivery to allow for remote provision of legal services. This remote representation model has allowed a geographic expansion of the scope of this program, and we are now accepting referrals from all areas of the state.

3. Court House Assistance Projects (CHAPs). Attorneys who specialize in family law provide limited *pro bono* legal advice to otherwise unrepresented family law litigants. The pandemic required a change in configuration, and at this time clients are accepted through request by email or telephone and, if they qualify financially, are scheduled for clinics that operate via video (Zoom). This includes help with filling out forms, advice about evidence and process, and strategic advice. Priority cases may be picked up for full representation. Previously, CHAPs clinics were run in courthouses in Augusta, Bangor, Belfast, Biddeford, Ellsworth, Farmington, Lewiston, Portland, West Bath and Wiscasset. They now operate remotely on Wednesday through Friday, with statewide referrals.

4. Lewiston PFA Program. Panel representation for Protection from Abuse unrepresented parties in Lewiston when the opposing party has a lawyer. This program primarily services, but is not limited to, defendants. This pilot project has been in place since 2015. Representation for defendants is only available if the victim of domestic violence is represented by the University of Maine School of Law (Cumberland Legal Aid Clinic) or private counsel. This program has shifted to a primarily remote protocol.

5. Worker's Rights Clinic. Attorneys who specialize in employment law help low-income workers understand if they have a legal claim (or not) arising from a situation at their workplace, and address unemployment issues. Clients are referred for extended representation to the VLP or private lawyers as appropriate. This program has shifted to an entirely remote protocol.

6. Acadia Hospital Clinic. Bangor area attorneys advise clients who have mental health or substance abuse issues at a hospital-based clinic. Client's civil legal issues are

reviewed, and clients are given appropriate next steps, including referral to the VLP for extended representation. This program has shifted to an entirely remote protocol.

7. Small Claims Courthouse Clinic. In-house attorneys from WEX, IDEXX, Maine Health and UNUM provide advice for small claims litigants every other week. This project was developed in conjunction with the court clerks who see problems every week with jurisdictional issues, stating a proper legal claim, and understanding how to defend in these matters. The court's small claims dockets have remained closed to present, and this clinic is scheduled to resume operations January 11, 2021, on a fully remote, Zoom-based protocol.

8. Maine Homeless Legal Project. Together with Preble Street Resources, the VLP provides volunteer lawyers to consult with and advise people experiencing homelessness on their civil legal problems. This program is currently running on a remote basis, and clients complete an intake and are scheduled with assistance of a Preble Street caseworker.

9. Free Legal Answers Maine. The VLP is the administrator of the ABA sponsored site, Free Legal Answers (https://abafreelegalanswers.org/) which provides a portal for qualified individuals to ask legal questions which are answered by volunteer attorneys.

In addition, in the spring of 2020, the VLP developed an emergency response for small businesses impacted by the pandemic. Our Small Business Clinic was staffed by attorneys with expertise in business matters and responded to requests for assistance on a variety of matters for businesses with fewer than 25 employees.

The VLP also launched several public facing email addresses (intake@vlp.org, CHAP@vlp.org, VLPbiz@vlp.org, etc.) for clients to request assistance via email for all of our services to increase access for those who may not be able to call in during our intake line hours or previously were able to find us at our in person clinics at the court houses.

Further, the VLP is developing a clinical program to provide limited representation services to Maine's tribal members through a partnership with Wabanaki Health and Wellness in Bangor. We anticipate this clinic to be operational in 2021.

Number of People Served: Cases Handled in 2020

In 2020, VLP staff or volunteers provided service in **2,083 cases**:

In the 1,295 cases that were closed after Jan.1, 2020

Pro bono attorneys provided **limited representation**

through clinic programs: 622 cases

Pro bono attorneys provided **extended representation**

through fully referred matters: 167 cases

Pro bono attorneys provided **legal advice or consultations**

to clients referred by VLP: 506 cases

Total: 1,295 cases closed in 2020

We had 788 cases open as of 12/31/2020. Of those, 518 have been referred to volunteer lawyers for limited or full representation, and the remainder are either waiting for documents from the client, pending review or other administrative action, or pending referral and acceptance by a volunteer lawyer.

This data does not capture the many people who contact our program for assistance and are provided direction and referrals to other community services that can help when we cannot.

In addition, the VLP administers a web portal in partnership with the American Bar Association, Free Legal Answers Maine (FLAME). In 2020, volunteer lawyers responded to 1,121 questions asked through this portal and served an additional 1,017 people in need through this program.

The VLP new cases opened in 2020 were in the following case types:

Case Type	**Total Cases Opened**
Benefits	67
Consumer	12
Bankruptcy	11
Employment	68
End of Life/Wills/Estates	108
Family (including DV cases)	1,052
Miscellaneous (including housing)	99

Small Claims	15
Small Business	15
Total	**1447**

Demographics of Clients Served in 2020

- VLP's direct services benefited 2,083 Maine households and an estimated 4,802 individuals. The average annual household income was $18,907.65 and the average household size was 2.31 people.
- The average age of a client at intake was 43 years. Age groups of our clients were as follows:

Under age 25	8.6%
Age 25-44	52.1%
Age 45-60	25.9%
Over age 60	13.5%

- Of our available data[1], 86.5% of clients identified as White, 3.7% as Black, 1.8% as Hispanic, 1.5% as Native American, 1.0% as Asian, and 5.7 as other.
- 4.3% of clients did not speak English as a first language.
- 69.4% of clients were female, 28.9% were male, and 1.7% were other.

Geographic Areas Served in 2020

The VLP is a statewide organization that provides intake, referrals, connection with *pro bono* volunteers, and access to consultation-based clinics statewide.

[1] At the time of the closures due to the pandemic, we worked hard to reconfigure our programs to deliver legal assistance remotely. In several of our clinical programs, we were not able to provide adequate staff to operate the programs remotely and have complete data collection. The decision was made to proceed with the services despite the data collection gaps and to provide services to people with those urgent legal needs. As a result, our ethnicity data for 2020 is incomplete. Included here with other demographic information is the data that was collected for ethnicity, but this data set should be interpreted with caution.

The VLP phone intake is statewide through email requests and two 800 numbers, one to the Bangor office and one to the Portland office. Full referrals are made to attorneys throughout Maine depending on the location of the client. Free Legal Answers Maine is available statewide for those who can access the internet. Family Law intakes for victims of domestic violence come from all the domestic violence agencies in Maine through a specially developed process. With remote operation, all our clinics and limited representation programs can now accept referrals for assistance from anywhere in the state.

The geographic distribution of VLP clients by county in 2020 is as follows:

County	
Androscoggin	13.8%
Aroostook	2.4%
Cumberland	23.7%
Franklin	1.9%
Hancock	2.4%
Kennebec	10.7%
Knox	1.8%
Lincoln	2.5%
Oxford	3.8%
Penobscot	12.7%
Piscataquis	1.4%
Sagadahoc	1.9%
Somerset	3.6%
Waldo	3.0%
Washington	1.6%
York	11%

(Out of state / Unknown 1.8%)

Unmet Need

Most qualifying clients who work with a volunteer to conduct an intake would benefit from full representation, but of the 2,083 cases the VLP worked on in 2020 only 21% were referred fully to a *pro bono* attorney. The biggest limiting factor is the availability to volunteer attorneys willing to accept a referral for full representation of a client for free. Of the other cases open and worked on in 2020, 42% received limited representation from a *pro bono* attorney through a clinic program, and 24% received legal information and referral to alternative services only. For 13% of opened cases, service or administrative action is still pending.

Most of the VLP clinics serve clients with family law cases, and family law is consistently the most requested service need across the state. Our Court House Assistance Projects, described above, help to mitigate some of this problem. The recently developed remote protocol for the CHAP program allows us to reach people in more remote and rural areas. However, more recruitment and retention of family law attorneys to assist clients through the clinic programs and full representation would narrow the gap between client needs and legal services available. Greater participation by the Maine Bar in this *pro bono* project would improve our ability to meet the needs of Mainers in this area.

The VLP also provides representation to low-income victims of domestic violence who have been unable to access legal services from Pine Tree Legal Assistance staff attorneys. The VLP fills this gap through the Domestic Violence Pro Bono Panel, a group of trained attorneys who can provide *pro bono* consultation and advice to clients before the court hearing, and with court approval can conduct the hearing remotely on behalf of the client.[2] A goal for 2021 is to expand the reach of the volunteer services for this Domestic Violence Pro Bono Panel to ensure access to legal services for survivors of domestic violence around the state. Our existing partnerships with domestic violence agencies, together with the development of remote services, allows us to expand legal services to places that had previously been less accessible. Work is underway to expand our pool of volunteer attorneys trained and available to accept these referrals, but this remains an area of unmet need. Management of this program with our existing resources during the pandemic has been very challenging.

Another area with significant need is probate guardianships for minor children. Parties who have been working with the Department of Health and Human Services related to child safety are often directed by the state agency to seek a probate guardianship order, and those people routinely turn to VLP for assistance. The nature of these proceedings makes them quite difficult to place with a full representation lawyer, and the CHAP attorneys often do not have the experience with probate matters to help. This is an area of unmet need.

[2] Prior to the pandemic, these attorneys appeared in person at protection from abuse docket calls in Cumberland County.

The VLP actively recruits *pro bono* attorneys for areas of client need, including unemployment compensation, foreclosure, and probate issues, with the goal of meeting need through the expansion of volunteer resources. We also develop limited representation options, where possible, to provide some guidance and assistance to those seeking to navigate the court system.

Outcomes Measures Used to Determine Compliance

VLP uses several 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, financial eligibility, and specific case data is conducted for each case, and the client and case data are entered into the VLP's computerized case management system, Legal Server. 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 consent and acknowledgment of service form.

For cases referred to volunteer attorneys, 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 periodically and attorneys who do not report regularly are contacted by staff to ensure the case is progressing appropriately. Additionally, VLP staff maintains contact with clients whose cases are open with volunteer attorneys.

Compliance of Services Delivered to Services Proposed

In its application to the Maine Civil Legal Services Fund for 2020/2021, the VLP proposed using its MCLSF Funding to support general legal services to clients from around the state, in all areas of civil law and at all levels of service including limited representation via the Family Law Helpline and clinic projects described above, and full referral of cases to attorneys throughout Maine. As reported above, in 2020, 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. Additionally, actual cost per case for the VLP continues to be low because of the donated service of volunteers, and in 2020 the average cost per case remained under $200, not including the value of the donated pro bono services.

Conclusion

By organizing donated services of private attorneys and community volunteers, and by pioneering new service models, VLP can leverage extraordinary levels of legal service

for Maine people. VLP continues to provide new opportunities for *pro bono* service while developing new ways for Maine people to access these services.

The VLP has provided over 8,500 hours of legal assistance to Mainers seeking help. While it is difficult to accurately measure the impact of these services, we estimate that the value of the legal services provided by the VLP in 2020 exceeds $1.5 million. Given our 2020 total gross revenues of just over $407,000, VLP was able to multiply the value of those dollars by over 3.6 times in the provision of legal services.

MCLSF funding was critical to supporting the VLP's 2020 efforts to maintain and improve the delivery of legal services in Maine. With MCLSF funding, VLP has been able to leverage the work of volunteers and limited representation models to efficiently help a greater number of Maine people with low incomes. In 2019, MCLSF provided funding for 17% of the Volunteer Lawyers Project services. In 2020, the MCLSF grant provided12.5% of the VLP budget. Using the framework above, the 2020 funding provided by the MCLSF of just over $51,000 was leveraged to provide over $183,000 worth of legal services. Given the restrictions and limitations of the pandemic in 2020, we are optimistic that we will grow our ability to multiply value in 2021, as we continue our work to close the justice gap in Maine.

Respectfully submitted,

Elizabeth Stout

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Interim Executive Director
Volunteer Lawyers Project

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Report to the Maine Civil Legal Services Commission
January 2021

On behalf of the Board of Directors and staff of Pine Tree Legal Assistance, I would like to thank the Commission for their continued support of Maine's civil legal aid community. We are pleased to submit this report on Pine Tree's accomplishments in 2020.

It was an extraordinarily challenging year for many Mainers and especially so for the low-income residents of our state that are the focus of Pine Tree's mission. As state and federal rules and laws changed (sometimes more than once in a day), the need for Maine's civil legal aid providers was greater than ever. Pine Tree's staff continued to work throughout the pandemic, providing critical legal assistance to victims of domestic violence and sexual assault, helping families access income benefits, such as unemployment and General Assistance, filing temporary restraining orders to prevent illegal evictions, and responding to a broad range of requests for help.

In late February, Pine Tree's leadership team began preparing for what to do if the coronavirus spread to Maine. By March 16, Pine Tree's statewide call center had smoothly transitioned to a remote operation with expanded hours, supported by experienced staff working from home. Our attorneys continued to handle new and ongoing cases in court and administrative proceedings, working from home until mid-June when we reopened the offices to staff on a limited basis. Despite the personal challenges of the pandemic, staff dedication to their mission and clients remained strong throughout 2020.

The impact of the coronavirus pandemic also was felt more harshly by some of our state residents, highlighting inequities based on income and other attributes. Now more than ever, our society needs legal aid organizations who fight for fairness, justice, and equality for all, not just for the few who can afford it.

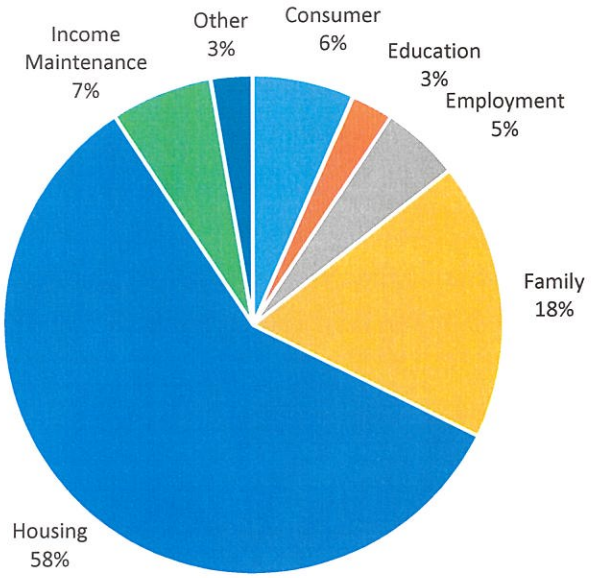
Types of cases handled

In 2020, Pine Tree Legal Assistance worked on **6,313 cases**, providing direct legal assistance on a wide range of legal issues.

Nearly sixty percent of Pine Tree cases involved housing issues, including homeownership, federally subsided housing, public housing, private housing, and mobile homes.

Eighteen percent of Pine Tree cases involved family law, primarily working with survivors of domestic and sexual abuse.

Seven percent of Pine Tree cases involved income maintenance, including helping people access benefits, such as General Assistance.



MCLSF provided partial funding support for all cases, augmenting the more limited support available from other funders. Additionally, Pine Tree used a small portion of its MCLSF funding to handle high priority cases that could not be accepted with Pine Tree's other funding.

Law Category	Cases exclusively funded through MCLSF	Cases funded through MCLSF and other sources
Consumer	33	414
Education	13	172
Employment (including tax)	12	319
Family Law (including PFAs)	1	1,137
Juvenile	5	25
Health	7	58
Housing	317	3,686
Income	36	415
Individual Rights	7	39
Miscellaneous (including tribal law)	4	48
Total	**435**	**6,313**

Number of people served

Pine Tree served more than one and a half million people in 2020 through direct legal aid, outreach, and its websites.

- Pine Tree served 15,643 people through individual cases, including 9,521 adults and 6,120 children.
- Pine Tree served 3,848 people through community education activities including consultations, meetings, presentations, and trainings.
- Pine Tree's websites were utilized by 1,663,691 users in 2020, accessing Pine Tree's websites for a total of 3,015,743 page views.

MCLSF funding is crucial for the maintenance and development of website resources and self-help tools. Pine Tree maintains four websites: ptla.org, kidslegal.org, statesidelegal.org, and helpMElaw.org. All of the program websites are freely available to any individual and remain an important way of increasing access to the justice system, especially for unrepresented individuals. Starting in March, Pine Tree added a special "COVID-19" tab to the home page for www.ptla.org, www.kidslegal.org and www.statesidelegal.org , linked to updates explaining the changing rules regarding various legal proceedings, remedies and benefits.

In October, Pine Tree launched a new chat feature on ptla.org called Moose. Moose is a friendly chatbot designed to help our website users find what they are looking for and get simple questions answered. Moose uses artificial intelligence (AI) to match user's frequently asked questions with the answers they need. The more people use Moose, the more it will learn, and the better it gets at matching people with the information they need. Since Moose launched, at least 716 users have engaged with Moose to get answers to their questions.

In 2020, ptla.org alone recorded more than 1 million users and 1.7 million page views. The following table highlights the most frequently viewed pages on ptla.org.

Rank	Page	2020 Page Views
1	Do I Have to Repay Unemployment Benefits if I'm Overpaid?	236,922
2	Derechos del Inquilino: Depósitos de Alquiler (Security Deposits)	80,394
3	ptla.org (Home Page)	79,383
4	What Can I Do if My Landlord is Trying to Evict Me?	73,010
5	Using Your EBT Card to Get Food Supplements and TANF	59,770
6	Derechos del Inquilino: Desalojos (Rights of Maine Renters: Eviction)	54,292
7	Contact Us	46,279
8	What is a Guardian ad Litem? | Pine Tree Legal Assistance	45,697
9	Guardianship of a Minor (Arabic)	29,454
10	How to Handle Social Security Overpayments	28,437

Demographic information about people served

Pine Tree's clients in 2020 represent the breadth of demographic characteristics seen throughout the state:

- Two out of three are women.
- One in three has a disability and more than half have someone in their household with a disability.
- One in five is a single head of household with children.
- One in six is age 60 or older.
- One in seven is a racial minority.
- One in eleven is a veteran.

Consistent with our mission to make program services accessible to all eligible Mainers, Pine Tree also monitors the extent to which we are effective in reaching Maine's diverse client communities. In 2020, Black or African American individuals represented roughly 4% of Maine's poverty population and 4.3% of Pine Tree's caseload. Hispanic individuals represented 2.3% of Maine's poverty population and 2.1% of Pine Tree's caseload. Native American clients represented 1.6% of the poverty population and 2.5% of Pine Tree's caseload.

To make the most of its limited resources, Pine Tree prioritizes individuals and families with a household annual adjusted gross income that is at or below 125% of the federal poverty guidelines. The chart below shows the breakdown of households served in 2020 by poverty level.

Below 100% poverty	58%
100% – 199% poverty	32%
Over 200% poverty	9%

Geographic area actually served

Pine Tree provides legal services to low-income residents in all sixteen counties. Its six neighborhood offices are strategically located around the state to be close to Maine courts and to provide access to all Mainers. The chart below shows the geographical distribution of Pine Tree's cases and clients in 2020.

County	Cases Handled	All People Served
Androscoggin	836	2,244
Aroostook	361	895

Cumberland	1,494	3,344
Franklin	96	311
Hancock	223	532
Kennebec	644	1,523
Knox	134	305
Lincoln	100	261
Oxford	291	782
Penobscot	558	1,301
Piscataquis	47	114
Sagadahoc	141	321
Somerset	187	489
Waldo	121	344
Washington	229	517
York	759	2,029
Out of State	15	49
Unknown	77	280
Total	**6,313**	**15,641**

Residents of Maine's rural counties faced special challenges during the pandemic in 2020, as a result of limited broadband services (which made it difficult for many households to access its website resources) and changes in Court operation (which precluded potential clients from meeting with Pine Tree staff on the day of a final hearing). Pine Tree staff are reviewing ways to work around those continued barriers in 2021 in order to ensure that rural Mainers are also able to access help when needed.

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

In 2020, Pine Tree staff and volunteers worked on 6,313 cases for individuals and families. Advocacy ranged from legal information, advice, and brief service to negotiations and full legal representation in court and administrative hearings for the most serious cases.

In an ordinary year, more than a third of this caseload would involve full legal representation (typically in a courtroom setting) but the pandemic-related court closures disrupted that approach. However, Pine Tree's advocacy efforts on behalf of vulnerable Mainers (which included frequent litigation to secure temporary restraining orders in emergency proceedings) meant that twenty-four percent (1,497) of Pine Tree's closed cases received full legal representation in a court or administrative hearing. Of cases receiving full representation, 95% were resolved in favor of the Pine Tree client, highlighting the importance of legal services in ensuring that illegal actions are promptly addressed by the appropriate tribunal.

Status	# of Cases
Resolved in favor of the client after full legal representation	1,428
Resolved in favor of the opposing party after full legal representation	69
Resolved after providing information, advice, or limited assistance	3,843
Cases open as of 12/31/2020	973
Total cases worked on in 2020	**6,313**

Whether and to what extent the organization has complied with its proposal to the Commission
The activities supported with MCLSF funding in 2020 are consistent with the activities proposed in Pine Tree's 2020-21 application to the Commission. In the application, Pine Tree sought funding to support its three key strategies:

- direct legal advocacy for individuals and families who are unable to afford private counsel.
- maintenance and development of program website resources and self-help tools.
- training events and presentations to client groups, social service providers, members of the private bar, and others.

As described above, despite the challenges of the COVID-19 pandemic, Pine Tree served more than 1.5 million people in 2020, through direct legal aid, community legal education, and online resources.

Outcome measurements used to determine compliance
Using case management software, Pine Tree tracks both the number of cases opened and closed within a given period and the extent to which the client's objectives were achieved. Specific case closing codes are used to track the results of closed cases and to distinguish between successful and unsuccessful outcomes. Additionally, Pine Tree records data on more than 50 potential case outcomes. With Pine Tree's unique emphasis on full legal representation throughout Maine, the outcomes of its 2020 advocacy are extensive.

The following data highlight some of Pine Tree's most significant outcomes. In 2020, Pine Tree's advocacy:

- Resulted in **$3,967,188 in income, savings, and benefits to our clients.**
- Prevented homelessness for 158 households though eviction dismissals alone.
- Preserved more than $10,000 in monthly housing subsidies. The annual value of these subsidies is more than $120,000.
- Secured 252 new protection orders for victims of domestic violence, sexual assault, stalking, and dating violence.
- Secured educational services for 13 low-income children, helped 7 children return to school, and kept 17 children in school.

The data collected in outcomes measurement provide only a glimpse into the impact of Pine Tree's advocacy. The impact of direct legal services can be profound. This year, many Maine families found themselves on the brink of homelessness, despite all the emergency protections that were put in place due to COVID-19. Thanks to funding from the Maine Civil Legal Services Fund, our team was available to respond. The following are two examples of illegal evictions halted by Pine Tree staff in 2020:

> *In late March, Julie was told that she, her husband, and their six-year-old son had to be out of their apartment in one week. Julie thought they might end up living in her car because they had nowhere else to go. The same thing happened to 26 other households in Julie's Augusta apartment complex. The landlord shut down their key cards, locking them out of the building. Some tenants climbed through a lobby window to get into their homes. When the landlord found out, he boarded up the windows. A Pine Tree Legal Assistance attorney received a call from the City of Augusta's Code Enforcement Office, alerting us that a landlord was illegally kicking out the tenants of a 27-unit building, Julie's apartment complex. Code Enforcement told tenants to call our office so we could help prevent them from becoming homeless. Two attorneys at Pine Tree Legal Assistance coordinated intakes for two dozen households and prepared pleadings for*

a Temporary Restraining Order (TRO) from the court that would prevent the landlord from illegally evicting the tenants. Pine Tree Legal Assistance successfully coordinated with city officials and the police department to prevent all 27 families from becoming homeless, including Julie's.

We continued to respond to illegal evictions throughout the spring and summer and into the fall and winter.

One more example is "Jennifer" is a single mom of three, living in a small Maine town. In January, Jennifer started a new job working as an optician at a local eye doctor's office. Before starting her new job, she had fallen behind on rent and entered into an agreement with her landlord to catch up on payments. When COVID-19 hit Maine in March, Jennifer was cut down to 8 hours a week and she could no longer afford her current or past due rent. Initially, Jennifer's landlord said he would work with her, but after accepting money from her tax return and stimulus check, he asked local police to remove her from her home. One day in June, Jennifer came home from work to find a notice hanging on her door that said she must leave within 48 hours. In the middle of the pandemic, her landlord threatened to have the police throw her and her kids onto the street. Jennifer called Pine Tree Legal Assistance for help. She asked us if this was legal. She was not sure what rights she had. One of our staff attorneys researched the case and identified a legal defense. The attorney drove out to the local court to request an emergency temporary restraining order (TRO) to stop the landlord from illegally evicting Jennifer. The court granted the order and we immediately notified the landlord and the local police that Jennifer and her kids could stay in their home.

What would have happened if Pine Tree Legal Assistance had not helped these clients? In the midst of a pandemic, adults and children would have been left without shelter and at risk of immediate health and safety concerns. Many landlords will not rent to anyone with a past eviction or debt owed to a previous landlord, pushing at risk families into substandard housing in disinvested neighborhoods with little access to transportation or good jobs. And as people from outside Maine moved here in 2020 to enjoy our quality of life, including the opportunity to safely spend time outside, affordable housing options have continued to shrink, pushing many low-income families away from local jobs and the schools attended by their children. We also expect these challenges to continue in 2021.

Information regarding unmet and underserved needs

Pine Tree Legal Assistance is Maine's oldest and largest legal aid provider, providing legal representation throughout the State in a wide variety of legal proceedings. As a result of being in operation for 53 years, it is a widely recognized resource for people with civil legal needs. However, as a result of serious and growing funding limitations, Pine Tree does not have sufficient staff to accept every meritorious case for which help is sought.

In 2020, Pine Tree Legal Assistance recorded 7,720 requests for legal help. We provided clients with the level of service they requested in 3,321 cases, allowing us to fully serve 43% of individuals requesting our help. Because of our limited staff capacity, a lower level of assistance was provided in 1,977 (26%) cases. The remaining requests (2,422 in total) were addressed with general legal information and other referral resources, but could not opened as Pine Tree cases because of insufficient staffing. In short, **our current funding (and staffing) limitations meant that 57*% of legal requests for help from Pine Tree in CY 2020 were either underserved or turned away after providing general information.***

This data documents only a fraction of the actual unmet and underserved civil legal needs in Maine, since it only includes requests received by staff. Despite our outreach efforts, many Mainers remain unaware of legal aid programs or even that their problem is one for which legal services would be appropriate. A national study[1] has shown that most people with civil legal problems do not identify them in that way and do nothing in response, enabling bad actors to continue operating outside the legal system. Similarly, a 2012 study by Pine Tree of legal needs among Maine's veteran community found that 70% of those surveyed had experienced at least one legal problem in the past twelve months, but only a small fraction of those sought legal help from any source.

Conclusion

Every Pine Tree office (Presque Isle, Bangor, Machias, Augusta, Lewiston, and Portland) was supported with MCLSF funding in the past year. That funding also assured Pine Tree's presence online, allowing individuals all over the state to access information about legal rights and responsibilities on a 24/7 basis.

MSLCF funding will remain very important to our work in 2021 as the impact of the pandemic continues and ongoing federal and state legislation affects the legal protections and benefits on which low-income Maine residents rely. We are working with colleagues in Maine and around the country to develop best practices and deploy innovations that will ensure more Maine residents benefit from our expertise in the coming year. One such example involves the launch of a new statewide weekly "Tenant Information Session" on Tuesdays at 9 am in partnership with the Maine Judicial Branch (https://ptla.org/fed). This effort grew out of staff awareness that many unrepresented tenants had been able to connect with a Pine Tree lawyer on the day of their eviction proceeding at their local courthouse via a 'lawyer of the day pick up' approach, a strategy disrupted by remote proceedings during the pandemic. The Forcible Entry and Detainer (FED) Summons and Complaint served on tenants in new eviction proceedings now includes information about the FED weekly sessions. Conducted via Zoom, the hour-long sessions are staffed by Pine Tree lawyers and cover important tenant rights and protections, allowing us to reach Maine people who would otherwise be unfamiliar with civil legal aid programs or the legal services they offer.

In 1990, Senator Muskie released Maine's first detailed analysis of the legal needs of low-income Mainers and called for new funding to expand access to justice in our State. Thirty-one years later, Pine Tree Legal Assistance has seen both the benefit of that heightened awareness and remains keenly aware of the continued gaps in service that require our attention. We will continue to work with the Maine Judicial Branch and other State government agencies and stakeholders to ensure that our services remain accessible to poor Mainers from Fort Kent to Kittery and from Oquossoc to Eastport in 2021. We are also very grateful to the Maine Legislature and State leadership for their continuing support of the Maine Civil Legal Services Fund at this uniquely challenging time.

Respectfully submitted,

Nan Heald
Executive Director

[1] http://www.americanbarfoundation.org/uploads/cms/documents/sandefur_accessing_justice_in_the_contemporary_usa._aug._2014.pdf