

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, Second Regular Session

February 1, 2022

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MAINE CIVIL LEGAL SERVICES FUND COMMISSION

January 13, 2022

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

RE: 2021 Report of the Maine Civil Legal Services Fund Commission

Dear Senator Carney and Representative Harnett:

I am pleased to submit the 2021 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.

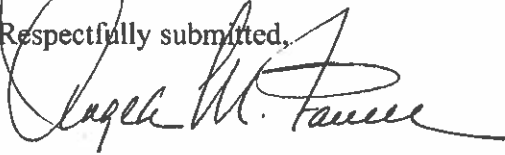
The Annual Report includes information about the amounts and uses of the funds allocated from the Fund. This compilation includes a report from each of the seven organizations receiving these funds. The total amount distributed in 2021 was \$1,960,794.08. This was \$826,379.59 more than the amount of \$1,134,414.49 distributed in 2020. The distributions in 2021 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	127,451.62
Disability Rights Maine	3.0000	58,823.82
Immigrant Legal Advocacy Project	6.0000	117,647.64
Legal Services for the Elderly	22.0000	431,374.70
Maine Equal Justice Partners	10.5000	205,883.38
Pine Tree Legal Assistance	47.5000	931,377.19
Volunteer Lawyers Project	4.5000	88,235.73
Total	100.0000	1,960,794.08

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,

A handwritten signature in black ink, appearing to read "Angela M. Farrell". The signature is fluid and cursive, with a large initial "A" and "F".

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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**2021 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 2021 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 52nd 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 We can accept someone as a new client when, in addition to meeting financial eligibility requirements, the potential client’s legal matter is an appropriate fit for our program in terms of case type and location, and 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. 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 on the specific matter, (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-seven students enrolled in Clinic courses during the spring and fall semesters in 2021. In addition to the specific courses listed below, all students participating in Clinic during the school year are required to enroll in a separate Lawyering Skills for Clinical Practice course, which provides an in-depth classroom learning experience focusing on core lawyering skills including interviewing,

¹ As a general matter, the Clinic assists low-income residents of Maine, defined as those receiving needs-based public benefits or having an adjusted income after deductions under 125% of the Federal Poverty Level (the same as Pine Tree Legal Assistance). However, due to their circumstances, some of our target client populations (e.g., incarcerated individuals, children and youth, immigrants whose status does not permit them to work, unrepresented plaintiffs seeking protection from abuse) do not need to demonstrate their financial eligibility for our services.

counseling, trauma-informed lawyering, cultural humility, case theory, negotiation, among others. During the summer, the Clinic hired eight 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 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.

The **General Practice Clinic** enrolls up to ten law students each semester, 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 a 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. Our program primarily serves incarcerated individuals at the Maine Correctional Center and the Southern Maine Re-Entry Center for Women, both located in Windham, but we assisted several clients in other Maine correctional facilities as well. Due to COVID-19 restrictions, all client meetings in 2021 took place through videoconference and telephone call, but we hope to resume our weekly in-person visits to the Windham facilities during 2022. In 2021, this program provided 73 prisoners with legal information, advice, and, in some cases, full representation.

The **Juvenile Justice Clinic** 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)** 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 2021, RHRC students assisted 24 such immigrants and refugees and also participated in public education and outreach initiatives that reached dozens of other Maine residents. For example, in light of the urgent humanitarian crisis in Afghanistan, the RHRC created an Afghan Outreach Project. RHRC collaborated closely with ILAP and recruited and

trained 10 RHRC alumni and over 30 Maine Law student volunteers to assist Afghan Mainers in filing Humanitarian Parole applications for their relatives trying to flee Afghanistan. Additional students, supervisors and Clinic alumni volunteered with ILAP and participated in their pro se workshops.

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 2021, through support from the Fund and the United States Department of Justice Office of Violence Against Women, the program provided such representation to 199 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 2021 the Fund provided approximately 18% of the external funds received by the Clinic and nearly 10% 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 2021, 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 53.5% of the Clinic's General Practice and Prisoner Assistance civil caseloads, or 61 cases. In addition, the Clinic handled 223 Protection from Abuse/Harassment cases for a total of 284 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, termination of parental rights, child support, spousal support, parentage, 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 or Juvenile Justice Clinic in 2021 include foreclosure, landlord/tenant, administrative appeals, disability benefits, Special Immigrant Juvenile Status predicate orders for 18-20-year-olds, adult guardianship, protection from harassment, recovery of unpaid wages, name change, education rights, wills and trusts, power of attorney, taxes, and real estate.

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.

The Prisoner Assistance Clinic assisted prisoners with a full range of family law questions, including divorce, annulment, adoption, child protection, parental rights and responsibilities, child support, guardianship of a minor, parentage matters, termination of parental rights, administrative appeal of DHHS substantiation, post-judgment matters, and protection from abuse. Student attorneys in this clinic addressed a wide variety of other civil legal issues, among them: probate, wills, powers of attorney, adult guardianship, real estate, social security disability benefits, taxes, small claims, bankruptcy, medical malpractice, immigration, personal injury, tort defense, recoupment of title, protection from harassment, consumer rights, name change, and administrative appeals.

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.

In the Refugee and Human Rights Clinic, student attorneys assisted clients with matters involving defensive asylum, humanitarian parole requests (for Afghan nationals), work permits, asylum derivative/family reunification, Special Immigrant Juvenile Status, Freedom of Information Act requests, and naturalization, as well as three impact litigation cases before the Court of Appeals for the First Circuit (2 as friends of the court (amicus briefs) and one as primary attorney with ACLU-NH co-counseling); two impact litigation before the U.S. District Court for the District of Maine (with co-counsel ACLU-ME and ILAP).

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

In 2021, the Clinic provided civil legal assistance to a total of 326 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 2021 is as follows: Androscoggin 193; Aroostook 0; Cumberland 97; Franklin 0; Hancock 1; Kennebec 5; Knox 6; Lincoln 0; Oxford 6; Penobscot 8; Sagadahoc 1; Somerset 1; Waldo 0; Washington 0; York County 3; Out of State 5.⁴

The Clinic assisted a large number of clients with Limited English Proficiency or who were born outside of the United States. During 2021, our clients' countries of origin included Afghanistan, Angola, Brazil, Burundi, Columbia, the Democratic Republic of the Congo, the Dominican Republic, El Salvador, Guatemala, Honduras, Iraq, Mali, Mexico, the Republic of Congo, Rwanda, Somalia, South Sudan, and Uganda. The Clinic also assisted clients from Maine's tribes.

³ An additional 1116 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.

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 at Maine Law, the Clinic's geographic coverage in full representation matters is primarily in federal, state, and probate courts and agencies located in Cumberland, York, Androscoggin, and Sagadahoc counties. We do, however, appear in courts in other parts of Maine as well. In 2021, we provided full representation to clients with cases in state and federal courts and agencies located in Alfred, Auburn, Augusta, Bangor, Biddeford, Ellsworth, Lewiston, Portland, Skowhegan, Springvale, York, Waterville, West Bath, and York, as well as USCIS Immigration Court in Boston, Massachusetts and international embassies abroad through the U.S. Department of State. 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 Maine state 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 57 civil cases open at the start of 2021. During the year, it opened 319 new cases and closed 290. Currently, at the end of the year, the Clinic has 73 civil cases open. With the start of the new semester in January 2022, 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 2021, enabling us to expand some of our programs and serve additional clients. Unfortunately, the combination of the unexpectedly limited reach of that new law—which has now been addressed by P.L. 2021, ch. 329—and the COVID-19 pandemic resulted in a decrease of funds we received through the Fund, as well as from some other sources. Now that the needed change to the MCLSF statute is in effect, we are already seeing an improvement in our funding levels, and we are hopeful that we will see a further increase in funding during 2022.

The dedication and creativity of the Clinic's faculty, staff, and students ensured that, notwithstanding the numerous challenges presented by the pandemic, we were able to maintain all of our core programs throughout 2021, 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, for many months during 2021 we could not provide 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.

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. Because 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, and we must comply with American Bar Association accreditation requirements. 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 clients' 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 Disability Rights Maine, Maine Legal Services for the Elderly, Pine Tree Legal Assistance, as well as positions in county prosecutors' offices, and the Office of the Attorney General, the Maine Legislature, Maine Commission of Indigent Legal Services (staff), Maine Office of the Secretary of State, Judge Advocate General programs, U.S. Citizenship and Immigration Services, and state and federal courts. 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 ongoing COVID-19 crisis, 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
2021 ANNUAL REPORT TO THE
MAINE CIVIL LEGAL SERVICES FUND COMMISSION
JANUARY 14, 2022**

I. Overview

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 ensure autonomy, inclusion, equality, and access for Mainers with disabilities.

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 people with disabilities, 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.

DRM priorities focus on ensuring individuals with disabilities are safe from abuse, neglect and exploitation; are able to live and work in integrated communities and to direct their own lives and services to the maximum extent possible; are not being subjected to unlawful disability-based discrimination; and have access to health care, housing, education, employment and public accommodations.

Using federal and state funds¹, DRM provides no-cost advocacy and legal services to people with disabilities who have experienced a disability related violation of their legal or civil rights. DRM currently employs 44 people, 15 of whom are attorneys (and 4 more who have completed law school).

¹ DRM receives funding under 9 different federal grants as well as through 8 other state and private contracts to provide legal and advocacy services for Mainers with disabilities.

II. Maine Civil Legal Services Funding

DRM has received MCLSF funding to support the provision legal services to people with disabilities for many years. In 2021, DRM received \$46,756.36 from the Fund. Since this was not enough to hire another attorney, DRM used MCLSF funding, as we have in the past, to supplement our existing funding in cases where the client has a disability, has an income below or around the federal poverty level, and has experienced disability-based discrimination or a violation of their rights. DRM's federal funding comes with various conditions and eligibility restrictions which can operate to prevent DRM from representing many Mainers who need legal assistance. As a result, the MCLSF award is essential to expanding DRM's ability to provide legal representation to Mainers with disabilities whose incomes are below or around the federal poverty level.

DRM provides critical and high-quality legal services to Mainers with disabilities. 19.6% of Mainers with disabilities live below 100% of the poverty level compared with 10.2% of Mainers without disabilities. And 15% of Mainers with disabilities live between 100% to 149% of the poverty level compared with 7.5% of Mainers without disabilities. DRM is the only civil legal services provider focusing solely on the unique and troubling discrimination faced by people with disabilities. We provide individual representation in every Maine county. And we utilize the federal authority that gives us unfettered access to places where people with disabilities, including children, are housed or served, including jails, prisons, schools and other facilities or institutions, to ensure Mainers with disabilities are protected from abuse or neglect.

We are grateful to have received 3% of the Maine Civil Legal Services Fund in 2021, and for the opportunity to highlight some of the important work that DRM attorneys engaged in on behalf of Mainers with disabilities.

A. Types of cases handled:

As outlined in more detail below, DRM attorneys provided legal representation in a wide range of areas in 2021. The majority of individual cases involved protecting people with disabilities from abuse and neglect, advocating for community integration, and securing equal access to education for people with disabilities. DRM also handled a significant number of public accommodations cases, provided legal advocacy to assist individuals in terminating, modifying or avoiding guardianships,

provided employment related advocacy, assisted people in maintaining their housing, and worked to ensure access to services and supports to prevent the institutionalization of people with disabilities.

Please refer to the Appendix for examples of the individual representation, community legal education, and systemic advocacy work performed by DRM attorneys in 2021.

2021 Attorney Cases Handled
Case Problem Area (Based on Total # of Active Service Requests)

Abuse, Neglect and Other Rights Violations.....	216
Beneficiaries of Social Security.....	18
Community Integration.....	148
Due Process.....	17
Education.....	115
Employment.....	31
Government Services & Public Accommodations.....	55
Guardianship.....	60
Housing.....	15
Vocational Rehabilitation.....	5
Voting.....	7
Total.....	687

B. Number of people served:

DRM Attorneys provided direct representation in 687 cases to 621 Mainers with disabilities. DRM advocacy staff provided services to an additional 534 Mainers with disabilities. In total, DRM provided direct advocacy services to 1,155 Maine citizens with disabilities in 2021.

C. Demographic information about people served

Demographic information regarding the cases handled by DRM attorneys in 2021 is included below. This data covers the total number of unique clients with active service requests in 2021, where an attorney was the primary assigned staff.

Age:

Birth – 18.....	159
19 – 30.....	156
31 – 40.....	91
41 – 50.....	100
51 – 60.....	60
61 – 70.....	33
71 & Over.....	22
Total	621

Ethnicity/Race:

Hispanic/Latino.....	2
American Indian/Alaskan Native.....	4
Asian.....	1
Black/African American.....	6
White.....	393
Two or More Races.....	12
Ethnicity/Race Unknown.....	201
Declines to Respond.....	2
Total	621

Primary Disability:

Autism.....	114
Blindness.....	9
Cerebral Palsy.....	16
Deafness.....	9
Diabetes.....	2
Hard of Hearing (not Deaf).....	4
Heart/Other Circulatory.....	2
Intellectual Disability.....	246
Mental Illness.....	129
Muscular Dystrophy.....	4
Neurological Impairment.....	11
Orthopedic/Physical Impairment.....	15
Respiratory Disorders.....	3
Specific Learning Disability.....	3
Traumatic Brain Injuries.....	41

Visual Impairment (not Blind).....	3
Other.....	10
Total	621

Income:

100% FPL.....	357
125% FPL.....	26
N/A FPL.....	89
Unknown.....	149
Total	621

D. Geographic area actually served:

DRM has a statewide service area. In 2021, DRM provided legal representation to Mainers with disabilities in all sixteen of Maine's counties. See below for additional information regarding the geographic distribution of matters handled by attorneys:

County:

Androscoggin.....	73
Aroostook.....	23
Cumberland.....	209
Franklin.....	9
Hancock.....	14
Kennebec.....	68
Knox.....	18
Lincoln.....	19
Oxford.....	19
Penobscot.....	73
Piscataquis.....	5
Sagadahoc.....	15
Somerset.....	35
Waldo.....	19
Washington.....	6
York.....	75
Out-of-State.....	7
Total	687

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

There were 687 active attorney cases in 2021. During 2021, 422 cases were opened and assigned to attorneys, and 308 attorney cases were closed. As indicated above, there were also 534 active matters handled by non-attorney advocates, with the support and supervision of DRM attorneys.

F. Whether and to what extent the organization has complied with its proposal submitted to the Commission:

DRM proposed the hiring of a full-time attorney, which was not feasible with the amount we received from the Fund. As a result, DRM used the funding, as we have in the past, to supplement our existing funding to expand our ability to serve Mainers with disabilities who are unable to otherwise access legal representation.

DRM complied with the terms of the award by using MCLSF funding to pay staff attorney salaries to represent Mainers with disabilities with incomes below or around the federal poverty level, 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.

G. 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, Children's Team and ADA Team. DRM's teams meet regularly to monitor cases, projects and systemic advocacy efforts, to assess and record progress on annual program priorities, to discuss issues of concern

and to strategize about how to address the significant demand and need for legal services in the most efficient and impactful ways.

When a case is closed at DRM, a survey 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 survey 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 and the compiled results are shared quarterly with the DRM Board of Directors.

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 has similar reporting requirements related to state and private contracts, but this reporting is generally more frequent, either every six months or, in the case of hospital contracts, quarterly.

When DRM closes a case, the reason for closing is documented and reported out in the various PPRs. For the 2021 attorney cases reported out here, 81% were resolved partially or completely in the client's favor. Of the balance of the cases, 14% were closed because either the situation changed and the client no longer needed legal assistance or because the client was not responsive. Less than 2% of cases were closed because no issues were resolved for the client.

Finally, 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 employee, two lawyers, a non-lawyer advocate, and a person with a disability.

All of these compliance and outcome measures are also applied to cases that are partially supported by MCLSF funds.

H. Unmet and underserved needs

The pandemic has not impacted all people equally, and many people with disabilities, especially people with disabilities with incomes below or around the federal poverty level, have been negatively impacted in ways well beyond the population at large. As a result, DRM has seen an increased need for our services. While there are many areas where the need for services outstrips the capacity of not just DRM, but all of Maine's civil legal services providers, the following areas are among the most significant:

Representation to avoid, modify or terminate guardianship: Approximately 74% of Maine adults with intellectual or developmental disabilities are under guardianship, while nationally, the figure is 41%. These cases are vitally important to improving the lives of people with disabilities because guardianship can result in the deprivation of almost all civil rights. These cases can be very involved and time consuming. DRM currently handles as many guardianship cases as we can, with an emphasis on cases where exploitation, fraud, abuse or neglect are involved. But we see guardians, with the support of the providers, depriving individuals of their rights every day. We offer technical assistance whenever we can, but that is often insufficient. Individuals subject to or at risk of guardianship need increased access to attorneys to protect and/or restore their civil rights.

Ensuring access to equal educational opportunity: DRM now has two attorneys working full time on education cases even though there is no dedicated federal funding stream for educational advocacy. And the requests we receive for educational advocacy far outstrip our capacity to handle them. Maine students with disabilities are subjected to exclusionary discipline, including shortened school days, at very high rates. Maine students with disabilities are subjected to some of the highest rates of seclusion and restraint in the country. And the impacts of the pandemic on students with disabilities, especially students with developmental disabilities and/or social, emotional and behavioral needs, have been particularly acute. DRM has been working with other legal services providers to increase the ability of the private bar to handle school discipline cases, and we are exploring other ways to try and serve more students and families. Still, the unmet needs for educational advocacy are significant and growing.

Ensuring that people with disabilities are protected from abuse and neglect: There are more than 500 provider agencies just for people with intellectual disabilities and autism in Maine. Unfortunately, we often find rights violations when we get into these places where people live and spend their days. These individuals need increased access to attorneys to protect and enforce their rights.

Ensuring that places of public accommodation are accessible to all Mainers:

Although the Americans with Disabilities Act was passed in 1990, people with disabilities still face very significant barriers when trying to access goods, services and spaces in their communities. DRM provides representation in these areas, but the needs far outstrip our ability to address them.

Access to necessary services to support independent living: People with disabilities often have a need for services and supports in order to live independently. DRM handles MaineCare appeals when medically necessary services are denied, but the needs outstrip our ability to provide those services. Currently we prioritize cases where an individual is at risk of institutionalization without the services at issue, but have had to turn away cases because people do not meet this threshold. There is also a significant need for advocacy around transportation supports for people with disabilities to support access to the community and independent living.

Appendix

We have included a selection of closing case narratives for cases closed in 2021 that were handled by DRM attorneys. We have also included some information about selected community legal education and systemic advocacy efforts in 2021.

Selected 2021 Case Closing Narratives

DRM helps client avoid eviction: A 52-year-old woman with a psychiatric label was facing an eviction hearing due to chronic late payment of rent that was due to symptoms of her depression. The client identified a friend who would be able to handle the timely payments going forward. DRM sought an accommodation to dismiss the eviction hearing if the friend were responsible for ensuring timely payments. An agreement was reached whereby if client paid rent on time for the next six months the landlord would dismiss the eviction. The client complied with the agreement and the landlord dismissed the eviction.

DRM helps client avoid eviction: A 33-year-old man with a psychiatric label who was being evicted from his group home contacted DRM because he wanted to maintain his housing and mental health treatment. He also wanted to be employed and access his church. The group home was concerned about COVID-19 and that the client was not participating in treatment. DRM immediately called a series of meetings, including the client's family at his request. DRM also contacted the state mental health authority to work with the provider. The state withdrew their initial approval of the discharge, the provider was required to develop a plan so the man could access his church safely during the pandemic and be employed if he chose.

DRM assists client in obtaining a necessary bail modification: A 29-year-old woman with a psychiatric label who was being evicted from a group home contacted DRM because she both felt she did not need to live in a group home and because the eviction was due to violation of strict rules in the group home. She had criminal charges which included a condition that she live in a group home. DRM worked with the group home, the state mental health agency, the liaison from DHHS who worked with the courts, and her criminal defense attorney and got the bail condition modified so she was able to live on her own.

DRM helps secure transportation to support access to education: The parent of an 18-year-old student receiving SSI contacted DRM after the student's school district failed to provide him with medically necessary transportation to and from his special purpose high school. The district's failure to provide transportation, as set forth in the individual's IEP, was hindering his ability to access his education and important transition planning services. After DRM intervened, the school agreed to resolve the transportation issue.

DRM secures reinstatement of SSDI benefits: DRM investigated the termination of the SSDI benefits of a recipient with a psychiatric label. Social Security planned to terminate benefits because, according to its calculations and determination, he had worked over the substantial gainful activity amount. DRM informed the individual of different work incentive programs that could help Social Security review and overturn its original decision. DRM requested expedited reinstatement of benefits after attending a meeting with Social Security. DRM also notified Social Security of the different work incentives that the individual was eligible for, resulting in a reinstatement of his benefits.

DRM helps student secure access to effective communication: The family of an 8-year-old student with severe hearing loss contacted DRM because the student could not access communication at school due to a lack of services and face-coverings that blocked his ability to understand her staff and peers. DRM provided them information on the student's rights and prepared the family for an IEP team meeting and spoke to the district's attorney ahead of the meeting to highlight the issues. After the IEP meeting, the student and her staff and classmates were provided with clear face masks and the student's time with the Teacher of the Deaf was changed from remote to in-person for better access.

DRM helps secure appropriate early intervention services: The parent of a 3-year-old student with autism contacted DRM because the student was out of school, receiving some of the hours of related services from his IEP, but no instruction and no access to peers. The program where the State's early education IEU placed the student closed and the student was on 6 waitlists for other programs. DRM filed a complaint with the State resulting in a Report and Corrective Action Plan that directed the State's early education unit, Intermediate Educational Unit (IEU) to immediately provide a placement for the student and compensatory education. DRM represented the family at an IEP team meeting where the student was placed in a

brand-new program created in-house by the State's IEU. The family also participated in a systemic complaint against the State's early education IEU, which successfully expanded the capacity of the State's early education IEU and helped to address the failure of the State's early education IEU to provide services to 20% of their students.

DRM secures access to a full school day: The parent of a 6-year-old student with a psychiatric label contacted DRM because the student was not being provided a full school day, having to earn time in the classroom 15 minutes at a time, based on behavior including face-covering compliance required due to the COVID-19 pandemic. DRM represented the student at an IEP meeting and successfully advocated for the student to be provided with full school days and added services to his IEP, including 1:1 adult support, a positive behavior support plan, consultation from a board-certified behavior analyst (BCBA), and social work services imbedded in his program.

DRM helps client obtain guardianship termination: A woman in her 40s with a developmental disability contacted DRM seeking assistance with terminating her guardianship. The client had worked with DRM a few years earlier and successfully limited the guardianship substantially, and now was seeking full termination. Despite having done extremely well under the limited guardianship for a few years, the guardian was adamantly against full termination. DRM assisted the client in filing a petition to terminate guardianship with the court, and represented her through the process. At the close of the contested hearing, the court issued findings from the bench and ordered the guardianship terminated. The judge focused on the fact that, although the client does need support in making decisions, she recognized it and had built a network to help her, and used supported decision-making in doing so.

DRM secures exemptions to DHHS regulations, ensuring that individuals with disabilities could receive medically necessary services when accessing the community: The Long-Term Care Ombudsman Program (LTCOP) referred two cases to DRM, both involving how the Office of MaineCare Services (OMS) interpreted the private duty nursing (PDN) regulation. One involving a 22-year-old young man who received 108 hours of private duty nursing services, and the other involved a 17-year-old girl who also received 108 hours of PDN services. According to OMS, the nurses could not accompany the clients into the community unless they were going to school, preschool, daycare or medical appointments. This was based on an antiquated reading of the PDN regulation. DRM tried a number of ways to challenge this rule, finally deciding on litigation. Prior to filing suit, DRM wrote a

lengthy letter to DHHS explaining how its interpretation of the PDN rule was outdated, because it violated the integration clause of the Americans with Disabilities Act and Section 504. DHHS then granted the clients' exceptions to the rule, that allowed the nurses to accompany the clients into the community and also advised that they are in the process of revising their policy.

DRM secures reasonable accommodation for private duty nursing services to support community living: A young man with intellectual disabilities and other physical conditions contacted DRM because he was in danger of having his nursing services drastically reduced. The client was one of a number of young individuals who received a high level of skilled Private Duty Nursing (PDN) services, who was aging out of children's services. The regulations permit children under 21 years of age to exceed the monetary cap on services, but once a person turns 21, the rules do not permit exceeding the cap. As a result, the client's services were in danger of being reduced from 168 hours per week to under 30 hours of nursing services per week. The client's medical needs were complex, and without full-time skilled nursing, he would have required hospital level of care. DRM drafted and submitted a request for reasonable accommodation pursuant to DHHS' ADA procedure. His 24/7 nursing remained in place pending the request due to an appeal of the reduction in hours triggering a "stay put" of his services. Throughout the extended time it took the Department to approve the request, DRM met repeatedly with DHHS personnel in order to ensure that nursing services did not terminate. Eventually, the Department approved the request for 24/7 nursing supports, and DRM withdrew the appeal. As a result, the client was able to remain in his home with his family.

DRM assists client in accessing transportation necessary to maintain employment: An individual with an intellectual disability who received MaineCare contacted DRM when her waiver-funded transportation became so unreliable that she was at risk of losing her job. DRM successfully negotiated with the contracted transportation broker to secure a local taxi company to exclusively provide the necessary transportation going forward. With that, the individual's rides became reliable, and the individual was able to remain working.

DRM advocacy secures life sustaining nursing services and continued access to independent living: DRM represented a 22-year-old with a developmental disability and multiple medical conditions who, as a child, had received 119 hours per week of nursing care through MaineCare's private duty nursing program. Under Medicaid law, children's services cannot be capped. The same is not true for adult

services, which start at age 21. Just prior to the client turning 21, DHHS's agent assessed the client. As a result of this assessment his nursing hours were cut to 29 hours per week. The reduction was not based on the client's need, but based on a DHHS monetary cap. The client filed a reasonable modification request with DHHS to allow him to continue receiving 119 hours per week of nursing services. The client's services remained in place pending the request due to an appeal of the reduction in hours triggering a "stay put" of his services. Throughout the extended time it took the Department to approve the request, DRM attorneys met repeatedly with personnel from the Department in order to continue to ensure continuing authorizations were issued to allow services to continue. More than a year later, DHHS fully granted his request for nursing hours. This is one of several cases DRM has worked on involving clients who turn 21 and their private duty nursing services are severely reduced. DRM also has advocated with DHHS to increase the cap on these services and to create an accessible exception to the rule process.

DRM secures reasonable accommodation to COVID-19 visitation policy to ensure communication access: DRM was contacted by the guardian and shared living provider of a 37-year-old woman with developmental and physical disabilities. Specifically, the woman was hospitalized, the hospital was denying her access to her communication supports. After reviewing records and gathering information and conducting research, the attorney informed the hospital of the woman's right to receive the requested communication support and requested a reasonable accommodation to the hospital's visitation policy. Ultimately, following additional advocacy and informal negotiation by the attorney, the woman was provided a reasonable accommodation to the hospital's COVID-19 visitation policy, allowing her to receive the communication support previously withheld.

DRM advocacy results in nursing services in the community: The mother of an 8-year-old girl with severe developmental disabilities who receives private duty nursing services contacted DRM because the nurses were not allowed to accompany the child into the community unless she was going to preschool, school, daycare or medical appointments. DRM drafted a reasonable accommodation request to allow the nurses to accompany the child into the community. The request was granted.

DRM advocacy puts student on path to graduation: DRM was contacted by an 18-year-old student with a developmental disability with several concerns about her ability to access her education. When the student was improperly discharged from her special purpose private school placement, the DRM attorney provided support in

finding another appropriate educational program. And when the student moved to another school district, the DRM attorney attended two IEP meetings with her to support development of a plan to attain the remaining credits needed for graduation. The student is now on track to graduate from a public high school with a regular diploma at the end of the current school year.

DRM assists client in obtaining COVID-19 vaccine over the objection of her guardian: An individual with a developmental disability became eligible to receive the first dose of the COVID-19. But the guardian refused to give signed permission. Client reached out to her medical provider and obtained a signed note from her doctor stating that client does not have any medical contraindications to receiving the COVID-19 vaccine. The DRM attorney filed the grievance with the court and a status conference was held where the judge ordered both sides to find an expert witness to support their position before the next status conference. DRM timely designated their expert witness. During the status conference, neither guardians attended and did not appoint an expert witness, so the judge signed the vaccine order. As a result, the client was able to receive her COVID-19 vaccine.

DRM advocacy helps client maintain housing and services: DRM received an intake from a client's CM and guardian regarding the client not receiving proper discharge notice from his current provider. Prior to DRM being involved, there was only a verbal notice regarding the ending of services at the mobile home where the client was living. The mobile home was owned by the client's housemate's family, not the provider. DRM informed the provider that they had to provide a 30-day written notice to the client and they had not done that. Once involved, the provider did provide proper notice to the client and his guardian, as well as helped support the client in finding a new placement that suited his needs. The agency continued to provide support for the client up until he moved in to his new placement. The client still misses his previous home, but is happy with his current housing and never went without services.

DRM helps Mainer return from out of state institutional setting to a community-based placement: DRM has worked with a client with a physical disability receiving waiver services on a number of issues over the span of a few years. DRM assisted the client is challenging the termination of her HCBS services by DHHS. After losing at hearing, the client's services ended, and she was forced to leave her apartment, hospitalized, and eventually moved into a nursing home out of state. During this time, DRM assisted the client with leaving the hospital, and then

began efforts to help the client move back to Maine and out of the institution, which had been her only option at the time. The DRM attorney was able to convince the Department to reinstate her waiver services. The attorney then participated in regular team meetings as a new community-based placement in Maine was sought. These efforts were in part hampered by the COVID-19 pandemic. Ultimately, a home and service provider in Maine were identified. The client was supported in viewing the home virtually, and the DRM attorney worked closely with her team to put a plan in place for the move. The client moved, and upon follow up, expressed that she was satisfied with her services. After almost three years, with DRM's help, the client was able to access appropriate home- and community-based services and leave an out-of-state institutional setting.

DRM advocacy results in agreement to allow man to return to his rehabilitation facility: A 77-year-old man with a psychiatric label was transferred from the rehabilitation facility where he was living to an emergency room and the facility refused to allow the man to return. The client was then transferred to a psychiatric hospital. While at the hospital DRM submitted a reasonable accommodation request to the rehabilitation facility to allow the man to return. DRM worked with the attorney from the facility, the Long-Term Care Ombudsman and doctors and psychiatrists at the hospital to craft an agreement whereby the man was allowed to be discharged from the hospital back to the rehabilitation facility.

DRM advocacy results in reasonable grounds finding by the MHRC: A 54-year-old man with a psychiatric label lived in a large federally funding housing complex whose eligibility requirements were limited to low income, elderly, and individuals with disabilities. Client twice requested a reasonable accommodation based upon his mental health disability from the landlord in writing. The landlord did not respond to the written requests. DRM filed a complaint with the Maine Human Rights Commission (MHRC) and the Department of Housing and Urban Development alleging that there was a constructive denial of the client's request for an accommodation thus violating both state and federal housing laws. The MHRC investigated and found that there were reasonable grounds to believe the landlord violated these laws.

DRM advocacy informs review of the use of restraint in the emergency department: A 44-year-old woman with a psychiatric label was restrained while in the emergency department. She reached out to DRM to have the incident reviewed. DRM reviewed client records and found that while the restraint was technically justified

under the law there were a number of points in the records that indicated it also could have possibly been avoided with better training for staff. DRM reached out to the hospital compliance manager and reviewed the incident with them. They agreed that they wanted better results than what happened and told DRM they were already in the process of meeting on these issues. DRM provided feedback which they used as part of their larger push to improve conditions for psychiatric patients in the emergency department.

DRM helps hospitalized man obtain court appointed attorney: A 53-year-old man with a psychiatric label was stuck in the emergency department of a general hospital contacted DRM to learn about his rights. DRM informed him under the recent *A.S. v. Lincoln Health* decision he had the right to file a habeas corpus petition and should request an attorney. DRM assisted him by creating a form he could file on his own behalf. He did so, and was appointed a lawyer for his case. This was a very positive outcome as there had been a question of whether the court would appoint an attorney. In fact, DRM had reached out to the administrative office of the Courts and the office had declined to provide any guidance not wanting to issue an advisory opinion. Thankfully the court did appoint the gentleman a lawyer and he was able to have due process regarding being stuck in the hospital. DRM will continue to monitor this situation and provide information about due process rights when stuck in an emergency department.

DRM advocacy results in COVID-19 vaccine for man during involuntary hospitalization: A 56-year-old man with a psychiatric label being held involuntarily in a psychiatric unit of a general hospital contacted DRM stating that he was told by hospital staff that they would not give him the COVID 19 vaccine. DRM immediately contacted hospital administration to find out why this was case. Hospital risk management investigated and contacted the nursing manager who administered the vaccine to the man the following day.

DRM stops eviction for disability related behaviors: A 59-year-old woman with a psychiatric label was served with a complaint for eviction while she was receiving treatment in a psychiatric hospital as an involuntary patient. The reason for the eviction was directly related to the client's mental health disability for which she was receiving treatment. DRM negotiated with the landlord's lawyer to secure a reasonable accommodation agreement that allowed the client to return to her apartment with services. If there were no further lease violations within four months they would dismiss the eviction action. The client was discharged back to her apartment with

services and four months later the landlords dismissed the eviction action pursuant to the agreement.

DRM addresses inappropriate use of restraint and seclusion and secures appropriate placement: DRM was contacted by the surrogate parent of a 9-year-old student with a traumatic brain injury and mental illness regarding concerns that he was being subjected to inappropriate restraint and seclusion. The DRM attorney supported the family at an IEP meeting and successfully obtained agreement to consult with an independent expert who developed a plan to limit the use of restraint and seclusion and meet the student's needs. Unfortunately, due to the District's unwillingness to implement the plan, the student continued to struggle and the District proposed placement in a special purpose private school with very high rates of restraint and seclusion. The DRM attorney supported the family in filing a complaint and at a mediation where an agreement was reached to place the student in another special purpose school with a much more therapeutic and trauma informed approach. The student began attending that school successfully, has not been subjected to restraint and seclusion, and for the first time in several years, loves going to school.

DRM advocacy results in services to reduce need for a ventilator and increase independence: DRM represented a 45-year-old man with physical disabilities who wanted physical therapy to be weaned from a ventilator. The DRM attorney negotiated with MaineCare for prior authorization to transfer him to an out of state rehabilitation center for highly specialized treatment, where he was weaned from his ventilator after 11 months and provided therapy to help him be more independent.

DRM advocacy secures access to a full school day: DRM was contacted by the family of an 8-year-old student with autism because the student was stuck on an abbreviated school day. The school district reduced his school hours because he could not meet the face-covering requirements and they did not have the behavior supports necessary to serve him. The DRM attorney reviewed the case and represented the student at an IEP meeting where the family successfully got the student back in school full time with an accommodation to the mask policy, and access to in-person services in the event that the school went to remote learning-only from a covid-19 outbreak. The district also agreed to provide compensatory education services.

Selected 2021 Community Legal Education Activities

DRM provides employment rights training regarding the rights of Deaf & hard of hearing employees: DRM Deaf Services advocates collaborated with a DRM Senior Attorney to provide a webinar on employment rights and resources to 42 individuals. The webinar specifically included information on communication barriers and issues that have arisen due to the COVID-19 pandemic. Topics covered included employment rights, reasonable accommodations, and common communication technology, apps and resources.

DRM provides training addressing the impacts of the COVID-19 educational disruption: Two DRM education advocacy attorneys presented training on the rights of students with disabilities related to the COVID-19 disruption and compensatory education, hosted by Maine Parent Federation and GEAR Parent Network. The training was attended by over 100 people, including parents, providers, and school staff and administrators. The training was recorded and has been viewed hundreds of times.

DRM provides supported decision-making training: DRM is committed to working towards identifying and helping to implement Supported Decision-Making as a less restrictive alternative to guardianship, which was included in the Probate Code on September 1, 2019. DRM strives to provide training to all stakeholder in the disability community, particularly individuals with disabilities, but also including case managers, staff providing services, agencies that provide services, probate judges, lawyers, and court staff, medical providers, and DHHS staff. To that end, DSA advocates and attorneys conduct trainings and educational outreach as well as offer information about SDM as a concept, practice, and alternative to guardianship during individual meetings. SDM is included in our rights training for individuals, and DRM maintains a website where people can find resources, tools, and videos on how to integrate SDM principles into their lives and restore their rights. DRM trained more than 300 people on Supported Decision-Making in 2021.

DRM provides voter registration training: DRM delivered a Voter Registration training during National Disability Voter Registration Week to approximately 15 self-advocates with Speaking Up For Us (SUFU). Information was shared about

registering to vote, absentee ballot requests, and with information on the 2021 ballot questions in Maine.

Selected 2021 Systemic Advocacy Activities

Complaint filed by DRM and partners results in settlement between the Department of Justice (DOJ) and Lewiston Public Schools: In May 2021, the DOJ announced a settlement agreement with the Lewiston School District to end the district's systemic and discriminatory practice of routinely shortening the school day for students with disabilities without considering the student's educational program or exploring what supports might assist in keeping them in school for the full day. The settlement also addressed the failure to provide appropriate services and supports to English Language Learners. The DOJ investigation was the result of a complaint filed by DRM, along with Kid's Legal at Pine Tree Legal Assistance, the Cumberland Legal Aid Clinic and the ACLU of Maine.

DRM works to address PNMI evictions: DRM's Mental Health Team is working to systemically end violations of the Consent Decree/Contract Rider E and MaineCare by agencies that serve as the Private Non-Medical Institution (PNMI) provider and are also the landlord for the housing. The PNMI provider is required to obtain the Office of Behavioral Health (OBH)'s approval before discharging a client. The long-standing practice has been for the PNMI agency that also serves as the landlord for the housing filed for eviction prior to getting this required authorization for discharge. This project is intended to end the practice as it violates the Consent Decree, Rider E of the provider contracts and potentially a MaineCare violation. DRM's advocacy stopped multiple rights violations where PNMI providers who were also landlords served eviction notices on their PNMI clients prior to obtaining OBH approval for discharge. After multiple meetings with one particular provider with no positive results, DRM brought the OBH into the conversation. OBH agreed with DRM's analysis and met with providers in order to clarify that without Department approval for discharge no eviction procedures should be initiated.

DRM conducts regular monitoring at the Long Creek Youth Development Center: DRM continues to conduct monthly monitoring visits to Long Creek and engaging in monthly meetings with administration. In the fall of 2021, DRM identified an emergent issue regarding staff use of dangerous restraints during a particular incident and quickly followed up with the Department of Corrections Commissioner. As a result of this advocacy and the occurrence of additional dangerous events in the

following weeks, the Department of Corrections engaged the Center for Children's Law and Policy to conduct a review of the incidents and the conditions that led to them and made some leadership changes. A legislative hearing was held to address the incidents and a DRM attorney was asked to participate. The subsequent independent report from CCLP confirmed the concerns raised by DRM and recommended significant changes to the approaches at Long Creek, many of which DOC has committed to adopt.

DRM continues to support the Every Student, Every Day, All Day Project: This program was created through a collaboration with DRM, Kids Legal at Pine Tree, the Cumberland Legal Aid Clinic and the ACLU to recruit and train a roster of pro bono attorneys to handle school discipline cases. DRM provided technical assistance to one of the first pro bono attorneys to take a case, and a student avoided an expulsion as a result. DRM worked with these other partners to present another CLE legal training on abbreviated school days/recent DOJ actions/school exclusion and new juvenile justice laws in Maine to approximately 40 pro bono attorneys and advocates. DRM will continue to work with these partners to support volunteer attorneys in an effort to get the private bar more involved in addressing exclusionary discipline in Maine.

DRM creates interpreter access letter for appointed attorneys: DRM developed a template letter that Deaf individuals can send to appointed attorneys to request ASL interpreters as an accommodation to ensure that low-income Deaf litigants have access to appropriate accommodations in their legal representation. The letter explains that the individual needs ASL Interpreters in order to work with their attorney and participate in court proceedings. The letter also explains that the Maine Judicial Branch will pay for interpreters, but the appointed attorney needs to make their own arrangements for these accommodations. The letter also includes resources for local ASL interpreting agencies.

DRM files Systemic Complaint with MDOE regarding special education eligibility: DRM submitted a systemic complaint to MDOE regarding Maine's practice of exiting students with disabilities identified for special education who have not received a regular high school diploma prior to age 22, out of line with federal statute and caselaw. In response to the systemic complaint, MDOE agreed that Maine practice was not in compliance with federal law and issued an administrative letter which directs all schools to provide a free and appropriate public education to all students with disabilities until they either receive a regular high school diploma or turn 22.

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IMMIGRANT LEGAL ADVOCACY PROJECT

**Immigrant Legal Advocacy Project
Report to the Maine Civil Legal Services Commission
January 14, 2022**

In 2021, 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 and community legal education. Other sources of funding supported our systemic advocacy work.

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 Maine's only statewide immigration legal services organization, with full-time offices in Portland and Lewiston and a regular presence across the state through our Rural Maine Project. Technology, volunteers, and partners help us directly engage more than 3,000 people each year in all sixteen Maine counties.

Despite the ongoing challenges of the pandemic, ILAP helped people navigate the increasingly unjust immigration laws we have now while we pushed for the creation of a fairer and more compassionate immigration system for the future. Within this exceedingly challenging environment, we provided our full range of direct legal services and hosted virtual community legal education workshops. At the same time, we progressed towards our strategic plan goals with several new initiatives, including an Immigrant Children's Project, *Mendez Rojas* Project, and emergency response with Maine's Afghan community.

Program Updates

Asylum Program

In 2021, we again provided comprehensive legal services for people who are seeking safety in Maine and applying for asylum. Our 175-member *Pro Bono* Panel donated 2,820 hours of their time, at a value of \$713,392, representing 181 people in asylum cases before U.S. Citizenship & Immigration Services (USCIS) and Boston Immigration Court. We also continued our informative Facebook Live workshops for people applying for asylum without an attorney, covering a range of topics in English, French, Kirundi/Kinyarwanda, Lingala, Portuguese, and Spanish. These videos complemented our updated self-help asylum manual and the growing list of related resources on our website.

And through our special *Mendez Rojas* Project, we offered screenings, consultations, and legal assistance to more than 150 people who may qualify as class members of the settlement agreement.

The settlement helps people applying for asylum avoid deportation because they missed the one-year filing deadline. Many eligible individuals in Maine entered the U.S. through the southern border and, as a result, collecting the documentation and evidence necessary to file their applications for class membership has proven exceedingly difficult and time consuming. As a result, we committed additional staff to this important initiative and will work with as many community members as possible before the April 2022 deadline.

Immigrant Children's Project

2021 marked the first full year of our new "Immigrant Children's Project," which expands access to legal representation for vulnerable immigrant children and youth across Maine who may qualify for Special Immigrant Juvenile Status (SIJS). A central component of this project is the creation and development of a *Pro Bono* Panel dedicated to representing SIJS cases in their initial phase in Maine state courts. To this end, we launched an online attorney resource library and offered in-depth trainings throughout the year. In total, 32 volunteer attorneys donated 1,180 hours of their time, at a value of \$224,085, providing representation during the initial phase of more than 80 SIJS cases. ILAP staff attorneys then took over representation of these cases and others before USCIS, helping more than 125 young people in total.

To raise awareness about SIJS among youth who may be eligible, we conducted robust outreach and deepened partnerships with Hopeful Links, Preble Street Teen Center, Portland Public Schools, Pine Tree Legal Assistance, and Maine Law's Cumberland Legal Aid Clinic, among others. We also convened a monthly working group of Maine practitioners who actively represent SIJS-eligible young people in state courts. More broadly, ILAP joined the "End SIJS Backlog Coalition," a national group of directly impacted youth and allied advocates calling on Congress and the Biden Administration to protect immigrant children and youth, and we were quoted in their report.

Lewiston Office and Rural Maine Project

In Lewiston, we entered a new phase of our work with a move into a larger and more centrally located office at 95 Park Street. This exciting expansion comes after hiring a legal assistant to join our Lewiston-based attorney in summer 2020. Together, these changes mean that we will be able to provide more services to the growing asylum-seeking community and other immigrant community members in the Lewiston-Auburn area. Our SIJS-based work in Lewiston has also grown significantly over the past year, encompassing consultations, placements with *pro bono* attorneys, in-house legal representation, and forms assistance throughout the lengthy process. Last fall, we collaborated with local organizations in Lewiston to support the victims of a devastating apartment fire on Blake Street, including working with families to recover lost immigration documents and update their addresses with immigration.

When it was safe to do so, in 2021 our Rural Maine Project combined virtual and in-person outreach to reconnect with partners and immigrant communities across the state. Throughout the year, we created and distributed nearly 2,500 translated information packets for seasonal workers to share critical legal updates, which were distributed by partners Maine Mobile Health Program and Mano en Mano. We also joined with our peers in the Farmworker Resource Network to

launch a central website for farmworkers, accessible from anywhere. This digital hub includes updated referral information and a wide range of resources in English, Spanish, and Haitian Creole.

Emergency Response with Maine's Afghan Community

Since August 2021, ILAP has been working with Maine's Afghan community and partners including Maine Immigrants' Rights Coalition, Catholic Charities Maine, and Maine Law's Refugee and Human Rights Clinic to respond to the urgent legal needs of Mainers with loved ones in Afghanistan and new arrivals who were evacuated from the country. Like when there was an acute need among families arriving from the southern border in summer 2019, we were able to hire a temporary staff attorney to lead this rapid response effort. In recent months, we have met with dozens of members of Maine's Afghan community to explore potential pathways for getting their loved ones to safety. Unfortunately, traditional immigration options have failed to meet the urgency of the situation, so we have joined with our partners to push for solutions and will continue to do so.

We are now working with Maine's resettlement agencies to provide legal services to the 225 Afghan evacuees we are welcoming to our state. It is likely that most of these families, an estimated 75-100 cases, will need to apply for asylum to remain in the U.S. And while we initially expected these cases to be reviewed under a faster and more straightforward process, it now appears that the process will require attorney expertise to avoid making mistakes that could lead to deportation. Working with our *Pro Bono* Panel and other partners, ILAP will provide legal guidance and representation to as many families as possible so they can remain with their loved ones in Maine.

Types of cases handled

The core of ILAP's work is our direct legal services, which are provided by our highly trained and dedicated staff attorneys and accredited representatives. Beyond making a significant and tangible difference in the lives of Maine's immigrants, our case work deepens the expertise we then share in our community workshops and informs our advocacy priorities. Most of the cases handled in 2021 were humanitarian immigration cases, as well as a small number of family-based immigration cases. ILAP does not handle employment-based immigration matters and refers those requests to private attorneys.

In 2021, ILAP handled **323 full representation cases and 936 limited representation 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 **1,259 cases listed below encompassed 2,285 services**.

Case type	Number
Asylum	321
Deportation/removal defense	254
Relief for immigrant children and youth (SIJS)	193

Permanent residency	100
Relief for survivors of domestic violence, crime, or human trafficking	67
Citizenship	57
Temporary Protected Status (TPS)	40
Family reunification	32
Afghan assistance, including humanitarian parole, asylum, and special immigrant status	31
Work authorization	28
Deferred Action for Childhood Arrivals (DACA)	10
Other case types	126

ILAP and Catholic Charities Maine (CCME) are the only organizations in the state that have been recognized by the Department of Justice as having sufficient expertise to have paralegals become accredited to provide immigration legal services in administrative proceedings. ILAP and CCME have recently joined with other Portland area organizations in the “Maine Immigration Assistance Providers” coalition. Partners include the City of Portland’s Office of Economic Opportunity, Hope Acts, and the Refugee & Human Rights Clinic at the University of Maine School of Law. Our collaboration ensures that we are communicating clearly with community members in need of immigration legal help, making warm referrals, and aligning services to make the most of our collective capacity. ILAP is the only member with attorney expertise or a statewide presence.

Number of people served

Direct legal services

With the expert attorney guidance and representation available only at ILAP, last year immigrant community members again found safety from violence and persecution, kept their families together, and advanced towards economic security because of improved legal status. Whether through an in-depth one-time consultation or full legal representation in complex multi-year cases, our services ensured that immigrant Mainers could remain the neighbors, business owners, parents, and leaders making a better future for us all. ILAP is honored to be a part of their journey, fulfilling the potential of our welcoming communities by ensuring that everyone, regardless of immigration status, can fully participate and has equal protections under the law.

In 2021, we provided **direct legal services to 1,533 people** on the case types detailed above and **benefitted 1,263 of their household family members**. This includes:

- ILAP staff and volunteer attorneys provided full representation to 450 people in the most complex cases, including 181 people applying for asylum who were represented by *Pro Bono* Panel members.
- ILAP staff and trained volunteers provided limited representation to 1,080 people, including 246 through *pro se* forms assistance and 834 through consultations, brief legal advice, or referral during intake.

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 and other resources on immigration law matters to immigrant groups, service providers, adult education staff, healthcare providers, and the general public. Available in several languages, materials and presentations counteracted incomplete or inaccurate information and prevented complications that could negatively affect legal status or lead to exploitation or deportation. They also reinforced the power and resiliency of Maine's immigrant communities to respond to new challenges that may arise in the future.

In 2021, 1,666 immigrant community members and service providers across the state attended 83 outreach events.

Selected workshop and training topics in 2021
Asylum
Changes to immigration policy under the Biden Administration
Detention and enforcement
Humanitarian Parole for Afghan Clients
Immigration 101
Immigration consequences of crimes
Information for new arrivals in immigration court
Know your rights
Options for non-citizen survivors of domestic violence
Risks of marijuana use for non-citizens
Special Immigrant Juvenile Status
Tax refunds, scams, and immigration
Temporary Protected Status
Trauma-informed legal advocacy
Work authorization

Although there have been considerable challenges to providing our services in the remote environment, integrating technology has also lowered barriers and improved access. Maine is large, with many small immigrant communities. Technology allows us to be more responsive and wide-reaching, especially when combined with in-person contact. With ongoing improvements to our website, community members have been able to access self-help guides, legal information, and instructions on how to request ILAP services more easily and in their preferred languages. In 2021, our **website had 28,000 unique visitors (a 31% increase year over year) and 70,000 page views (a 16% increase year over year)**. Content that shared information for our client community was most frequently accessed.

Page title	Views
Home	16,402
Change of Address Self-Help Guide	4,221
Get Legal Help	4,137
Immigration Court Hotline – Spanish	3,711
Asylum Information	3,389

Our more robust digital outreach strategy contributed to a very successful “Marijuana & Immigration” awareness campaign last summer and fall, which warned noncitizens of the immigration risks related to marijuana use despite its legalization in Maine and other states. In addition to creating a web page with community alerts in multiple languages, we implemented a social media campaign that reached more than 5,000 people in its first week. The resources were also integrated into our monthly e-newsletter and included a social media toolkit and printable PDF flyers that can be easily shared by partner organizations. This campaign had a very tangible impact, especially among young people of color in Maine, and in some cases may help prevent deportation.

Systemic advocacy

The American Immigration Council estimates that there were 47,418 immigrants living in Maine in 2018, representing 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.

Throughout 2021, ILAP continued to participate in federal litigation with ACLU of Maine and Maine Law’s Refugee and Human Rights Clinic to advance racial justice and due process for immigrants. Currently, we are part of one lawsuit compelling the Boston and Newark Asylum Offices to release information about potential racial bias in how asylum requests are assessed and another lawsuit compelling Immigration and Customs Enforcement (ICE) to release information about its detention activities in Maine. Both cases are pending and will last into 2022.

Related to these efforts and others, ILAP was **featured in the media on 71 occasions**, including Amjambo Africa, Bangor Daily News, Maine Public, MaineBiz, News Center Maine, Portland Press Herald, WMPG, and WMTW. We also authored a monthly guest column in Amjambo Africa to share timely updates with Maine’s immigrant communities.

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. Demographic information for the 1,533 people reached through our direct legal services is:

Category	% of people
Gender	54% female 46% male < 1% nonbinary/gender nonconforming
Age	30% under 18 67% ages 18-60 3% over 60
Race/ethnicity	72% African or African American 3% Asian 18% Latinx 3% Other 3% White
Citizenship status	98% noncitizens 2% U.S. citizen by birth or naturalization
Top countries of origin	Democratic Republic of Congo, Angola, Burundi, Honduras, Guatemala, El Salvador, Rwanda (78 countries of origin total)
Top preferred languages	Spanish, English, French, Portuguese, Lingala (33 preferred languages 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 1,533 clients served through our direct legal services is:

County	# of people
Androscoggin	188
Aroostook	7
Cumberland	1,135
Franklin	0
Hancock	29
Kennebec	19
Knox	4
Lincoln	0
Oxford	1
Penobscot	40
Piscataquis	0

Sagadahoc	8
Somerset	5
Waldo	8
Washington	14
York	61
Unknown	14

We held community legal education workshops, in-person or remotely, for organizations located in Androscoggin, Cumberland, Franklin, Kennebec, and Penobscot counties, as well as hosted online events that included attendees from across the state.

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

For our 323 full representation cases, case activity included 43 cases opened, 55 cases closed, and 268 cases open at year-end. For our 956 limited representation cases, 525 were 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 and 3,199 in 2021 through direct legal services and community legal outreach, compared to our target of 2,300-3,400 people per year. 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 2021, we had a greater than 98% approval rate for full representation cases that received a final decision (which can take several years).

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 2021, we were forced to turn away 313 individuals who were eligible for ILAP services and needed legal assistance because we did not have the capacity to help them, including 59 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.

Trends and anticipated needs in 2022

Much of ILAP's everyday work continues to be impacted by policies and backlogs that have existed for decades and were severely exacerbated under the Trump Administration. Although the Biden Administration has ended some of the most cruel and anti-immigrant policies of recent years, many remain in effect and cases are still exceedingly difficult, stressful, and time consuming for people navigating our immigration system. Most notably, there remain many asylum policies that separate families and target Black migrants, as we saw last fall with the summary deportations of Haitians at the U.S.-Mexico border. Moreover, Maine's immigrant communities have experienced disparate health and economic impacts from the pandemic that will likely be long lasting.

Together, these dynamics have resulted in a significant increase in demand for ILAP services, in general, and for legal representation in humanitarian immigration cases, in particular. We are beginning to again welcome more people who are seeking asylum as the Biden Administration rolls back some anti-asylum policies. The number of vulnerable immigrant children and youth has also grown in recent years, from a handful per year to more than 150 this year, and we are now having to turn away youth in need of representation due to a lack of capacity. And immigrant survivors of human trafficking and domestic violence face greater barriers to finding safety due to the isolation of the pandemic, making access to legal guidance even more critical.

In addition, we are anticipating an increase in inquiries and outreach as immigration bills move through Congress, some of which may provide protections for some immigrants living in Maine such as those with Temporary Protected Status (TPS) and Deferred Action for Childhood Arrivals (DACA). Already, we have seen several changes related to TPS, including for people from Burma (Myanmar), Venezuela, Yemen, Somalia, and Haiti, that have required us to quickly pivot to get information out into the community and ensure people know how to update their status.

At the same time, we are responding to multiple crises as they arise. In addition to the urgent legal needs in Maine's Afghan community, there are approximately 1,000 newly arrived immigrant community members staying in hotels around southern Maine. Many are young families seeking safety, arriving from Angola, Democratic Republic of Congo, Haiti, and Afghanistan. ILAP is working with the City of Portland, Maine Immigrants' Rights Coalition, and other partners to identify what kinds of legal guidance we can provide this winter and beyond. According to the United Nations High Commissioner for Refugees, there are than 80 million people worldwide who have been forcibly displaced from their homes, and this most recent group is part of the growing global trend.

Every time there are crises like these, our small staff need to pivot quickly and divert attention away from clients and the full caseload they are already working on. The ongoing program expansions

and greater geographic presence prioritized in our new strategic plan will increase our capacity overall and give us more flexibility to address crises while maintaining our current caseload and services in all areas of the state. Other priorities include advancing racial justice and equity for immigrants through advocacy and federal litigation, as well as growing and sustaining ILAP's fiscal health, infrastructure, and human resources while centering our work in equity and anti-racism.

Conclusion

MCLSF is an important source of support for ILAP, providing approximately 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, 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 2021. Our strong network of support, of which MCLSF is a vital part, makes our work possible and helps Mainers with low incomes navigate the immigration system we have now while we push for lasting structural change.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Susan Roche", with a stylized flourish at the end.

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 2021

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 2021. 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 older adults 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 20% of the funding required to provide the legal services described in this report. This is down from 24% as recently as 2018. 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 CONTINUED IMPACT OF THE PANDEMIC

Overall call volumes remain below pre-pandemic levels due to restrictions placed on intake to 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 89% higher than 2019 and continue to trend upward (2019-761; 2020-1,250; 2021-1,438).** 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 an older person is facing a legal problem that puts their 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.

LSE has not had to turn away a single person with a priority legal problem since the pandemic hit. Unfortunately, in order to ensure that no callers with emergencies were turned away without services, LSE was forced to restrict intake for a wide variety of other types of legal problems. At this point, LSE is turning away more than 75 callers per month (908 in total in 2021) that would have received free legal information and advice before the pandemic hit. This lack of access to more proactive and preventative forms of legal advice and help is taking a hidden toll on the wellbeing of older adults in Maine.

LSE is providing services by having staff work remotely from home. This has been the case since March 16, 2020. LSE is making remote use of call center technology that is part of our custom designed telephone system. The Helpline staff receive 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 before the pandemic). Jabber is also used by staff for outbound calls.

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 older adults in situations where their health or safety are at immediate risk, continues to experience significant impacts from this change. These more intensive services continue to be provided without in person contact with clients to the greatest extent possible. This includes pursuing requests for remote hearings whenever feasible. This is to avoid the risk that an older person, someone who is by definition in a high-risk group, will be forced into a situation where they may be exposed to the virus. This change coupled with the challenges of working from home offices continues to cause 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. This is true even when factoring in the time savings associated with less travel time.

STATISTICAL INFORMATION

Number of People Served and Legal Matters Handled

In 2021, LSE provided free legal help to 2,693 Maine seniors in 2,889 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 eviction and 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.

An additional 908 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 2021 included: 0.80 full time equivalent (FTE) Litigation Director; 0.40 FTE Helpline Director; 1.0 FTE Intake Paralegal; 2.35 FTE Helpline

Attorneys; 1.00 FTE Elder Abuse Paralegal; and 8.60 FTE Staff Attorneys. This is a total of only 14.15 FTEs of direct legal services staff (including supervisory staff). This is a 1.00 FTE increase in Staff Attorneys as compared to 2020. This was made possible using American Rescue Act Plan funding LSE received from the Office of Aging and Disability Services that is time limited funding.

Types of Cases Handled

The following chart breaks down the number of cases handled in 2021 by general case type.

LSE CLIENT SERVICES BY GENERAL CASE TYPE	
Case Type	Total
Housing (763)	27%
Self Determination (684)	24%
Health Care (470)	16%
Consumer/Finance (405)	14%
Individual Rights (includes elder abuse and exploitation) (253)	9%
Income Maintenance (207)	7%
Miscellaneous (79)	2%
Family (23)	1%
Employment (5)	-
Total Cases (2,889)	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), access to health care (Medicare and MaineCare) and consumer issues (debt collection, consumer fraud, creditor harassment).

Status of Matters Handled

The reported matters were all opened during 2021 and are reported regardless of whether or not they were closed in 2021. 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.

Of these 2,889 matters, 19% (558) involved litigation services provided by a Staff Attorney and 81% (2,331) were handled exclusively in the Helpline. A further breakdown of the level of service is as follows (from most to least resource intensive): 12 % extended representation services; 50% counsel and advice; 29% 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 34% male and 66% female (with 4 declining to answer). All clients served were sixty years of age or older, and 56% were 70 years of age or older. Ten percent of those served were veterans. While LSE serves both socially and economically needy seniors, 90% of LSE's clients were below 250% of the federal poverty level and 47% 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 township in Maine. The chart provided as **Attachment B** provides data regarding the geographic distribution of LSE's clients in 2021. 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 has remained able to maintain our visibility and access to services equally across the state since the pandemic hit. 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) litigation services by nine Staff Attorneys (8.60 FTEs) located across the state; and 3) outreach conducted throughout the state including via a website, direct mail and presentations to referral sources. 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. Overall, LSE is able to improve the situation of those who receive services 83% of the time. The client success stories found in Attachment C illustrate the impact of LSE's services.

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 2021, all callers (1,438) 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. 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 \$74.60.

The Helpline received 9,637 calls for help in 2021, and these calls were handled by a single Intake Paralegal. About two thirds 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 9 *pro bono* and 101 reduced fee referrals to referral panel members in 2021.

Statewide Litigation/Staff Attorney Services

The other primary component of LSE's service delivery system involves providing litigation services to older adults 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 nine Staff Attorneys (one is part-time) who each cover assigned geographic areas of the state. With the exception of the administrative office in Augusta, LSE had maintained Area Offices that were located within the local Area Agency on Aging. This unique co-location relationship was 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 hopes 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 80% 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.

Outreach and Education

LSE provides legal information to the public through public presentations, print material and its website. LSE distributed over 7,600 LSE brochures in 2021. 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 do 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 website was updated and moved to a new platform in 2021. 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 online materials for seniors and is accessible on a wide range of devices. In addition, 116 print copies of the elder rights handbook were distributed in 2021.

LEADERS IN THE FIGHT AGAINST ELDER ABUSE

Elder abuse remains a top priority issue for LSE. 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. LSE has also seen the presence and severity of physical abuse increase in the past two years. In addition to providing legal representation to 239 victims of elder abuse in 2021, LSE also continued to pursue systemic level initiatives. At LSE's urging in conjunction with other victim services providers in the private sector, the Governor formed an Elder Justice Coordinating Partnership via Executive Order in the fall of 2019. The twenty-two members include a broad range of public and private sector leaders. The Executive Director of LSE is a Co-Chair of the Partnership. This public/private leadership structure focused on creating an Elder Justice Roadmap that identified strategic priorities for preventing and responding to elder abuse. The Roadmap was published in January of 2022. In addition, LSE staff continued to play critical leadership roles in local Elder Abuse Task Forces and on the Maine Council for Elder Abuse Prevention (MCEAP). LSE provides the administrative support for two annual multi-disciplinary training events, the Elder Abuse Summit and the Elder Abuse Roundtable, which are sponsored by MCEAP.

FORMALIZING LSE'S COMMITMENTS TO DIVERSITY, EQUITY AND INCLUSION (DEI)

On June 29, 2020, LSE adopted a solidarity statement in support of the black community. In January of 2021, after extensive discussion regarding the appropriate next steps to take action in the DEI area, the LSE Board of Directors retained a consultant to conduct a comprehensive DEI assessment of LSE using an evidence-based tool developed in Michigan. The assessment involved both the Board and staff and examined all facets of LSE. As a result of that assessment, LSE adopted a DEI statement of commitment, and an equity work plan is currently being implemented.

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 demographics of those served and 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 services. The intake and Helpline satisfaction rating in 2021 was 89%. Most callers who are not satisfied with the services are unhappy because they have problems that LSE is not able to help with.

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 2021, the LSE Board of Directors and staff worked to update a strategic plan that had been adopted in 2018 and expected to run through 2021. The plan now takes into account the unique challenges and opportunities presented by the pandemic. The updated plan will run through 2023 and includes measurable objectives in five areas. This includes increasing the number of older adults who seek and obtain help, helping older adults maintain safe and affordable housing, helping older adults access publicly funded health care services, increasing the financial security of Maine's older adults, and helping older adults 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. The unmet need continues to grow. 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 an 89% increase in the number of seniors facing emergency legal problems in 2021 as compared to 2019. We also know that in addition to the impacts of the pandemic, there are at least three other 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 aged 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 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-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 and an aging housing stock heated with oil. Many seniors in Maine are also extremely vulnerable in other ways. Under America's Health Rankings for Seniors², Maine ranks 25th in the nation (with 1 being best) for seniors living in poverty, 38th for food insecurity, 31st for severe housing problems, and 43rd for suicide.

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**

¹ A Portrait of Wellbeing: The Status of Seniors in Maine, Carsey School of Public Policy, 2014.

² America's Health Rankings 2021

(https://www.americashealthrankings.org/explore/senior/measure/overall_sr/state/ME)

in the past year (this went up to 67% for low income seniors 70 years of age or older).³ 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.⁴ LSE was meeting, at the very best before the pandemic, about 15% of the need for services. That level of service has fallen as LSE has attempted to respond to the impacts of the pandemic by serving primarily only those who face emergency legal problems.

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. This reality was exacerbated by the pandemic as many seniors waited until the very last minute before seeking help for very serious legal problems. A national survey that is consistent with prior Maine surveys showed 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 problem.⁵ **Doing nothing when facing a legal problem like abuse, 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

Prior to the pandemic, it was already the case that over 50% of low-income seniors faced at least one legal problem each year and of those probably less than 10% were getting the free legal help they needed. And then the pandemic hit. Older people have been disproportionately adversely affected by COVID-19 and are experiencing more legal problems now than was the case before the pandemic. LSE's 2021 service statistics clearly demonstrate that many more older adults are facing legal emergencies where they are at immediate risk of harm. LSE adapted to these challenges and was able to reallocate what were already inadequate resources in a way that ensured that every call for help that came to LSE in 2021 from a senior facing an emergency situation got through the door. This came at the expense of sending hundreds of others away without any help. Unfortunately, as the need for help grows, and absent a significant increase in funding over 2021 levels, LSE enters 2022 facing the very real risk that even those with emergency problems will have to be turned away without help.

Prepared by: Jaye L. Martin, Executive Director

³ 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.

⁴ Justice Gap Measurement Survey, The Justice Gap Measuring the Unmet Civil Legal Needs of Low Income Americans, 2017.

⁵ 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. In 2021, the LSE Medicare Part D Appeals Unit assisted 847 low-income Maine residents who were being denied access to needed prescription drugs under Medicare Part D.

Systemic Work and Public Policy Advocacy

Through its part-time Public Policy Advocate and the efforts of many of the LSE staff, 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 ELDERLY**

Geographic Distribution of Services

	LSE 2020 STATISTICS		LSE 2021 STATISTICS	
	Total Clients Served	% of Total LSE Clients Served by County	Total Clients Served	% of Total LSE Clients Served by County
Androscoggin	208	9%	233	9%
Aroostook	108	5%	143	5%
Cumberland	405	17%	439	16%
Franklin	57	2%	54	2%
Hancock	98	4%	118	4%
Kennebec	255	11%	286	11%
Knox	63	3%	71	3%
Lincoln	54	2%	71	3%
Oxford	119	5%	121	4%
Penobscot	319	14%	407	15%
Piscataquis	49	2%	45	2%
Sagadahoc	45	2%	67	2%
Somerset	99	4%	95	4%
Waldo	77	3%	109	4%
Washington	87	4%	103	4%
York	303	13%	331	12%
Total	2,346	100%	2,693	100%

ATTACHMENT C
LEGAL SERVICES FOR THE ELDERLY
2021 Client Success Stories

STOPPING FINANCIAL EXPLOITATION

Marty is a 75 year old man who lived alone. He called the LSE Helpline and reported that his only daughter and son-in-law had stolen money from him. He was now unable to pay his property taxes or bills. An LSE Staff Attorney and a paralegal investigated. It was determined that checks were forged and over \$10,000 was stolen. The Attorney sent a demand letter asking for return of the stolen funds. The Attorney was able to negotiate a settlement agreement with the funds being repaid over a period of time. The settlement was honored and Marty was able to reconcile with his family members.

ENSURING ACCESS TO HEALTH CARE SERVICES

Sally suffered from progressively worsening Parkinsons' disease, making her increasingly dependent on the help of caregivers to safely walk, get in and out of bed, and use a toilet. After doing a re-assessment, the state found that Sally no longer qualified for support for her caregiver services. An LSE Staff Attorney investigated and identified a mistake in the assessment. The Attorney filed an administrative appeal and presented evidence from Sally's caretakers supporting her need for help. Sally's benefits were fully restored to the prior level.

KEEPING THE HEAT ON

Joe called the LSE Helpline for help when he tried to get repairs made to his home heating system and he was denied a loan. The reason given was that there was a lien recorded against his house. The heat was not working at all and it was September. A Helpline Attorney analyzed the case and determined the lien was improper. After endless calls to the debt collector and essentially constant advocacy the debt collector released the lien. Joe received the needed loan and his heat was working again just as winter arrived.

SAVING HOMES

Jody had taken out a reverse mortgage after her husband died. She had lived in her home for over thirty-five years. At age 87, and facing serious health issues, she started to fall behind on the property tax payments. The lender immediately filed for foreclosure. An LSE Staff Attorney reviewed Jody's situation and determined she qualified for an at-risk extension of our mortgage based upon her age and medical condition. This type of extension can be renewed annually.

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2021 Annual Report to the Maine Civil Legal Services Fund Commission January 2022

Maine Civil Legal Services Fund (MCLSF) enables Maine Equal Justice (MEJ) to provide statewide legal representation, administrative advocacy, and outreach and training for Mainers with low income. During 2021, the MCLSF accounted for approximately 56% of the funding required to provide the legal services described in this report. The MCLSF is MEJ's single largest source of multi-year funding and provides critical support that allows MEJ to provide statewide services in all sixteen counties.

Over the last year, MEJ has complied in all respects with the 2020-2021 proposal submitted in the fall of 2019. MEJ has maintained all services described in the proposal, in the face of vastly changed and challenging circumstances. MEJ has worked to address the most pressing community needs identified through our legal services, community outreach, and collaboration with other organizations, providers, and agencies. We have worked to assist people struggling to meet their basic needs and to create economic opportunity so that people with low income can improve their financial circumstances. We adapted our operations and shifted our program work to meet growing needs as the pandemic progressed.

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 legislature¹ and with

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

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 on supports that help prevent or move people out of poverty. MEJ employs an array of tools to advocate directly for clients and pursue innovative solutions to decrease poverty on a broad scale. 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.

INFORMATION REQUESTED by the COMMISSION

Maine Equal Justice relies on funds from the MCLSF to support the services described below.

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 education and training programs. These services require a thorough understanding of state and federal statutes and rules governing the various programs as well as on-the-ground working knowledge of the programs. In addition to providing direct representation to income-eligible clients, MEJ serves as a legal resource regarding economic security programs for other organizations, agencies, and municipalities 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 recur. 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 barriers that are holding people back. 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.

MEJ has also been taking on cases for individuals and families who are falling through the cracks of Maine's civil legal aid infrastructure. Some Mainers who are immigrants, including many people seeking asylum, who have a legal need related to housing or public benefits, are not eligible for assistance from Pine Tree Legal Assistance based on their immigration status. MEJ has been taking those cases, even when they do not have systemic implications, and working to build capacity so we can meet the legal needs of these community members.

In 2021, MEJ handled a total of 748 cases (this number does not include administrative advocacy cases). Most cases MEJ handled related to income maintenance, with a significant number of cases in health and housing as well. MEJ handled the following types of legal cases in the form of advice and referrals, and limited and full representation to clients throughout the state:

Case Type	# of Cases
Consumer	5
Education	7
Employment	6
Family	32
Health	117
Housing	89
Income Maintenance (i.e. TANF, SNAP, LIHEAP, SSI, Unemployment)	466
Individual Rights	20
Miscellaneous	6
TOTAL	748

Impact litigation in 2021:

Maine Equal Justice worked on the following cases to address the needs of clients with low income while also shaping policy impacting thousands of similarly situated individuals through the state:

- **Rose Davis v. DHHS. Somerset Superior Court**

LEGAL ISSUE: The Maine Department of Health and Human Services (DHHS) was seeking repayment from a parent with low income for recovery of an overpayment in the Child Care Subsidy Program. The rule stated DHHS could not collect if it was fault of daycare provider.

FACTS: The client had advised DHHS that their children were no longer in daycare. DHHS continued to pay the daycare provider.

ARGUMENT: DHHS argued it was agency error and they could collect from the parent on the overpayment. MEJ argued it was daycare providers' fault and that if the court adopted DHHS' argument the rule would have no effect because DHHS has to make an erroneous payment in order for an overpayment to exist.

JUDGMENT: The Court ruled in favor of the client, and DHHS subsequently amended the rule to implement the court's decision more broadly, thereby impacting similarly situated parents and caretakers.

- **CDIA v. Frey. 1st Cir. Court of Appeals**

LEGAL ISSUE: Whether the Fair Credit Reporting Provisions of the Maine Economic Abuse bill, 10 MRSA §1310-H, sub-§2-A is pre-empted by federal law.

ARGUMENT: MEJ filed an amicus brief arguing that Maine law is not pre-empted.

STATUS: We are awaiting decision from the 1st Cir. Court of Appeals.

- **In RE: LE (Administrative Hearing)**

LEGAL ISSUE: Whether a Haitian family is eligible for public assistance to meet basic needs when they can verify their immigration status with documentation but do not show up in the federal Systematic Alien Verification for Entitlements (SAVE) system.

ARGUMENT: Client(s) are eligible for federal benefits due to their immigration status. DHHS argues clients are not eligible because they do not appear in the SAVE system.

STATUS: A hearing is scheduled for February 1, 2022. Providing benefits after the client files a dispute until a final decision is made is required by federal law but DHHS was not doing this. DHHS has agreed to provide benefits because the client has provided documentation and is disputing the DHHS decision. DHHS has also agreed to do rulemaking to align the regulations with requirements in federal law.

- **In RE: SR (Administrative Hearing)**

LEGAL ISSUE: When a lump sum insurance settlement should be counted as income for the determination of public benefits.

ARGUMENT: DHHS' rule conflicts with the statute that makes clear that a lump sum should not be counted as an asset.

STATUS: Awaiting decision from the hearing officer.

Administrative Advocacy in 2021:

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 MEJ's clients.

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

In 2021, MEJ submitted rulemaking comments at the state and federal level on eight proposed rules covering a wide range of issues and handled thirty-three administrative cases. MEJ handled the following types of administrative advocacy cases with the support of the MCLSF:

Case Type	# of Cases
Consumer/Finance	2
Education	2
Health Care	3
Housing	2
Income Maintenance (i.e. TANF, SNAP, LIHEAP, SSI)	23

Individual Rights	1
TOTAL	33

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 income during the pandemic. MEJ has assisted by providing recommendations for policy changes based on research, policy expertise, and community input. MEJ has also provided technical support and assistance that has helped to implement changes to meet people's immediate and longer-term needs.

3. Training, Education and Outreach

Maine Equal Justice provides outreach and training for people with low income and the agencies and providers who assist them. We impart critical information on Maine's economic security programs and how they work. At the same time, we learn about potential barriers and issues for people accessing benefits and systemic problems that need to be addressed. In 2021, MEJ conducted 43 virtual training events throughout the state, reaching more than 1,487 individuals, including staff from social service agencies, Head Start programs, health centers, and homeless shelters as well as individuals living with low income.

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 2021, MEJ produced and shared resources on unemployment insurance, resources available during the pandemic, the improved child tax credit, and more.

Number of people served as a result of the award received from the MCLSF:

In 2021, Maine Equal Justice handled a total of 748 cases. Of those cases, MEJ closed 696 cases, impacting at least 1,012 individuals. Of the 748 cases handled, 52 are pending. Twenty-one cases closed because the client withdrew or failed to return. 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	229 cases/392 served
Counsel & Advice	189 cases/358 served
Referred	257 cases/257 served
Administrative Advocacy	33 cases/244,300 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	43 separate trainings and workshops/ 1,487 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 \$43,920 in annual income for a family of three in 2021.² 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, the most recent data available does not account for the impact of the pandemic.

MEJ's direct legal assistance targets 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 2021:

- Families receiving Temporary Assistance for Needy Families (TANF): 3,774 households, representing 6,670 children;⁴
- Individuals and families receiving Food Assistance (SNAP) benefits: 92,925 households, representing 162,780 individuals⁵ of which 50,410 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): 377,377 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	52
Aroostook	26
Cumberland	302

² <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references/2021-poverty-guidelines>

³ <https://www.kff.org/other/state-indicator/population-up-to-200-fpl/?dataView=1¤tTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

⁴ <https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/PdfFileReaderServlet%20Dec.pdf>

⁵ [Id.](#)

⁶ <https://www.maine.gov/dhhs/ofi/about-us/data-reports>

⁷ <https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/OverflowPdfFileReaderServlet%20Dec.pdf>

Franklin	7
Hancock	20
Kennebec	87
Knox	23
Lincoln	14
Oxford	16
Penobscot	73
Piscataquis	3
Sagadahoc	16
Somerset	15
Waldo	18
Washington	13
York	63
TOTAL	748

Outcome 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, as well as a client satisfaction survey that goes to all clients upon case closure.
- **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 2021 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.

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

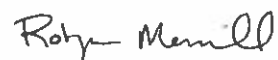
Maine Equal Justice supports its operating budget through funding from the MCLSF, the Maine Justice Foundation, the Campaign for Justice, Maine-based and national foundations, and individual donors. Two of the principal sources of funding for the legal services MEJ provides are IOLTA and the MCLSF.

Legal services staff hear from an increasing number of people who struggle to access public assistance for which they are eligible. Affordable housing has become a major crisis for Mainers with low income. Timely access to unemployment insurance has been a challenge for many others. As demand for our services has increased and numerous changes were made within 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 demand. MEJ is also struggling to meet the legal needs of Mainers who are immigrants who Pine Tree Legal Assistance is unable to assist based on their immigration status with legal issues related to housing and public benefits. More capacity is needed to adequately fill in these gaps in legal aid. 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 unmet and growing needs in our 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 income. 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:

A handwritten signature in black ink that reads "Robyn Merrill". The signature is written in a cursive, flowing style.

Robyn Merrill
Executive Director

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**Maine Volunteer Lawyers Project
Report to the Maine Civil Legal Services Fund Commission
January 2022**

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 work towards these goals 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 assist with VLP *pro bono* projects. We provide free continuing legal education programs for volunteer attorneys as an incentive to provide *pro bono* service. We invite attorneys to join our volunteers through our website and with direct recruiting. We connect with 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. We advocate for changes to court rules and other procedures to reduce barriers to volunteer service. We partner with the other legal aid providers, the Maine State Bar Association, community action organizations, and the Maine State Courts Justice Action Group, to enhance the availability of *pro bono* legal assistance. These activities all support our work of delivering legal services to low-income Mainers who need them.

The VLP provides services statewide with offices in Portland and Bangor. The Executive Director supervises five program staff (two full-time, three-part time), whose combined duties include operating our programs and clinics; recruiting and retaining attorney volunteers; developing new programming, 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.

The pandemic caused an emergency halt to most of VLP's services in March of 2020. Since that time, the delivery of all legal services and programs has been reconfigured to operate on a remote protocol. The VLP does not ask our attorney volunteers to attend in person clinics or court events; however, some volunteers continue to provide in person services. 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 39% reduction in number of people served in 2021, compared to 2019 (pre-pandemic).

Services

Types of Cases Handled:

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

1. Statewide telephone intake conducted during specific intake hours. Requests for assistance are now also received by a dedicated email account, which has increased the number of requests received. 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 generally include family law matters, there are some limited 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 coordinates a collaboration between domestic violence advocacy organizations and attorneys in the community. 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. In January 2022, the annual comprehensive training will focus on northern Maine to support recruitment of volunteers in the northern part 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. Our experiences with this clinic as well as reports from the court and the bar are that having representation on both sides of the PFA cases leads to better outcomes and better litigant experiences in court, and improved management of a large caseload by the court.
5. Worker's Rights Clinic. Attorneys who specialize in employment law help low-income workers understand if they have a legal claim 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 as well as other practitioners 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. The VLP offered a continuing legal education seminar on small claims in the fall of 2021, to support and recruit more attorney volunteers.
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. This panel of volunteer attorneys continues to be available to assist with business questions for financially qualified individuals.

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 has established a clinical program to provide limited representation services to Maine's tribal members through a partnership with Wabanaki Health and Wellness in Bangor, and a program to assist people in substance use disorder (SUD) recovery in partnership with Groups Recover Together, a SUD treatment provider.

Number of People Served: Cases Handled in 2021

Maine Volunteer Lawyers Project report to the MCLSFC January 2022

In 2021, VLP staff or volunteers provided service in **2,376 cases¹**:

In the 2,053 cases that were closed after Jan.1, 2021

Pro bono attorneys provided **limited representation**

through clinic programs: 861 cases

Pro bono attorneys provided **extended representation**

through fully referred matters: 215 cases

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

to clients referred by VLP: 977 cases

Total: 2,053 cases closed in 2021

VLP had 323 cases open as of 12/31/2021. Of those, as of January 7, 2022, 16 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.

The VLP *opened* new cases for 1,509 clients in 2021. Of those, 56 received extended representation with complete resolution of their legal issues; 5 had extended representation without full resolution of the issues. 540 received legal information, and 692 had limited representation through one of our clinics. 216 of the cases opened in 2021 remain open for services.

The VLP new cases opened in 2021 were in the following case types:

Case Type	Total Cases Opened
Benefits	39
Consumer	2
Bankruptcy	18
Employment	137
End of Life/Wills/Estates	72

¹ In addition, VLP served 12 individuals through the Preble Street Resource Center and our Maine Homeless Legal Project. VLP has very limited demographic information for these clients, so they are not included in the general count of clients.

Maine Volunteer Lawyers Project report to the MCLSFC January 2022

Family (including DV cases)	1,115
Miscellaneous (including housing, tort claims, and real estate)	61
Small Claims	65
Total	1,509

This data does not capture the many people who contact our program for assistance and we do not open a file, but do provide 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 2021, volunteer lawyers responded to 670 questions asked through this portal and served an additional 554 people in need through this program.

Demographics of Clients Served in 2021

- VLP's direct services benefited 2,376 Maine households in 2021 and an estimated 5,821 individuals. The average annual household income was \$18,079 and the average household size was 2.45 people.
- Age groups of our clients were as follows:

Under age 25	145	6.1%
Age 25-44	1,440	60.6%
Age 45-60	540	22.7%
Over age 60	251	10.5%

- Of our available data, 79.8% of clients identified as White, 3.8% as Black, 2% as Hispanic, 1.7% as Native American, 1.3% as Asian, and 7.7% as other.
- 10% of clients did not speak English as a first language.
- 68.3% of clients were female, 24.7% were male, and 6.9% were other/no answer.

Geographic Areas Served in 2021

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

Maine Volunteer Lawyers Project report to the MCLSFC January 2022

The VLP phone intake is statewide through email requests and two toll free telephone numbers, one to the Bangor office and one to the Portland office. Requests for assistance are also received by email. 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 2021 is as follows:

<u>County</u>	
Androscoggin	323
Aroostook	47
Cumberland	681
Franklin	55
Hancock	43
Kennebec	241
Knox	70
Lincoln	46
Oxford	104
Penobscot	194
Piscataquis	17
Sagadahoc	54
Somerset	55
Waldo	64
Washington	34
York	308

(Out of state / Unknown: 40)

Unmet Need

Most qualifying clients who work with a volunteer to conduct an intake would benefit from full representation, but of the 2,376 cases the VLP worked on in 2021, about 10% 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 2021, 37% received limited representation from a *pro bono* attorney through a clinic program, and approximately 41% received legal information and referral to alternative services. 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 Project (CHAP), described above, helps to address 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 2022 is to continue 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 statewide. 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 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

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

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. VLP is partnering with the Cumberland Legal Aid Clinic to develop client education materials to provide some additional support to these litigants.

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, 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 clinic programs described above, and full referral of cases to attorneys throughout Maine. As reported above, in 2021, 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 2021 the average cost per case remains under \$200. Despite the additional work per case that is required to provide services remotely in the time of Covid, our dedicated, flexible,

and creative VLP staff have been able to develop efficiencies in managing the requests for assistance to keep this per case cost manageable.

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 provided over 6,029 hours of legal assistance to Mainers seeking help in 2021. While it is difficult to accurately measure the impact of these services, we estimate that the financial value of the legal services provided by the VLP in 2021 exceeds \$1.2 million, based on an estimated average rate of \$200 per hour. Given our 2021 revenues of \$436,477³, VLP was able to multiply the value of those dollars by over 2.7 times in the provision of legal services. Of course, the impact of legal assistance on a family facing unemployment, bankruptcy, divorce, or domestic violence is far greater than just the financial value of the services.

MCLSFC funding was critical to supporting the VLP's 2021 efforts to maintain and improve the delivery of legal services in Maine. With MCLSFC 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 2021, the MCLSFC grant provided 20% of the VLP budget. Using the framework above, the 2021 funding provided by the MCLSFC of just over \$88,000 was leveraged to provide over \$238,000 worth of legal services. Given the restrictions and limitations of the pandemic in 2021, we are optimistic that we will grow our ability to multiply value in 2022, as we continue our work to close the justice gap in Maine.

Respectfully submitted,

Elizabeth Stout

Elizabeth Stout
Interim Executive Director
Volunteer Lawyers Project

³ In addition to these revenues, VLP engaged in a fundraising campaign to honor our founder and former Director, Juliet Holmes Smith. The campaign raised over \$111,000, which will add \$30,000 per year for three years to our annual budget starting in 2022 to support legal assistance for domestic violence survivors.

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PINE TREE LEGAL ASSISTANCE, INC.

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Report to the Maine Civil Legal Services Commission January 2022

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 2021.

Types of cases handled

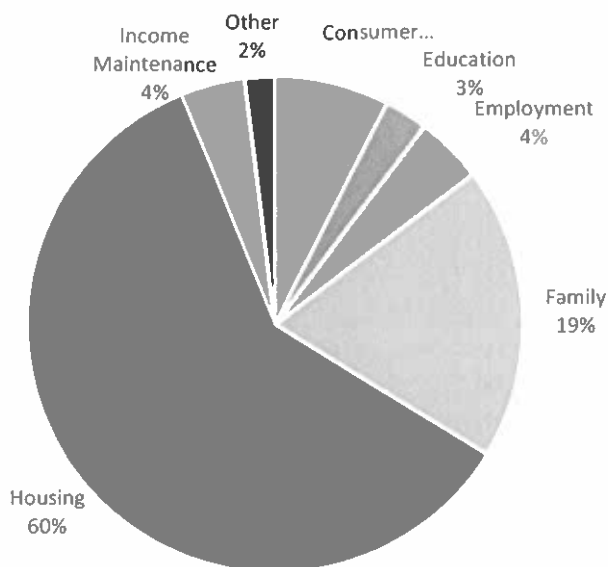
In 2021, Pine Tree Legal Assistance worked on **6,748 cases**, providing direct legal assistance on a wide range of legal issues.

Sixty percent of Pine Tree cases involved housing issues, including homeownership, federally subsidized housing, public housing, private housing, and mobile homes.

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

Eight percent of Pine Tree cases involved consumer protections, such as access to utilities, debt issues, and auto issues.

Four 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.

Law Category	Cases Handled in 2021
Consumer	507
Education	189
Employment (including tax)	295
Family Law (including PFAs)	1292
Juvenile	27
Health	41
Housing	4052
Income	282
Individual Rights	33
Miscellaneous (including tribal law)	30
Total	6,748

Number of people served

Pine Tree served more than one and a half million people in 2021 through direct legal aid, outreach, and its websites.

- Pine Tree served 16,410 people through individual cases, including 6,231 children.
- Pine Tree served 5,194 people through community education activities including consultations, meetings, presentations, and trainings.
- Pine Tree's websites were utilized by 1,498,391 users in 2021, accessing Pine Tree's websites for a total of 2,605,161 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. In 2021, ptla.org alone recorded 841,414 users and 1.4 million page views. The following table highlights the most frequently viewed pages on ptla.org.

Rank	Page	2021 Pageviews
1	Do I Have to Repay Unemployment Benefits if I'm Overpaid?	166,814
2	PTLA Homepage	77,836
3	What Can I Do if My Landlord is Trying to Evict Me?	60,255
4	Derechos del Inquilino: Depósitos de Alquiler (Security Deposits - Spanish)	51,807
5	Contact Us	44,815
6	Guardianship of a Minor (Arabic)	40,056
7	Using Your EBT Card to Get Food Supplements and TANF	39,413
8	Derechos del Inquilino: Desalojos (Rights of Maine Renters: Eviction - Spanish)	35,306
9	What is a Guardian ad Litem?	33,989
10	Derechos del Inquilino: Malas condiciones de la vivienda (Unsafe Living Conditions – Spanish)	31,002

Demographic information about people served

Pine Tree's clients in 2021 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 fifteen is a veteran.

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 2021 by poverty level.

Below 100% poverty	52%
100% – 199% poverty	34%
Over 200% poverty	13%

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. Its statewide call-center provides further access to all Mainers. The chart below shows the geographical distribution of Pine Tree's cases and clients in 2021.

County	Cases Handled	All People Served
Androscoggin	939	2,426
Aroostook	382	857
Cumberland	1,477	3,283
Franklin	140	360
Hancock	205	476
Kennebec	774	1,903
Knox	148	385
Lincoln	125	307
Oxford	280	725
Penobscot	607	1,375
Piscataquis	65	163
Sagadahoc	167	364
Somerset	225	592
Waldo	127	366
Washington	186	431
York	771	1,934
Out of State	125	463
Total	6,743	16,410

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

In 2021, Pine Tree staff and volunteers worked on 6,743 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. The chart below shows the status of matters handled.

Status	# of Cases	%
Resolved in favor of the client after full legal representation	1,857	28%
Resolved in favor of the opposing party after full legal representation	63	1%
Resolved after providing information, advice, or limited assistance	3,765	56%
Cases open as of 12/31/2021	1,063	16%
Total cases worked on in 2021	6,748	

Despite pandemic-related challenges, Pine Tree has continued to prioritize providing full legal representation to our clients. **Thirty-four percent** (1,920) of Pine Tree's closed cases received full legal representation in a court or administrative hearing. Of cases receiving full representation, **97% 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.

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

The activities supported with MCLSF funding in 2021 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 2021, 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 2021 advocacy are extensive.

The following data highlight some of Pine Tree's most significant outcomes. In 2021, Pine Tree's advocacy:

- Resulted in \$3,033,360 in income, savings, and benefits to our clients.
- Prevented homelessness for 948 households by preventing or delaying an eviction.
- Preserved more than \$10,500 in monthly housing subsidies for tenant families. The annual value of these subsidies is more than \$125,000.
- Secured 337 new protection orders for victims of domestic violence, sexual assault, stalking, and dating violence.

The data collected on outcomes provides only a glimpse into the impact of Pine Tree's advocacy. The impact of direct legal services can be profound. For example, "Mary" woke up one cold morning in March 2021 to find she had no heat in her home. A new landlord purchased the property in December and was trying to get Mary to sign a new lease that would require her to pay for the heat for the whole house, which included her unit and her upstairs neighbor's unit! The new landlord tried to avoid providing heat by not filling the tank. So, one morning, Mary woke up to find that there was no heat or hot water because the oil tank was empty. She called Pine Tree Legal Assistance and spoke with one of our paralegals. She explained what was happening and, within a few hours one of our attorneys contacted the landlord and explained that this violated several statutes. The landlord arranged for a fuel truck to come to the home and fill the tank that day.

While it only took a few hours for Pine Tree to help Mary, other cases take years to resolve. For example, "John" worked as a blueberry raker Downeast during the 1960s, 70s, and 80s. Anyone who has raked blueberries will tell you this is hard work. But, years later, when John went to file for Social

Security retirement benefits, he found that, despite working many long and hard seasons of agricultural work, his application for retirement benefits was denied.

During the 1960s-1980s, it was fairly common for farm employers to fail to make Social Security withholdings, either because workers were paid in cash or growers were trying to dodge government involvement in their operations. As a result, John had limited work history recorded with the Social Security Administration through no fault of his own.

In 2004, John turned to Pine Tree Legal Assistance for help. John wasn't the only one. Between then and 2012, many more workers contacted Pine Tree Legal Assistance for help with similar cases. The process for correcting Social Security work records is complicated and time-consuming. It involves gathering lots of affidavits from former co-workers, field supervisors, and others in order to prove that someone worked at a particular farm, for a certain season, and a certain wage. These cases often involve many levels of appeals with the Social Security Administration.

Finally, earlier this year, John and our other clients received their award letters. They will receive retroactive benefits in total exceeding \$130,000 and ongoing benefits going forward. Their families finally have the benefits they deserve.

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 since 1967, 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 2021, Pine Tree Legal Assistance recorded 8,685 requests for legal help (an 12.5% increase from 2020). Nearly 2,000 requests were addressed with general legal information and/or referrals to other resources but could not be opened as Pine Tree cases because of insufficient staffing. Of the requests that Pine Tree Legal Assistance was about to open as cases, we provided clients with the level of service they requested in 62% of cases. Because of our limited staff capacity, a lower level of assistance was provided in the remaining 38% of cases.

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.

^[1]http://www.americanbarfoundation.org/uploads/cms/documents/sandefur_accessing_justice_in_the_contemporary_usa_aug_2014.pdf

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 2022 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.

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-two 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 2022. 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,

A handwritten signature in black ink, appearing to read 'Nan Heald', with a large, sweeping flourish extending to the right.

Nan Heald
Executive Director