

**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*

*131<sup>st</sup> Legislature, First Regular Session*

*February 8, 2023*

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# MAINE CIVIL LEGAL SERVICES FUND COMMISSION

February 8, 2023

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

## **RE: 2022 Report of the Maine Civil Legal Services Fund Commission**

Dear Senator Carney and Representative Moonen:

I am pleased to submit the 2022 Annual Report of the Maine Civil Legal Services Fund Commission (MCLSFC) 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 ("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. In 2022, there were three sources of funds pooled in the Fund for distribution to these organizations: the regular pass-through payments made annually pursuant to 4 MRSA §18-A(3-A)(6); distributions from the general fund resulting from the FY2022 State of Maine Supplemental Budget appropriation for civil legal aid; and American Rescue Plan Act of 2021 (ARPA) funds.

### **2022 MCLSF Fund Distribution Per 4 MRSA §18-A(3-A)(6)**

The total amount distributed in 2022 from regular pass through payments was \$ 1,646,886.65. This was \$ 313,907.43 less than the amount of \$1,960,794.08 regular MCLSF pass-through payments distributed in 2021. The distributions in 2022 were made according to the following formula and in the following amounts:

| <b>Organizations Receiving Regular Pass-Through Funds from Maine Civil Legal Services Fund</b> | <b>% Share of Allocation</b> | <b>Amount Received (\$)</b> |
|------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| Cumberland Legal Aid Clinic                                                                    | 6.5000                       | 107,047.63                  |
| Disability Rights Maine                                                                        | 3.0000                       | 49,406.58                   |

|                                  |                 |                       |
|----------------------------------|-----------------|-----------------------|
|                                  |                 |                       |
| Immigrant Legal Advocacy Project | 6.0000          | 98,813.21             |
| Legal Services for the Elderly   | 22.0000         | 362,315.06            |
| Maine Equal Justice Partners     | 10.5000         | 172,923.11            |
| Pine Tree Legal Assistance       | 47.5000         | 782,271.16            |
| Volunteer Lawyers Project        | 4.5000          | 74,109.90             |
| <b>Total</b>                     | <b>100.0000</b> | <b>\$1,646,886.65</b> |

**2022 General Fund Allotment – Added in FY2022 Supplemental Budget**

The fiscal year 2022 State of Maine Supplemental Budget included, for the first time, an annual allocation of funds for civil legal services to benefit the same seven organizations who are beneficiaries of funds from the Maine Civil Legal Services Fund. Indeed, disbursements flowing through MCLSF is the mechanism for payment of the funds from the general fund appropriation. Two quarters of payments, according to the same percentage share of allocation of the existing MCLSF funds, were distributed to seven organizations in CY 2022, totaling \$650,000.00, as follows:

| <b>Organizations Receiving General Fund Allotment via Maine Civil Legal Services Fund in CY 2022</b> | <b>% Share of Allocation</b> | <b>Amount Received (\$)</b> |
|------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| Cumberland Legal Aid Clinic                                                                          | 6.5000                       | 42,250.00                   |
| Disability Rights Maine                                                                              | 3.0000                       | 19,500.00                   |
| Immigrant Legal Advocacy Project                                                                     | 6.0000                       | 39,000.00                   |
| Legal Services for the Elderly                                                                       | 22.0000                      | 143,000.00                  |
| Maine Equal Justice Partners                                                                         | 10.5000                      | 68,250.00                   |
| Pine Tree Legal Assistance                                                                           | 47.5000                      | 308,750.00                  |
| Volunteer Lawyers Project                                                                            | 4.5000                       | 29,250.00                   |
| <b>Total</b>                                                                                         | <b>100.0000</b>              | <b>\$ 650,000.00</b>        |

**American Rescue Plan Act of 2021 (ARPA) Funds**

Finally, six civil legal service providers listed below were beneficiaries of ARPA funds in CY 2022, totaling \$ 295,504.00. These funds were made in distribution amounts equal to expired

grant funds from the Maine Justice Foundation Bank of America settlement. The distributions were made as follows:

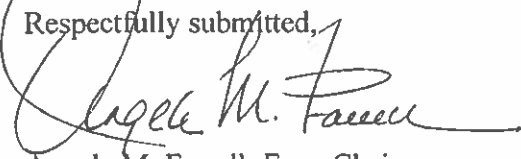
| <b>Organizations Receiving ARPA Funds via Maine Civil Legal Services Fund in CY 2022</b> | <b>Amount Received (\$)</b> |
|------------------------------------------------------------------------------------------|-----------------------------|
| Cumberland Legal Aid Clinic                                                              | 10,000.00                   |
| Immigrant Legal Advocacy Project                                                         | 40,000.00                   |
| Legal Services for the Elderly                                                           | 71,085.00                   |
| Maine Equal Justice Partners                                                             | 83,334.00                   |
| Pine Tree Legal Assistance                                                               | 71,085.00                   |
| Volunteer Lawyers Project                                                                | 20,000.00                   |
| <b>Total</b>                                                                             | <b>\$ 295,504.00</b>        |

In total, \$ 2,592,390.65 was distributed among seven civil legal services organizations for CY 2022 via the Maine Civil Legal Services Fund.

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](mailto:amf@frrlegal.com).

Respectfully submitted,



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

Enclosure

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

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**2022 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 2022 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 53<sup>th</sup> 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; Youth Justice (formerly 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 specific to each program, but all serve indigent clients almost exclusively.<sup>1</sup> Most individuals qualify for our services when (a) their household gross income falls within our financial guidelines, (b) the court or agency is within our geographic service area, and (c) we have openings for new clients.

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

A total of forty-six students enrolled in Clinic courses during the spring and fall semesters in 2022. In addition to the specific courses listed below, all students participating in Clinic during

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



the 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, counseling, trauma-informed lawyering, cultural humility, case theory, and negotiation, among others. During the summer, the Clinic hired seven law students as full-time interns, one student as a full-time fellow doing policy development work in youth justice as well as direct representation of clients, and two students as part-time fellows 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 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. To meet with clients with civil legal matters, students in the program visit the Maine Correctional Center and the Southern Maine Re-Entry Center for Women in Windham every week. The Prisoner Assistance Clinic also serves a small number of clients in other facilities through correspondence, Zoom, and telephone calls. In 2022, this clinic provided over 74 prisoners with legal information, advice, and, in some cases, full representation.

The **Youth Justice Clinic**<sup>2</sup> 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 Youth Justice Clinic also work with the Center to benefit Maine children and youth statewide through policy projects that have included juvenile record sealing, alternatives to incarceration, and cross-system collaboration to support youth transitioning out of the justice system.

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<sup>2</sup> The Youth Justice Clinic, formerly known as the Juvenile Justice Clinic, has recently expanded its scope to include policy and practice work as it relates to older youth and young adults. This change reflects the national shift in the youth justice field acknowledging research in adolescent development, crime trends, and justice system policy reforms.

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 2022, RHRC students assisted 23 full representation clients and 274 immigrants and refugees through public education and outreach work. Among these public education and outreach initiatives were training sessions in area hotels and community centers to Maine's immigration population, in collaboration with ILAP, on how to apply for asylum, conducted by RHRC students using a pro se manual the RHRC developed in collaboration with ILAP.

Maine Law students enrolled in each of the above Clinic courses or covering Clinic cases as summer interns participate in the **Protection from Abuse Project**. This project receives top marks from students, courts, and clients alike. Student attorneys attend the weekly Protection from Abuse docket calls in the Lewiston District Court and represent victim-survivors of domestic or dating violence, sexual abuse, or stalking who need representation. In 2022, through support from the Fund and the United States Department of Justice Office of Violence Against Women, the program provided such representation to 184 Maine victim-survivors.

#### **B. SPECIFIC INFORMATION REQUESTED BY THE FUND COMMISSION**

The Maine Civil Legal Services Fund is a critical source of external funding for the Cumberland Legal Aid Clinic. In 2022, the Fund provided approximately 14% of the external funds received by the Clinic and nearly 7.5% 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.<sup>3</sup> Thus, in 2022, resources provided by the Fund enabled the Clinic to fund one of its four full-time supervising professors, a full-time adjunct faculty member, a staff attorney, and its managing attorney as well as 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, 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 lower-income residents to have access to justice.

This year the Cumberland Legal Aid Clinic also received \$19,207.76 American Rescue Plan Act funds (ARPA) to support our programs. This amount accounted for approximately 3% of

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<sup>3</sup> The Clinic does some work in the areas of criminal and juvenile law. While those clients (a total of approximately 105 cases) have not been included in the client totals for this report, some of them, particularly the youth clients, also had civil legal matters for which we provided assistance.

external funds received by the Clinic and almost 1.5% of the total funding we receive for our programs. We used the ARPA funding to significantly expand our geographic reach, getting legal assistance out to more rural parts of Maine. Much of it supported our work in the Prisoner Assistance program, allowing the Clinic to serve people housed in correctional facilities throughout the state.

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

Family law (not including Protection from Abuse proceedings) comprised approximately 50% of the Clinic's General Practice and Prisoner Assistance civil caseloads, or 63 cases. In addition, the Clinic handled 198 Protection from Abuse/Harassment cases for a total of 261 family-related cases last year. The family law caseload is varied. Such cases in the General Practice Clinic involve disputes regarding parental rights and responsibilities, adoption, child protection, child support, spousal support, divorce, and minor guardianship. We also assisted teens and young adults with family law matters through the Preble Street Law Program.

Other areas of civil legal services handled in the General Practice Clinic in 2022 include predicate orders, taxes, education, homeless student, adoption, guardianship-minor, and wills/estates.

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

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

In the Refugee and Human Rights Clinic, student attorneys assisted clients with matters involving defensive asylum, work permits, Freedom of Information Act requests, asylum derivative/family reunification, lawful permanent residence, Special Immigrant Juvenile Status, and naturalization. Students also filed an amicus brief to the First Circuit Court of Appeals on behalf of U.S. immigration law professors and scholars on issues related to asylum and relief under the Convention Against Torture. Two impact litigation cases before the U.S. District Court for the District of Maine remain ongoing (with co-counsel ACLU-ME and ILAP).

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

In 2022, the Clinic provided civil legal assistance to a total of 310 individuals; for several of these clients, students provided assistance on multiple legal matters.<sup>4</sup>

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 2022 is as follows: Androscoggin 183; Cumberland 88; Kennebec 3; Knox 19; Oxford 1; Penobscot 5; Piscataquis 1; York County 7; Out of State 3.<sup>5</sup>

The Clinic assisted a large number of clients with Limited English Proficiency or who were born outside of the United States. During 2022, our clients' countries of origin included Angola, Brazil, Burundi, Colombia, Cuba, the Democratic Republic of the Congo, the Dominican Republic, El Salvador, Guatemala, Honduras, Iraq, Mali, Mexico, the Philippines, Rwanda, Somalia, South Sudan, Sudan, Uganda, and Vietnam. The Clinic also assisted clients from Maine's tribes.

The Clinic also regularly represents many people with disabilities, particularly those with serious mental and cognitive illnesses.

4. *The geographical area served by the organization because of money received from the Fund*

The Clinic serves clients with matters pending throughout Maine. Because the legal work is performed entirely by law students enrolled in other courses in Maine Law School, the Clinic's geographic coverage in full representation matters is primarily in federal, state, and probate courts and agencies located in Cumberland, York, Androscoggin, and Sagadahoc counties. We do, however, appear in courts in other parts of Maine as well. In 2022, we provided full representation to clients with cases in state and federal courts and agencies located in Augusta, Bangor, Biddeford, Lewiston, Sagadahoc, Skowhegan, Springvale, Waterville, West Bath, York, and Portland (including the Maine Supreme Judicial Court and the Federal District Court), as well as the Department of Justice Immigration Court in Boston (which has jurisdiction of Maine deportation cases). In addition, through the Prisoner Assistance Clinic, we served, on a

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<sup>4</sup> An additional 1,151 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.

<sup>5</sup> 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.

more limited basis, clients with legal matters arising anywhere in the state, covering nearly every district court, many county probate courts, and some tribal courts.

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

The Clinic had 75 civil cases open at the start of 2022. During the year, the Clinic opened 275 new cases and closed 272. Currently, at the end of the year, the Clinic has 78 civil cases open. We were able to wrap up a number of cases in anticipation of the start of the new semester in January 2023 when we expect to 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 2021. 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 while educating future attorneys, has remained unchanged. Clinic student attorneys were able to open and close a number of cases in 2022 and, as a result, we are poised to increase the number of cases in the New Year.

Moreover, in January 2023, the Clinic is launching its new Rural Practice Clinic. This clinic will be located at the University of Fort Kent. Each semester and in the Summer, two students will live on campus and work at the clinic under the supervision of Visiting Professor Toby Jandreau. Student attorneys will work in local Courts on family law, criminal, and protective custody cases, providing some relief from the rural access to justice crisis while immersing themselves in the rural practice of law. The hope is that this immersion will lead to students choosing to practice in rural areas that are in dire need of attorneys. The students will also be putting on presentations for UMFK students and the clinic will be employing two UMFK interns per semester with the intention of sparking undergraduate interest in the practice of law.

Additionally, thanks to vaccinations and the ability to resume in-person outreach events, the Clinic was able to increase its outreach mid-year. Starting in June, RHRC students have presented to and been able to meet directly with over 274 asylum seekers and people who work with asylum seekers in large and small group settings. Additionally, in July, students in the Prisoner Assistance Clinic were able to return to in-person visits with clients at the Maine Correctional Center. Using technology necessitated by the pandemic, they also continued to represent clients in other facilities through Zoom, telephone, and written correspondence.

With the new Rural Practice Clinic program and the easing of the pandemic which allowed for the Clinic to begin reach more people directly, the Clinic anticipates the number of people served in 2023 will be even higher than in previous years.

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 2021 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 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 approval. Since the students are participating in an academic program for which they receive a final grade, every aspect of their work is subject to evaluation as well as supervision by faculty.

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

An important measure of the success of the Clinic's programs is our students' career choices after they graduate. Recent Maine Law graduates who participated in Clinic programs have taken positions with Catholic Charities, Disability Rights Maine, the Maine Legislature, the American Civil Liberties Union of Maine, Maine Legal Services for the Elderly, Pine Tree Legal Assistance, as well as positions in the state and federal courts as fellows, county prosecutors' offices, and the Office of the Attorney General. Other recent Maine Law graduates associated with the Clinic have joined or opened small firm practices in rural Maine, including counties with underserved populations. A number of our graduates tell us that, as a result of their experiences working in the Clinic, they have decided to become rostered guardians *ad litem* or to accept court appointments in the areas of child protection, juvenile defense, or criminal defense. Several Clinic graduates have signed on with the Maine Volunteer Lawyers Project and Immigrant Legal Advocacy Project to accept pro bono cases.

#### *8. Information regarding unmet and underserved needs.*

The Clinic receives hundreds of calls from individuals seeking legal assistance every year and also receives many referrals from courts and agencies. Because the number of low-income Maine residents who need our help greatly exceeds our program's capacity, the Clinic designates certain priorities for case acceptance. Thus, in assessing eligibility, we give priority to those potential

clients who would otherwise have particular difficulty representing themselves due, for example, to language barriers, immigration status, mental illness or other disability, a history of domestic violence, youth, sexual orientation, or geographic isolation. We also provide legal representation in those areas of the law where there is a particularly acute need, such as complex family law matters with issues of family violence, substance abuse, mental illness, or conflicting jurisdiction. The Clinic makes every effort to accommodate referrals from courts and other organizations that have identified specific individuals who would benefit from our assistance, particularly where this is due to the limitations of other legal aid programs. Because a number of our programs provide a broad range of assistance to many people, for example, at the Preble Street Law Project, through the Protection from Abuse Program, and through the Prisoner Assistance Clinic, we are able to identify individuals with a particular need for extensive legal assistance, thus ensuring that our resources are allocated to those for whom the need for such assistance is most acute.

### C. CONCLUSION

The Clinic must rely on external sources of funding to continue its work. State funding for higher education in Maine has been limited for years, and the COVID-19 pandemic continues to have 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, 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,

/s/ Christopher M. Northrop

Christopher Northrop  
Co-Director of the Cumberland Legal Aid Clinic  
Christopher.northrop@maine.edu

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**DISABILITY RIGHTS MAINE  
2022 ANNUAL REPORT TO THE  
MAINE CIVIL LEGAL SERVICES FUND COMMISSION  
JANUARY 13, 2023**

**I. Overview**

Disability Rights Maine (DRM) is Maine's statewide protection and advocacy agency for people with disabilities. Incorporated in 1977 as a private, nonprofit corporation, DRM's mission is to advance justice and equality by enforcing rights and expanding opportunities for people with disabilities in Maine.

DRM is part of a national network of federally funded and mandated disability rights Protection & Advocacy agencies, which 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 funds<sup>1</sup>, 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 52 people, 14 of whom are attorneys.

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<sup>1</sup> DRM receives funding under nine different federal grants and eight other state and private contracts.

## **II. Maine Civil Legal Services Funding**

DRM has received MCLSF funding to support the provision of legal services to people with disabilities for many years, and received 3% of the Maine Civil Legal Services Fund in 2022. To date, this funding has not been sufficient to fully support a staff attorney position. As a result, DRM used MCLSF funding in 2022, 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.

Almost 16% of people in Maine are people with disabilities, which is above the national average of 12.6%. And unfortunately, disability and poverty remain closely linked. Between 2015-2019, 56% of working-age Mainers with a disability lived in or near poverty, which was more than twice the rate for Mainers without a disability. Given the significant need for no-cost civil legal services within the disability community, the MCLSF award is essential to maintaining and expanding DRM's ability to provide legal representation to Mainers with disabilities whose incomes are below or around the federal poverty level.

We appreciate the opportunity to highlight some of the important work that DRM attorneys engaged in on behalf of Mainers with disabilities in 2022.

### **A. Types of cases handled:**

DRM continues to see an increasing demand for legal services. As outlined in the table below, DRM attorneys handled 824 cases in 2022. This was an increase over the 687 cases handled in 2021.

Just as in 2021, the majority of individual advocacy cases involved protecting people with disabilities from abuse and neglect and other rights violations, advocating for community integration, and securing equal access to education for students with disabilities.

While case numbers rose in many areas, the most significant increases in 2022 were in the areas of housing, education, and employment related advocacy. DRM also handled a significant number of public accommodations cases and provided legal advocacy to assist individuals in terminating, modifying or avoiding guardianships.

**2022 Attorney Cases Handled**  
**Case Problem Area (Based on Total # of Active Client Cases)**

|                                                  |            |
|--------------------------------------------------|------------|
| Abuse, Neglect and Other Rights Violations.....  | 246        |
| Community Integration.....                       | 139        |
| Due Process.....                                 | 19         |
| Education.....                                   | 155        |
| Employment.....                                  | 44         |
| Government Services & Public Accommodations..... | 70         |
| Guardianship.....                                | 97         |
| Housing.....                                     | 48         |
| Voting.....                                      | 6          |
| <b>Total.....</b>                                | <b>824</b> |

Please refer to the Appendix for selected case narratives for cases closed in 2022.

**B. Number of people served:**

DRM attorneys provided direct representation in 824 cases to 726 individuals with disabilities in 2022. And DRM advocacy staff, supervised and supported by attorneys, provided services to an additional 549 Mainers with disabilities. In total, DRM provided direct advocacy services to 1,275 Maine citizens with disabilities in 2022. As indicated above, these are all increases over 2021, reflecting DRM’s efforts to respond to the increasing demand for legal services, especially in the areas of housing, and education.

Also, although this report is focused on the individual legal advocacy provided by DRM attorneys in 2022, DRM attorneys and advocates engaged in a significant amount of work that is not captured here. DRM attorneys and advocates were: a) conducting extensive outreach to people with disabilities in locations throughout the state; b) conducting monitoring visits in residential treatment facilities, hospitals, juvenile justice facilities, and other places where people with disabilities live and/or receive services; c) serving on boards and commissions; d) providing training and technical assistance on the legal rights of people with disabilities to individuals with disabilities, service providers, state employees, and the private bar; e) educating policymakers about issues impacting people with disabilities; f) speaking to the press on issues related to disability; and g) engaging in systemic advocacy efforts.

### C. Demographic information about people served

Demographic information regarding the cases handled by DRM attorneys in 2022 is included below. This data covers the total number of unique clients with active service requests in 2022, where an attorney was the primary assigned staff.

#### **Age:**

|                    |            |
|--------------------|------------|
| Birth – 18.....    | 193        |
| 19 – 30.....       | 174        |
| 31 – 40.....       | 122        |
| 41 – 50.....       | 98         |
| 51 – 60.....       | 69         |
| 61 – 70.....       | 45         |
| 71 & Over.....     | 25         |
| <b>Total</b> ..... | <b>726</b> |

#### **Ethnicity/Race:**

|                                     |            |
|-------------------------------------|------------|
| Hispanic/Latino.....                | 15         |
| American Indian/Alaskan Native..... | 4          |
| Black/African American.....         | 17         |
| White.....                          | 571        |
| Two or More Races.....              | 32         |
| Ethnicity/Race Unknown.....         | 87         |
| <b>Total</b> .....                  | <b>726</b> |

#### **Gender:**

|                                  |            |
|----------------------------------|------------|
| Female.....                      | 295        |
| Male.....                        | 419        |
| Non-Binary.....                  | 6          |
| Unknown/Declines to Respond..... | 6          |
| <b>Total</b> .....               | <b>726</b> |

#### **Primary Disability:**

|                     |     |
|---------------------|-----|
| Autism.....         | 156 |
| Blindness.....      | 7   |
| Cerebral Palsy..... | 20  |
| Deaf-Blind.....     | 1   |
| Deafness.....       | 10  |

|                                     |            |
|-------------------------------------|------------|
| Epilepsy.....                       | 4          |
| Hard of Hearing (not Deaf).....     | 2          |
| Intellectual Disability.....        | 304        |
| Mental Illness.....                 | 131        |
| Muscular Dystrophy.....             | 3          |
| Neurological Impairment.....        | 17         |
| Orthopedic/Physical Impairment..... | 14         |
| Specific Learning Disability.....   | 11         |
| Traumatic Brain Injuries.....       | 33         |
| Visual Impairment (not Blind).....  | 3          |
| Other.....                          | 10         |
| <b>Total</b> .....                  | <b>726</b> |

**Income:**

|                    |            |
|--------------------|------------|
| 100% FPL.....      | 354        |
| 125% FPL.....      | 24         |
| N/A FPL.....       | 83         |
| Unknown.....       | 265        |
| <b>Total</b> ..... | <b>726</b> |

**D. Geographic area actually served:**

DRM has a statewide service area. In 2022, 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..... | 135 |
| Aroostook.....    | 23  |
| Cumberland.....   | 215 |
| Franklin.....     | 14  |
| Hancock.....      | 21  |
| Kennebec.....     | 94  |
| Knox.....         | 24  |
| Lincoln.....      | 19  |
| Oxford.....       | 32  |
| Penobscot.....    | 61  |
| Piscataquis.....  | 2   |

|                   |            |
|-------------------|------------|
| Sagadahoc.....    | 16         |
| Somerset.....     | 29         |
| Waldo.....        | 22         |
| Washington.....   | 17         |
| York.....         | 94         |
| Out-of-State..... | 6          |
| <b>Total.....</b> | <b>824</b> |

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

DRM had 824 active attorney cases in 2022. During 2022, 515 cases were opened and assigned to attorneys, and 459 attorney cases were closed. As indicated above, there were also 647 active matters handled by non-attorney advocates in 2022, provided with the support and under the supervision of DRM attorneys.

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

DRM used MCLSF funding in 2022, 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. The MCLSF funding helps 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 MCLSF allocation.

**G. Outcome measurements used to determine compliance:**

The case numbers and other data included above demonstrates compliance with MCLSF requirements. DRM served an increasing number of Mainers with disabilities

in 2022 and we delivered these services statewide, serving individuals in every Maine county.

In addition, when DRM closes a case, the reason for closing is documented and reported out as required by various grants. For the 2022 attorney cases reported here, 82% 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 6% of cases were closed because no issues were resolved for the client.

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

#### **H. Unmet and underserved needs**

In our report last year, we wrote “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.” Unfortunately, this was also true for 2022.

As outlined above, although DRM provided more direct advocacy in the areas of housing and education this year, it was still not possible to keep up with the increasing need for representation in these and other areas of need. DRM continues to receive many more requests for direct advocacy support than we are able to fulfill. There are many areas of unmet need, several of which are highlighted below.

With regard to education, the need for educational advocacy appears to be growing exponentially. As many schools struggle with staffing challenges, the needs of many students with disabilities are simply not being met. And when students are not getting the supports they need, this can occasionally lead to behaviors that interfere with their ability to access their education. Rather than respond with more services, many

schools resort to suspending, expelling or otherwise removing students from school. DRM prioritizes cases where students are excluded from school for all or part of their school day and, at this time, there is such significant demand for representation in those situations that they comprise the vast majority of our education docket. DRM has been working for several years with Pine Tree Legal Assistance and others to increase the capacity and inclination of the private bar to handle school discipline cases. Still, the unmet needs for educational advocacy are significant and growing.

With regard to housing, as highlighted through some of the case examples in the appendix, DRM attorneys used varied strategies to assist clients in accessing and maintaining housing. But we still receive many more calls for assistance with housing issues than we are able to fulfill. We are also seeing an increasing number of requests for assistance from individuals who are at significant risk of losing their housing for reasons unrelated to disability. While we refer those to other legal services providers when appropriate, we know that the demand for housing related advocacy far outstrips our collective ability to meet it.

DRM attorneys continue to represent individuals under guardianship seeking to avoid, terminate or limit their guardianship and restore their basic rights. But Maine has extremely high rates of guardianship, with approximately 74% of Maine adults with intellectual or developmental disabilities under guardianship (as opposed to 41% nationally), so there is a significant need and demand for this service that DRM is unable to meet. In order to try to address this unmet need, DRM recently created and presented a half-day legal training on restoring the rights of people under guardianship. The virtual presentation was attended by over 100 people from the legal community, including attorneys, probate court judges, and registers of probate. One of the goals of the presentation was to increase legal expertise on civil rights of people with disabilities and guardianship and to increase interest in attorneys in representing individuals seeking to terminate or limit guardianships. As part of the training, DRM also convened a panel of self-advocates to speak about their lived experience with disability-based discrimination. DRM attorneys will likely present this training again in 2023, and further intend to create new trainings on related matters, such as less restrictive alternatives to guardianship. We are hopeful that by engaging (and training and supporting) the private bar in this manner, that we can begin to address this significant unmet need.

Finally, DRM attorneys also continue to represent people with disabilities who need services and supports in order to live independently or to remain in their



communities. But the needs in this area are great for both adults and children. And DRM is unable to provide representation in many cases. To address this area of unmet need, we have turned to systemic advocacy. In June 2022, following a complaint filed by DRM, the Department of Justice (DOJ) issued a letter of findings regarding the longstanding deficiencies in the children’s behavioral health system and the lack of access to home and community-based services. DOJ found that “Maine is violating the [Americans with Disabilities Act] by failing to provide behavioral health services to children in the most integrated setting appropriate to their needs.”. We are hopeful that this will lead to the type of system change that is needed, resulting in reduced need for individual advocacy in these areas.

**DISABILITY RIGHTS MAINE  
2022 ANNUAL REPORT TO THE  
MAINE CIVIL LEGAL SERVICES FUND COMMISSION  
JANUARY 13, 2023**

**Appendix**

**Selected Narratives for Cases Closed in 2022**

**DRM advocacy helps client maintain access to insurance, housing and services:** DRM received a reportable event concerning a 21-year-old man with Autism who was at risk of losing housing and all residential and community support services. His MaineCare had been terminated without notice. As a result, his residential support provider was not being reimbursed for providing formerly-covered waiver services. Subsequently, the provider gave notice and threatened to an unplanned discharge and illegal eviction by leaving him at the hospital. A DRM attorney spoke with the man's guardians, case manager, and residential provider and attended two Individual Support Team (IST) meetings. Before and during the meetings the attorney educated the team about the man's rights as a tenant, his right to be free from abuse and neglect, and his due process rights (e.g., right to receive notice of MaineCare termination, right to appeal a denial and/or termination of services, etc.). At the first meeting with the residential support provider, the attorney informed the provider of their duty to continue to provide services until a safe discharge could be affected and agreed to by the man and his guardian's and secured additional time to file a grievance and pursue all potential remedies and funding sources to prevent the aforementioned discharge. Because of DRM's involvement, MaineCare was made aware of their failure to provide notice of termination, the man's MaineCare benefits were reinstated pending hearing and written decision on the issue of MaineCare eligibility, and his residential provider rescinded their discharge notice.

**DRM advocacy helps client avoid eviction:** DRM was contacted by an individual with an intellectual disability seeking assistance in challenging the discharge/eviction by her residential provider at her group home. The individual was having issues with housemates that were resulting in aggression. A DRM attorney met with the individual numerous times and helped develop a positive support plan. The agency was significantly understaffed, and was not adequately providing the requisite support and community access for the woman, and eventually the living situation became untenable. The home provider filed an eviction matter in court. The client worked

very closely with the DRM attorney, her case manager, and her mother (who was a limited guardian) to seek out a new living situation. The DRM attorney negotiated an agreement providing the client with time to move to her new home, and the eviction was dismissed.

**DRM advocacy results in continued access to service animal at women's shelter:** A young woman with a mental health diagnosis contacted DRM seeking assistance with a reasonable accommodation request involving her service animal. The client had a dog trained to do certain tasks when it sensed she was experiencing high anxiety. The client was residing at a women's shelter while she was seeking permanent housing, and although the shelter had been allowing the client to utilize a staff-only outdoor area in which the client could exercise and relieve her dog, it revoked the accommodation after some problematic behavior in the area by other residents. The client needed the accommodation because the area was more physically accessible to her, and because the general entrance/exit of the shelter was unsafe for the client and service animal due to the behavior of other residents and animals. A DRM attorney provided assistance to the client on submitting a written request for a reasonable accommodation, and attended a meeting with the client and the shelter director. At the meeting, they were able to reach an agreement that the client could continue to use the staff-only area for her service animal, as long as she kept the door locked so that other residents could not access the area. After some time, the client was able to find permanent housing and moved out of the shelter.

**DRM advocacy results in access to housing for client:** A 42-year-old man with a psychiatric label who was living in his car with his cat contacted DRM because his case management services had not helped him obtain emergency funding that was available. Further, he had been staying a hotel and been kicked out and felt the funding for that emergency housing was now unavailable to him. DRM investigated and reached out to the state mental health authority and hotel housing funder. It was determined that no one had applied for a mental health housing voucher or emergency mental health funds for temporary housing. DRM quickly worked with the state to get the new case manager to apply for emergency funds, have them approved, and get the man into a motel in the short term. A housing voucher was also applied for so the man could obtain more permanent housing.

**DRM advocacy results in reversal of decision denying client a housing voucher:** An individual with a psychiatric label applied for a federally subsidized Housing Choice Voucher (formerly "Section 8"). The Housing Authority (HA)

administering the voucher denied his application. The denial was based upon a criminal charge the client had on his record many years ago when he was receiving inpatient treatment at a psychiatric hospital. DRM provided technical assistance to both the client and his former mental health providers regarding the informal appeal process with the HA and the regulations regarding criminal history and denials. The client appealed the denial and the HA reversed its decision and granted the client a housing voucher.

**DRM advocacy helps hospitalized client avoid eviction and maintain access to housing:** A 53-year old with a psychiatric label was told by her landlord that she could not return to her apartment once discharged from an inpatient psychiatric unit due to behaviors directly related to her mental health condition for which she was receiving treatment. DRM spoke with the landlord and negotiated the terms of her return. Through the negotiations, the client was able to avoid going through the eviction process or the reasonable accommodation process. The client was then able to return to her apartment after being discharged from the hospital. DRM continues to fight to those with mental health conditions to be able to keep their housing.

**DRM advocacy helps client maintain housing:** DRM assisted a 60-year-old man with traumatic brain injury who was being discharged by the provider from his waiver home. DRM appealed the discharge on his behalf and negotiated several extensions of the administrative hearing while working with the client and provider to address the concerns about his condition and continued service in the waiver home. With this support, the client's medical condition improved and he was able to address a number of the provider's concerns and remain in his home.

**DRM advocacy results in reinstatement of a housing voucher:** A 50-year-old man with a psychiatric label was in danger of losing his federally subsidized Housing Choice Voucher (Section 8) when he received a notice from the Housing Authority administering his voucher that it was going to be terminated due to his being evicted from a previous rental due to damage to the unit. The client had previously been receiving the services of a mental health case manager but was without one during the time of the damage to his apartment. DRM made a reasonable accommodation request of the HA to rescind their decision to revoke his voucher as the client was in the process of obtaining mental health services, including a case manager. The HA agreed to the accommodation and issued a letter to the man that when he obtained these services they would reinstate the voucher.

**DRM advocacy helps client maintain housing:** 45-year-old PAIMI-eligible man was facing homelessness due to the rental unit he was living in not meeting the code requirements for the housing voucher he was using. DRM advocated with officials who administered the voucher to allow the client to remain in the voucher program while he obtained temporary funding to stay in the unit and remedy the code violations. The voucher program agreed to this arrangement and the client avoided homelessness.

**DRM advocacy helps client maintain housing and avoid eviction:** 62-year-old man with a psychiatric label was sued for eviction by his landlord. DRM represented the man during the eviction process. The parties were able to agree to a reasonable accommodation request that was ratified by the judge that allowed the case to be continued for one year while the client received treatment. In the event that the client did not engage in any behaviors that would violate the terms of his lease the case would be dismissed. The client did not violate the terms of his lease and the case was dismissed after one year.

**DRM secures reasonable accommodation to increase value of housing voucher:** 32-year-old man with a psychiatric label was living in a mental health group home and wanted to move to his own apartment. He had been awarded a state housing assistance voucher but it did not adequately cover the costs of the market rate apartments in the area. DRM filed a reasonable accommodation request with the state seeking to increase the value of his voucher so he could actually use it to find housing. The state agreed to increase the value of the voucher so that it would cover the costs of any apartment he could find that was above the limit of his voucher but not in excess of the market as long as he provided the necessary paperwork.

**DRM files due process hearing to secure appropriate educational services and compensatory education:** The parent of an 11-year-old Student with Autism contacted DRM concerned that the Student was out of school, receiving a fraction of the supports and services in her IEP. The Student had been attending a private day treatment program, placed there by her IEP team. The private day treatment program reduced her school day due to their lack of staff and then discharged her completely from the program. She was without a program for months while the school district provided a few hours of tutoring per week and occasional social work services. The DRM attorney supported the family in demanding the Student's return to a full day of programming with her IEP and when the District did not, DRM represented the family in filing a due process hearing. After filing and prior to mediation, the District

found a new placement for the Student and the Student returned to a full day of school. At mediation, the parties settled the case with substantial compensatory education for the student.

**DRM files complaint, then hearing and successfully keeps 6-year old in school:**

DRM was contacted by the parent of a 6-year-old student with psychiatric labels who was being prevented from accessing a full school day. DRM filed a complaint with the Maine Department of Education and secured the Student's return to school due to the procedural violations of the Individuals with Disabilities Education Act. DRM then supported the family in several IEP meetings to ensure that appropriate programming was in place. Eventually, due to the continued failure of the school to adequately support the Student, the school filed an expedited hearing request which DRM defended against while also filing a due process hearing. The parties reached an interim mediation agreement and then reached a final agreement where the school agreed to return the Student to the placement from which he was unlawfully removed, and agreed to pay a provider chosen by the family to provide consultation to the school. The school also agreed to provide a significant compensatory education fund for the Student to address the past failures to provide an appropriate education.

**DRM advocacy supports student in return to school:** An eleven-year-old student with a psychiatric label returned to his school district from a segregated school after self-advocacy assistance and support from DRM. The child had been placed by his school in a private program but that program refused to serve him and his home school district then refused to support him within the district. As a result, he had no educational placement. The DRM attorney assisted the family with filing a mediation request with the Maine Department of Education. With self-advocacy assistance from DRM, the family successfully negotiated a settlement with the school district for the student to be educated within the District along with an updated evaluation of his behavioral support needs.

**DRM advocacy helps restore access to a full school day:** The parent of a five-year-old with ADHD and anxiety contacted DRM because the school district had limited her child's classroom and instructional time to only thirty minutes a day, after school. The child's teachers had the parent bring her to class in the afternoon, after all the other children had left for the day. The DRM attorney attended an IEP meeting where the school district agreed to hire an independent expert to evaluate the causes of the student's behavior. And at a follow up meeting, the school agreed that the

student would return to full time in-person instruction at a community-based school within the District with appropriate supports.

**DRM files a complaint and secures return to in person instruction:** A 7-year-old student with autism returned to a full day of school with appropriate services and supports after DRM filed a complaint to enforce his rights. The student's family contacted DRM because the student's placement in a neighboring public school was abruptly ended by the receiving school when they had a staff shortage and the student was forced onto remote learning even though the student could only access his education in-person due to his disabilities. The DRM attorney represented the student in a complaint against both the sending and receiving school districts. Through mediation, DRM and the family resolved the case with the student returning to full time in-person school and compensatory education to address his lack of a full day of school with services.

**DRM helps return 6-year old to a full school day at his neighborhood school:** A 6-year-old student with autism returned to a full day of school with appropriate services and supports after DRM filed a complaint to enforce his rights. The student's family contacted DRM because the student's school district had been providing the student no access to peers in an isolated setting and then school staff quit, so the student's day was reduced to 2 hours since he had to share remaining staff with another student. The DRM attorney met with the family, reviewed records, and filed a complaint with the State on the student's behalf. At an IEP meeting, the school district agreed to provide the student a full school day, move him to his neighborhood elementary school where he would have access to his peers, and provide compensatory education for what he missed.

**DRM complaint results in Student's access to a full school day:** DRM successfully enforced the rights of a 13-year-old student with a psychiatric label, securing her return to a full school day in person with appropriate mental health supports and access to the regular education classroom. The student's family contacted DRM concerned that the student had been removed from school for over 20 days without access to any in person learning or a full school day. The school had first suspended the student after she had a mental health crisis at school and then placed her on 2 hours of virtual tutoring per day from her home. The DRM attorney prepared the family for an IEP team meeting where the district refused to allow the student to return to school. The DRM attorney then represented the student in filing a complaint against the district and participated in a subsequent IEP meeting and

mediation. The DRM attorney successfully secured the student's right to return to school, in person, for a full school day and settled the complaint with compensatory education for the student and training for the student's staff in trauma-informed practices and special education law.

**DRM files complaint with the Maine Human Rights Commission and secures interpreter and policy changes:** A Deaf woman contacted DRM after she was denied an ASL interpreter for the duration of her one month stay in a rehab facility, despite her numerous requests. The client's primary language was ASL. DRM represented her in a complaint of discrimination at the Maine Human Rights Commission. As a result of mediation, the parties ultimately reached a settlement which saw the facility adopt a new policy regarding effective communication and accommodations for patients. The facility also agreed to train staff on the policy.

**DRM advocacy results in termination of guardianship:** DRM received a request for assistance from an individual with an autism diagnosis for a guardianship issue. The client had recently moved out of the home of his father/guardian, and obtained a temporary Protection from Abuse order against his father, citing serious and longstanding verbal and emotional abuse. The PFA was appropriate, but, because the abuser was also the individual's legal guardian and rep payee, it meant the individual had no access to money and did not have the ability to make decisions such as where to live, to consent to services or even consent to medical treatment. A DRM attorney met numerous times with the client, and prepared a petition to terminate the guardianship. The attorney also sought and obtained a Temporary Restraining Order in probate court, which suspended the guardian's duties and authority immediately, pending full termination. This allowed the client to consent to new services and obtain housing without requiring his father to authorize such decisions, or even to know the client's new address. The DRM attorney helped the client obtain a form from his doctor supporting the termination, and transferred the case to the client's new home county. The DRM attorney also worked and provided consultation with the client's attorney who was representing him on the PFA matter. In reviewing this case, the DRM attorney concluded that not only did the basis for guardianship no longer exist, but likely never existed in the first place. It appeared the only reason it was granted was because the client did not legally challenge the initial petition in court. The client asserted that his father and the visitor had misrepresented to him what guardianship was and that he did not fully understand what he was agreeing to, which underscores the need for attorney representation in all matters that implicate



such fundamental rights. The attorney appeared with her client in court, and the guardianship was successfully terminated.

**DRM advocacy results in termination of a public guardianship:** A young woman with a developmental disability was referred internally to DRM after DHHS petitioned to become her guardian. At the time, the client was scheduled to be released from a juvenile detention center and DHHS felt that guardianship was necessary due to her history. The client did not want a guardian. DRM represented the client in the proceedings. Ultimately, an agreement was reached in court in which the client did not contest the appointment of a public guardian, with the acknowledgement that if she remained safe in her newly identified group home, DHHS would not contest terminating the guardianship. Over the course of the next two years, the DRM attorney engaged in regular team meetings with the client and the team, and also attended scheduled guardianship reviews. Eventually, after two years, and with the encouragement of the DRM attorney, DHHS concluded that the guardianship was ineffective at meeting the client's needs, and petitioned to terminate. DRM represented the client in obtaining a court order terminating the guardianship.

**DRM advocacy helps client avoid full guardianship:** DRM received an intake from a 44-year-old female with an intellectual disability who was her own guardian and has been living with her brother and mother her entire life. Client informed DRM that DHHS had filed a petition in Penobscot Probate Court seeking to obtain full guardianship over the client. DRM was appointed to represent the client in the proceedings. During the pre-hearing conference the judge asked both parties to come together and try to mediate the situation. During the meeting with DHHS, the attorney from DRM pushed for less restrictive alternatives to full guardianship, as the only issues the department could point to were medical decision making. Instead of the state becoming full guardians of the client, the client wanted her brother and sister to become joint limited medical guardians. DHHS agreed with this approach and withdrew their petition for guardianship with the court. The judge signed a petition making the client's brother and sister her joint-limited medical guardians, allowing the client to keep most of her rights and autonomy.

**DRM advocacy results in termination of guardianship:** A 53-year-old man contacted Disability Rights Maine (DRM) seeking assistance with terminating his private guardianship. The man had been placed under guardianship five years earlier, having been pressured into agreeing to the guardianship and misled about his rights to due process. Since that time, the man's guardian became verbally abusive and

restricted his access to medical providers; the man feared to express himself fully at home. The man's case management and home and community support providers fully supported his decision to seek termination of his guardianship. A DRM attorney worked with the man and his providers to prepare his case until the man felt emotionally ready to confront his guardian. DRM filed the Petition for Termination of Guardianship, which was successful. The judge noted at hearing that the man should never have been placed under guardianship to begin with. Before closing the case, the attorney ensured that the man's providers recognized his reclaimed rights.

**DRM advocacy results in termination of decades old guardianship:** DRM was contacted by a 48-year-old man with autism seeking to become his own guardian and terminate his conservatorship. Specifically, the man did not need a guardian or conservator and his guardian and conservator could no longer perform their duties, preventing the man from accessing services, funds, and medical care in a timely manner. A DRM attorney met with the man and his supporters, requested and reviewed records, conducted research, contacted all potential parties, and eventually represented the man in his joint petition to terminate his guardianship and conservatorship. Following hearing on the joint petition for termination, the court impermissibly declined to enter the orders of termination. The attorney drafted and filed a motion for directed entry of judgment, got opposing parties to comply with court demands, and prepared for a final hearing on the motion. As a result of DRM's representation, the man's decades old guardianship and conservatorship were ultimately terminated and the court educated as to correct procedure in uncontested, consolidated guardianship and conservatorship termination matters. The attorney provided additional assistance to help the man access funds previously held by the guardian before closing the case.

**DRM advocacy results in discharge from emergency department with appropriate services:** The guardian of a young man with intellectual disabilities and multiple medical conditions contacted DRM because his home support provider took him to the hospital emergency room and was refusing to allow him to return home. The guardian also did not want him to return. The DRM attorney worked with the client's team, including hospital personnel, who felt that the client's medical needs exceeded what a group home could provide. DRM filed a reasonable accommodation request with DHHS, asking it to authorize the client to receive both medical care, by a CNA or nurse, and direct support help simultaneously. This request was granted and once a willing provider was located, the client transitioned to a home in the community after almost two years of waiting for appropriate supports.

**DRM advocacy helps man leave jail, avoid unnecessary hospitalization, and return to the community:** A 47-year-old with PAIMI-eligible man was stuck in a county jail awaiting an evaluation for competency to stand trial. His defense attorney reached out for assistance on his behalf. The man was also locked down in the jail 23 hours a day for a significant portion of time due to COVID. The defense attorney was concerned that the state hospital was not accepting patients. DRM met with him and his criminal attorney and began assisting him to find services and, possibly, be released to the community rather than having to go to the state hospital for his competency evaluation. DRM negotiated with the state and tried to help the man find resources while his defense attorney worked to get him bailed out to the community if a plan did come through. After much negotiation and searching for resources for the man, he was released to a hotel with an ACT team helping him with services and supports rather than having to go to a state hospital. This both avoided an unnecessary hospitalization and helped the man get out of jail and obtain mental health services.

**DRM advocacy results in discharge from hospital:** DRM was contacted by a client with cerebral palsy whose residential service provider would not let him return home from the hospital, even though his doctor said he was ready to be discharged. The provider alleged that the client's support needs had changed and it could no longer meet the client's needs. The client was a *VanMeter v. Maybew* class member who had resided for many years at a nursing facility and left the facility and had been served by the provider for the past seven years. In fact, during this time the client's need for support had not changed. After DRM became involved, the provider hired an attorney. After multiple discussions and letters exchanged by the attorneys, the provider agreed to have the client return home. The client is now living back home successfully and receiving the support he needs.

**DRM advocacy results in limits placed on the use of forcible medication:** A 25-year-old woman with a psychiatric label was forcibly medicated in an inpatient psychiatric unit. She was given forced medication under an emergency order. She wanted DRM to find out why she was medicated as she did not feel it was justified. DRM reviewed the records and situation and discovered that while the initial emergency was justified under the law, the continued emergency was not reviewed during that time. The requirement for imminent risk and the assessment of that was not clear in the record. In finding this DRM discovered that previous language requirements that stated this had not been carried over when the hospital switched to

a fully electronic system. DRM reached out to the attorneys for the hospital and was able to get the hospital to include a clear statement that any time imminent risk is not present the emergency must end and thus the forcible medication. This reinforces that it is not a license to force medication for the potentially allowed 72 hours. The hospital agreed to change their order form to include language related to ensure providers are aware of the requirement every time they order the emergency medication. This change has the potential to stop continued forcible medication throughout a large health system as soon as imminent risk assessed by them is not present. DRM will continue in all settings to try and limit/stop the process of forcible medication of psychiatric patients.

**DRM responds to financial exploitation and successfully enforces client rights through action in small claims court:** A 20-year-old male with an autism diagnosis contacted DRM seeking assistance with getting his tax refund back from his mother. He stated that he learned that his mother took his money along with his stimulus check. APS was notified and concluded that financial exploitation did occur. DRM represented the client to file in small claims for the remainder of his tax refund and stimulus check. The judge ordered the client's mother to pay the client his outstanding money, less some that had been spent to purchase furniture for the client. Client was then able to use that money to purchase his first car, as he had just received his license two weeks prior to the hearing.

**DRM advocacy results in discharge of debt and access to heating assistance funds:** A 27-year-old man with an intellectual disability contacted DRM seeking assistance regarding a debt fraudulently accrued in his name by a family member. Without the ability to pay the debt, the man could not establish an electric utility account and could not independently access heating assistance funds. A DRM attorney met with the man and his case manager, requested and reviewed records, spoke with the company seeking to collect the debt, advocated for the debt to be discharged, obtained and provided the man and his case manager with instructions on how to appropriately document the incident of identity theft with law enforcement and other government agencies, and developed a plan to secure and provide such documentation to the debt collector in order for the debt to be discharged. Ultimately, the attorney secured and provided records detailing investigation and confirmation of the identity theft to the debt collector and advocated for the debt to be discharged. As a result of DRM's advocacy, the debt collector agreed to discharge the debt, allowing the man to establish an account and independently access heating assistance funds.

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IMMIGRANT LEGAL ADVOCACY PROJECT

**Immigrant Legal Advocacy Project**  
**Report to the Maine Civil Legal Services Commission**  
*January 13, 2023*

In 2022, 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 with thousands of people each year in all sixteen Maine counties.

Our core work advances justice and equity for immigrants and their families through three complementary strategies:

- 1) Provide a continuum of direct legal services to low-income immigrants to help them find safety from violence and persecution, keep their families together, and advance towards economic security.
- 2) Offer accurate, timely, and translated education and outreach to immigrant community members and service providers to share knowledge, build power, and prevent future legal complications.
- 3) Collaborate with immigrant-led groups and partner organizations on systemic advocacy at the local, state, and federal levels to safeguard and promote legal protections for immigrant communities.

In recent years, we have also undertaken a series of new initiatives to progress towards our strategic plan goals of providing more legal assistance and outreach, making services equitable statewide, and advancing racial justice for immigrants, including:

- Launching an Immigrant Children's Project that provides representation to 150-200 vulnerable children and youth across Maine each year.
- Implementing a special *Mendez Rojas* Project that helped more than 150 people take advantage of a rare time-bound filing extension and apply for asylum.

- Working alongside local and national partners to respond to the urgent legal needs of Mainers with loved ones in Afghanistan and Afghan evacuees resettled in Maine.
- Amplifying impact litigation efforts, co-publishing the *Lives in Limbo: How the Boston Asylum Office Fails Asylum Seekers* report that received national media attention and sparked leading members of Congress to call for a formal review of the office.
- Adding more staffing in our Portland and Lewiston offices to strengthen our core services and help us take more cases, including defensive cases in immigration court.

As we continue to respond to the uncertainty of unrelenting anti-immigrant policies and a punishing global pandemic, we are pleased to update you on our progress over the last year, highlight key trends shaping our work, and share plans for moving forward.

## **Program Updates**

### Launching an Immigrant Children's Project

ILAP believes that no child or young person should face the immigration system alone. In fall 2020, we launched the Immigrant Children's Project despite the uncertainty of the COVID-19 pandemic because of this belief and the commitment of our supporters. The goals of the Project are to (1) build a statewide system to identify children and youth who may be eligible for Special Immigrant Juvenile Status (SIJS) and (2) pair them with legal representation by ILAP staff and *pro bono* attorneys.

Two years later, we have made significant progress toward these goals and grown our capacity from 40-50 SIJS cases per year to more than 200 this year. We also created and maintain an online resource library, convene monthly practitioner meetings, and hold regular trainings for state agencies, schools, homelessness services organizations, and other nonprofits who work with vulnerable youth. The Immigrant Children's Project is now an essential part of our core services, reflecting a significant percentage of our full representation caseload, and will remain a priority alongside other top case types like asylum, deportation defense, and relief for immigrant survivors.

### Implementing a special Mendez Rojas Project

In fall 2020, the *Mendez Rojas* settlement agreement was announced and, with it, thousands of people across the country were given a rare chance to apply for asylum after missing the important one-year filing deadline because of mistakes made by the federal government. While we recognized the significance of this opportunity, we were already at capacity providing asylum legal services to more than 1,000 people every year and unfortunately turning away hundreds more. With the support of donors and funders, we were able to hire a temporary attorney to coordinate this important project through April 2022, the deadline for submitting applications for class membership in the settlement agreement.

During the 18-month filing period, ILAP helped more than 150 qualifying asylum seekers submit their *Mendez Rojas* claims and file asylum applications. In addition, staff worked with community

members to understand their immigration documents, gather necessary evidence, complete Freedom of Information Act (FOIA) requests, and more. 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 was exceedingly difficult and required attorney expertise.

### Coordinating an emergency response with Maine's Afghan community

In August 2021, when the U.S. withdrawal from Afghanistan and swift Taliban takeover created a humanitarian crisis, we were again faced with an acute and time-sensitive need for immigration legal services that our existing capacity could not accommodate. And again, we relied on our broad and committed base of supporters to hire an attorney to respond to the urgent needs of Mainers with loved ones in Afghanistan and to assist in meeting the legal needs of Afghan evacuees resettled in Maine.

For Mainers with loved ones still in Afghanistan or a third country, we quickly provided community workshops, dozens of individual consultations, and self-help resources on the immigration options available to them. Unfortunately, these options have been extremely limited despite ongoing advocacy efforts with local and national partners like the Afghan Community of Maine and Evacuate Our Allies Coalition. For the approximately 260 Afghan evacuees that have been resettled in Maine to date, throughout last year we joined with the state's resettlement agencies to screen for immigration relief options and connected evacuees with the appropriate legal help. Through this collective effort, *all* of Maine's Afghan evacuees received the legal assistance they needed to find safety and begin rebuilding their lives.

### Amplifying impact litigation efforts

In March 2022, ILAP joined with the Refugee and Human Rights Clinic at the University of Maine School of Law, ACLU of Maine, and Dr. Basileus Zeno to publish the report *Lives in Limbo: How the Boston Asylum Office Fails Asylum Seekers*. Our findings were clear and disturbing: the Boston Asylum Office's asylum grant rate is half the national average due to racial and language bias, burnout, and other due process-eroding pressures. We are hopeful that the resulting national media attention and our ongoing advocacy efforts will lead to real change in how asylum cases are adjudicated.

ILAP staff and *pro bono* attorneys first started noticing serious problems and high denial rates at the Boston Asylum Office three years ago and, with our partners, filed a Freedom of Information Act (FOIA) request and analyzed the extensive documents produced. This type of in-depth analysis is what is needed to hold the immigration system accountable and protect the rights of asylum seekers in Maine, but it also requires significant staff time over an extended period. The support of donors and funders across the state allowed us to dedicate the necessary staff time to this project and build capacity for future impact litigation.

### Strengthening core services

In addition to the new initiatives detailed above, over the last two years we have strengthened our core services so that we can meet more of the existing and growing need in the community for



high-quality and accessible immigration legal services. Unfortunately, we continue to see more and more people across the state in need of the type of legal help that only ILAP can provide, including cases involving asylum, immigrant youth, Temporary Protected Status (TPS), Deferred Action for Childhood Arrivals (DACA), deportation defense, work authorization complications, and protections for survivors of domestic violence, crime, or trafficking.

In January 2022, we hired a new staff attorney to focus on providing removal defense in immigration court for people seeking asylum and other forms of humanitarian relief. Statistics show that individuals are five times more likely to win their case in immigration court if they have a lawyer. We also added a new paralegal and welcomed back a Jesuit Volunteer Corps support position in our Portland office to increase our capacity. In Lewiston, we moved into a larger, more centrally located office, and dedicated 0.5 FTE attorney time to support our full-time Lewiston-based attorney. Our Lewiston paralegal was also granted Accredited Representative status by the Department of Justice, so they can now represent clients before administrative immigration agencies. With this additional capacity, we have begun hosting monthly walk-in outreach sessions in collaboration with Lewiston Adult Education.

And our Rural Maine Project got back on the road, reconnecting with rural immigrant communities that became even more isolated during the pandemic. In the fall, we began conducting monthly in-person outreach and walk-in appointments for eligibility screening in Milbridge through a collaboration with Mano en Mano. We also obtained funding through a collaborative grant that will allow us to hire a Rural Maine Community Liaison in 2023 to help us expand outreach in rural Maine communities, with a focus on human trafficking.

### **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 2022 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 2022, ILAP handled **336 full representation cases and 966 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 multiple change of address forms, motions to change of venue, initial and renewal work permit applications, the asylum application, multiple appearances in immigration court, and preparation for a final hearing in court. In total, the **1,302 cases listed below encompassed 2,149 services**.

| Case type                                                                              | Number |
|----------------------------------------------------------------------------------------|--------|
| Asylum                                                                                 | 329    |
| Deportation/removal defense                                                            | 289    |
| Relief for immigrant children and youth (SIJS)                                         | 216    |
| Permanent residency                                                                    | 66     |
| Relief for survivors of domestic violence, crime, or human trafficking                 | 65     |
| Afghan assistance, including humanitarian parole, asylum, and special immigrant status | 41     |
| Family reunification                                                                   | 38     |
| Temporary Protected Status (TPS)                                                       | 38     |
| Citizenship                                                                            | 24     |
| Work authorization                                                                     | 23     |
| Deferred Action for Childhood Arrivals (DACA)                                          | 11     |
| Other                                                                                  | 162    |

ILAP, Catholic Charities Maine (CCME), and Maine Immigrant and Refugee Services (MEIRS) 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 is the only of those organizations with attorney expertise to handle complex immigration matters, like asylum, relief for immigrant youth, and relief for survivors, and a statewide presence.

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 (RHRC) 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.

## 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 2022, we provided **direct legal services to 1,613 people** on the case types detailed above and **benefitted 1,131 of their household family members**. This includes:

- ILAP staff and volunteer attorneys provided 834 full representation services in the most complex cases.
- ILAP staff and trained volunteers provided limited representation through 819 *pro se* forms assistance services and 496 consultations, brief legal advice, or referral services.

**Last year more than 200 *pro bono* attorneys donated 5,177 hours of their time at a value of \$1,016,797 providing representation in cases related for asylum seekers, vulnerable immigrant youth, and Afghan evacuees.** We also received hundreds of hours of volunteer time from community members assisting with interpretation/translation, mental health evaluations, and other organizational projects. These dedicated volunteers our reach and add valuable capacity to serve clients we would otherwise be unable to serve.

*Note that the number of people served differs from the number of cases/services because some people had multiple cases/services and some services 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 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, including victimization by individuals engaged in the unauthorized practice of law. They also seek to build on the power and resiliency within Maine’s immigrant communities to respond to new challenges that may arise in the future.

Of note, throughout the year ILAP worked with community partners like Maine Immigrants’ Rights Coalition (MIRC) to respond to the legal needs of the hundreds of new arrivals who have been housed in emergency shelters and hotels across southern Maine. With seed funding from the State of Maine, we continue to add capacity in this area and recently launched an innovative service model to provide more robust legal supports to large groups of people with complex legal issues, like the groups of people seeking asylum who have been arriving since 2019.

**In 2022, 1,975 immigrant community members and service providers across the state attended 71 outreach events.**

| <b>Selected workshop and training topics in 2022</b>               |
|--------------------------------------------------------------------|
| Know your rights with immigration enforcement                      |
| Immigration 101                                                    |
| Immigration consequences of contact with the criminal legal system |
| Immigration law and survivors of domestic violence                 |
| Immigration needs of children in the child protective system       |
| Immigration options and updates for Afghan community members       |
| Options in immigration court                                       |

|                                                                       |
|-----------------------------------------------------------------------|
| Preparing and submitting an I-589 application for asylum              |
| <i>Pro bono</i> program development and engagement                    |
| Tax tips for non-citizens (presented with Pine Tree Legal Assistance) |
| Temporary Protected Status (presented with Mano en Mano)              |
| Understanding employment authorization documents                      |

Although the pandemic created considerable challenges to providing our services, it also forced us to integrate technology into our work and think more creatively about how we can lower barriers and improve access. Maine is large, with many small immigrant communities. We have found that technology allows us to be more responsive and wide-reaching, especially when combined with in-person contact.

With ongoing improvements to our online intake system, website, and other digital communication channels, community members have accessed self-help guides, legal information, and instructions on how to request ILAP services more easily and in their primary languages. In 2022, digital platforms that shared information for immigrant community members had the following reach:

- ILAP’s website ([ilapmaine.org](http://ilapmaine.org)) had 130,000 unique visitors (a 365% increase year over year) and 159,000 visits (a 326% increase year over year). Top pages visited shared information on how to find information about your immigration court case, how to change your address with immigration, and information for new arrivals with cases in immigration court.
- Our *Golden Door* e-newsletter reached 3,353 subscribers each month and achieved a 42% open rate (a 52% increase in subscribers over the previous year).
- And our Facebook Page reached 14,226 people, including 4,095 followers, and with timely updates on Temporary Protected Status (TPS), protecting yourself from immigration fraud, and more.
- ILAP was a regular contributor to Amjambo Africa (and its podcast Amjambo Time) and Maine Public News Connect on topics relevant to Maine’s immigrant communities. Both are multilingual news services that share high quality and reliable information that is important to immigrant community members.

### 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 local, regional, and national partners, our systemic advocacy efforts safeguarded and promoted legal protections for immigrant communities, ensured that more Mainers had equitable access to justice, and built a stronger state for all residents regardless of citizenship status. Through this work, ILAP was **featured in the media on 50 occasions**, including Amjambo Africa, CentralMaine.com Maine Public, Penobscot Bay Pilot, Press Herald, Spectrum News, WBUR, WGBH, WMPG, and WMTW. We also **endorsed 38 policy recommendation letters or joint**

**public comments on a range of local, state, and federal issues related to immigration law and policy.**

Key priorities in our federal policy work included pushing for the passage of the Afghan Adjustment Act, marking the 10th anniversary of the Deferred Action for Childhood Arrivals (DACA) program with a call for a pathway to citizenship, and supporting the TPS-DED Administrative Advocacy Coalition in securing a Temporary Protected Status (TPS) designation for Ethiopia. In addition to co-publishing the *Lives in Limbo* report in March, we also consistently and repeatedly called on the federal government to prioritize due process rights and access to justice throughout the asylum process, including inequities in processing applications for work authorization.

*Note that MCLSF funds supported ILAP's direct legal services and community legal education, but not our systemic advocacy work. We include a short summary here simply to share the full scope of our interconnected model.*

**Demographic information about people served**

ILAP services are available to people with incomes up to 200% of federal poverty guidelines. Demographic information for the 1,613 people reached through our direct legal services is:

| <b>Category</b>         | <b>% of people</b>                                                                                      |
|-------------------------|---------------------------------------------------------------------------------------------------------|
| Gender                  | 51% female<br>47% male<br>0% nonbinary/gender nonconforming<br>2% unknown                               |
| Age                     | 27% under 18<br>67% ages 18-60<br>3% over 60<br>3% unknown                                              |
| Race/ethnicity          | 66% African or African American<br>9% Asian<br>18% Latinx<br>4% other<br>3% White<br><1% unknown        |
| Citizenship status      | 2% noncitizens<br>98% U.S. citizen by birth or naturalization                                           |
| Top countries of origin | Democratic Republic of the Congo, Angola, Afghanistan, Burundi, Honduras (85 countries of origin total) |
| Top primary languages   | Spanish, Portuguese, French, English, Lingala (27 languages total)                                      |

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

## Geographic area served

Geographic information for 1,613 clients served through our direct legal services is:

| County       | # of people |
|--------------|-------------|
| Androscoggin | 215         |
| Aroostook    | 4           |
| Cumberland   | 1141        |
| Franklin     | 2           |
| Hancock      | 21          |
| Kennebec     | 35          |
| Knox         | 5           |
| Lincoln      | 2           |
| Oxford       | 5           |
| Penobscot    | 35          |
| Piscataquis  | 1           |
| Sagadahoc    | 5           |
| Somerset     | 8           |
| Waldo        | 6           |
| Washington   | 16          |
| York         | 104         |
| Unknown      | 8           |

*Note that although we do not collect detailed geographic information for people participating in our community legal education, the data listed above is broadly reflective of those services as well.*

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

For our 336 full representation cases, case activity included 30 cases opened, 57 cases closed, and 279 cases open at year-end. For our 966 limited representation cases, 325 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 2021 for 2022-2023 funding. In total, we reached 3,588 people in 2022, exceeding our target of 2,750-3,250 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 2022, 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 2022, we were forced to turn away 331 individuals who were eligible for ILAP services and needed legal assistance because we did not have the capacity to help them. 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 2023**

When people come to ILAP, they are all too often in crisis. They are facing violence and even death, separation from family members, or the loss of work authorization and, with it, security. ILAP is the only organization in Maine with attorney expertise and decades of experience to respond in these moments and help people seek safety, be with family, and pursue a better life. But unfortunately, the need for free, accessible, and expert guidance from a trusted advocate is outpacing our growth. With comprehensive immigration reform unlikely over at least the next several years, we expect this heightened demand to continue.

At the same time, the last few years have shown us that we must expect uncertainty and be ready to respond no matter what happens across the country or around the globe. The United Nations High Commissioner for Refugees estimates there are nearly 90 million people worldwide who have been forcibly displaced from their homes, and much of ILAP's work is directly impacted by these global trends.

As we look ahead to 2023-2025, we are focused on strengthening our core services, remaining flexible to respond to the next unforeseen crisis, and moving forward with new initiatives that advance our five-year strategic plan. Specific priorities for these new initiatives are:

- 1) Piloting a new project that will help hundreds of people apply for asylum on their own, including many of the families living in emergency shelters and hotels in southern Maine.
- 2) Expanding access to immigration legal services in rural Maine, including for survivors of trafficking, forced criminality, and other forms of labor exploitation.
- 3) Deepening local, state, and federal advocacy efforts rooted in client and community priorities, including asylum seeker work authorization, fair treatment for immigrant youth by all levels of government, and protecting immigrant Mainers from immigration fraud.
- 4) Building internal infrastructure to sustain the current size of the organization.

## **Conclusion**

MCLSF is an important source of support for ILAP, providing approximately 4% of our funding. In addition, approximately 57% of our funding comes from private foundations, 34% from individual donations, 3% from Maine's Interest on Lawyers' Trust Accounts (IOLTA) program, and 2% from special events and other revenue. 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 2022. 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:**



Susan Roche, Esq.  
Executive Director





IMMIGRANT LEGAL ADVOCACY PROJECT

## **Immigrant Legal Advocacy Project Addendum on Use of ARPA Funds**

*January 13, 2023*

ILAP has been part of the network of people and organizations welcoming asylum seekers to Maine since our founding in 1993. Since then, the state's asylum-seeking communities have grown and the asylum process has become increasingly complicated and unfair. As a result, people applying for asylum are more likely to be granted this form of protection if they have the help of a trained lawyer who understands the system.

In 2022, the allocation of ARPA funds enabled ILAP to continue and expand legal services for individuals seeking asylum, a key component of our work to assist Mainers to recover from the pandemic. Other sources of funding supported our systemic advocacy work related to asylum law and policy.

### Direct legal services

ILAP provides full representation to individuals seeking asylum by placing their case with a lawyer from our *Pro Bono* Panel or with one of our in-house staff attorneys. These attorneys help clients submit their application for asylum, prepare for their interview with an Asylum Officer and, when necessary, present their case before a judge in Boston Immigration Court.

We also offer limited representation, including *pro se* forms assistance, consultations, brief legal advice, and referrals during intake, when targeted intervention can make a significant difference in the outcome of a case. For example, many asylum seekers in Maine have had their case assigned to an immigration court in another part of the country and need help moving it to Boston Immigration Court. In 2022, we:

- Provided full or limited representation in 329 asylum cases, some of which can require more than 200 hours of work over several years.
- Completed a special *Mendez Rojas* Project that helped more than 150 people apply for class membership and to take advantage of a rare time-bound filing extension to submit their applications for asylum.
- Members of our *Pro Bono* Panel donated over 4,140 hours of their time and expertise at a value of more than \$810,000 providing representation in asylum cases.
- Hired a new staff attorney to focus on providing removal defense in immigration court for people seeking asylum and other forms of humanitarian relief. Statistics show that individuals are five times more likely to win their case in immigration court if they have a lawyer.

## Community legal education

To provide expert legal guidance to as many people as possible, we also give information and assistance to people who are applying for asylum without an attorney. These services include education about relevant legal processes and orientation to ILAP's *pro se* resources, brief legal screenings/consultations to determine potential forms of relief and next steps, and assistance with preparing and submitting *pro se* applications for change of venue, change of address, and work authorization. Looking ahead, we are expanding these services to include assistance with preparing and submitting *pro se* applications for asylum. In 2022, we:

- Conducted 23 education/orientation sessions reaching 806 people, covering topics like:
  - How to navigate the immigration court system
  - How to check the immigration court hotline
  - Fundamentals of asylum legal protection
  - How to complete and submit your application in immigration court
  - How criminal charges can affect your immigration process
- Completed 45 individual brief legal screenings/consultations and assisted with 71 *pro se* applications for asylum, work authorization, change in venue for immigration court, and change of address in immigration court.
- Collaborated with a range of community partners, including Angolan Community of Maine, Catholic Charities Maine, City of Portland General Assistance, Congolese Community of Maine, Hope Acts, International Community Center, Maine Immigrants' Rights Coalition, Portland Adult Education, Portland Public Library, Refugee and Human Rights Clinic (RHRC) at the University of Maine School of Law, Salvation Army, and YMCA of Southern Maine.

## Systemic advocacy

As noted above, the need for legal services related to asylum is far greater than what ILAP can provide, so we also join with our partners to advocate for systemic change and to promote and safeguard the rights of all asylum seekers in Maine. Other sources of funding supported this work. In 2022, we:

- With RHRC and ACLU of Maine, co-published the *Lives in Limbo: How the Boston Asylum Office Fails Asylum Seekers* report on bias at the Boston Asylum Office, which has the second lowest approval rate in the nation. Our ongoing advocacy received national media attention and sparked leading members of Congress to call for a formal review of the office.
- Consistently and repeatedly called on the federal government to prioritize due process rights and access to justice throughout the asylum process, including inequities in processing applications for work authorization.
- Joined the Welcome With Dignity Campaign alongside other organizations, activists, asylum seekers, and advocates across the country to ensure people forced to flee their homes are treated humanely and fairly.
- Supported a coordinated national advocacy effort to get the Asylum Seeker Work Authorization Act passed as soon as possible.

## Priorities for 2023

As noted in this report, ILAP has been working with community partners to respond to the legal needs of the hundreds new arrivals who have been housed in emergency shelters and hotels across southern Maine. Most of these individuals and families will need to apply for asylum or another form of humanitarian protection to remain in their new home. Using our deep expertise in asylum law and building on the success of the *Mendez Rojas Project* and emergency response with Maine's Afghan community, last fall ILAP piloted an innovative service model that seeks to reach large groups of people with complex legal needs more effectively.

Called the "Asylum Assistance and Legal Orientation Project" (AALOP), the project will help new arrivals prepare and file their own asylum applications *pro se*. Our goal is to ensure people begin their immigration process on strong footing, have a clear path to a work permit, and understand how to manage their case until they can afford to hire a private lawyer. Its complementary and overlapping strategies are:

- 1) Educate new arrivals about relevant legal issues and processes and orient them to ILAP's *pro se* resources.
- 2) Screen new arrivals to determine individual need, identify potential forms of legal relief, and refer to relevant next steps.
- 3) Assist new arrivals through *pro se* workshops and one-on-one direct assistance (as capacity allows) provided by ILAP staff, law students, and trained *pro bono* attorneys.

This project will also add more opportunities to incorporate *pro bono* attorneys into our service model and support the immigrant-led partners who are essential to the success of our work. We look forward to sharing an update on this exciting new project in next year's report.

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## **Legal Services for the Elderly Annual Report to the Maine Civil Legal Services Fund Commission Calendar Year 2022**

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 2022. 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 24% of the funding required to provide the legal services described in this report. 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. See also **Attachment B** for a summary of foreclosure prevention services provided using American Rescue Plan Act funding that was distributed to LSE through the Fund.

### **STATISTICAL INFORMATION**

#### **Number of People Served and Legal Matters Handled**

In 2022, LSE provided free legal help to 3,193 older Mainers in 3,436 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.

This was a 19% increase in service levels as compared to the prior year. LSE was able to help 500 more people than we helped in 2021. Unfortunately, 448 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.

**The number of cases that were emergency calls requiring a higher level of service and immediate attention continues to trend upward (2019-761; 2020-1,250;**

**2021-1,438; 2022-1,528).** Every caller with an emergency legal problem was served on the day they called or by the next business day. Cases that LSE defines as 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 continued 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 provided this level of service with an extremely small staff.** The direct legal services staffing in 2022 included: 0.80 full time equivalent (FTE) Litigation Director; 0.50 FTE Helpline Director; 1.0 FTE Intake Paralegal; 2.50 FTE Helpline Attorneys; 1.00 FTE Elder Abuse Paralegal; and 9.60 FTE Staff Attorneys. This is a total of only 15.40 FTEs of direct legal services staff (including supervisory staff). This is a 1.00 FTE increase in Staff Attorneys as compared to 2022.

**Types of Cases Handled**

The following chart breaks down the number of cases handled in 2022 by general case type.

| <b>LSE CLIENT SERVICES<br/>BY GENERAL CASE TYPE</b>             |              |
|-----------------------------------------------------------------|--------------|
| <b>Case Type</b>                                                | <b>Total</b> |
| Housing (950)                                                   | 28%          |
| Self-Determination (710)                                        | 21%          |
| Consumer/Finance (636)                                          | 18%          |
| Health Care (456)                                               | 13%          |
| Family (137)                                                    | 4%           |
| Income Maintenance (203)                                        | 6%           |
| Individual Rights (includes elder abuse and exploitation) (282) | 8%           |
| Miscellaneous (60)                                              | 2%           |
| Employment (2)                                                  | 0%           |
| <b>Total Cases (3,436)</b>                                      | <b>100%</b>  |

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 rental housing issues, foreclosures, evictions), self-determination/aging preparedness (probate referrals, powers of attorney, advance directives, will referrals), consumer issues

(debt collection, consumer fraud, creditor harassment), and access to health care (Medicare and MaineCare).

### **Status of Matters Handled**

The reported matters were all opened during 2022 and are reported regardless of whether or not they were closed in 2022. 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 3,436 matters, 19% (662) involved litigation services provided by a Staff Attorney and 81% (2,724) were handled exclusively in the Helpline. A further breakdown of the level of service is as follows (from most to least resource intensive): 11% extended representation services; 52% counsel and advice; 26% information and referral; and 11% 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 6 declining to answer). All clients served were sixty years of age or older, and 55% were 70 years of age or older. Nine percent of those served were veterans. While LSE serves both socially and economically needy older adults, 90% of LSE's clients were below 250% of the federal poverty level and 46% 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 older people across the state. Year after year, LSE serves clients in nearly every township in Maine. We attribute this to the strength of our statewide partner and referral relationships. The chart provided as **Attachment C** provides data regarding the geographic distribution of LSE's clients in 2022.

## **DESCRIPTION OF LSE'S SERVICES**

Since its establishment in 1974, LSE has been providing free, high quality legal services to socially and economically needy older adults 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 services provided by LSE include the following: 1) brief services, advice, and counseling to clients throughout Maine by the LSE Helpline (1.0 FTE intake, 2.5 FTE Helpline Attorney); 2) litigation services by ten Staff Attorneys (9.60 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 79% of the time.

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 older people in Maine, 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 2022, all callers (1,528) with emergency legal problems received same day or next business day services.** Other callers received a call back from a Helpline Attorney within four to six 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 older people exclusively via telephone. This is the level of service received by 81% of the people receiving help from LSE though most desire and could benefit from more extensive help. Only a small subset of case types is 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 \$93.00.

**The Helpline received over 9,900 calls for help in 2022, and these calls were handled by a single Intake Paralegal.** About two thirds of those callers were referred to other resources because the callers were calling on behalf of someone else, did 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.

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 188 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 10 *pro bono* and 57 reduced fee referrals to referral panel members in 2022. This is down from the prior year, and LSE was unable to refer 25 cases because there were no panel members able to take the referrals.

### **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 that were co-located at the local Area Agencies on Aging (except in Augusta) but are now working from home offices. This level of service was provided to 19% of those seeking help from LSE (662 cases). These more resource intensive services are provided by ten Staff Attorneys (one is part-time) who each cover assigned geographic areas of the state.

The Staff Attorneys provide legal services for older people 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 85% of the time in stopping abuse, recovering homes and assets that have been stolen, saving homes from foreclosure that families have lived in for decades, stopping evictions and/or preserving housing subsidies, and helping older people 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 12,230 LSE brochures in 2022. LSE information is posted at the courts, Community Action Programs, Social Security offices, congregate 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 directly reach older people. LSE also made great strides in 2022 in reaching out to new and different referral sources in an effort to ensure services are reaching traditionally underserved populations.

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 older people in Maine, but also to their family members and caregivers. The design of the online handbook meets all national standards for online materials for older users and is accessible on a wide range of devices.

### **LEADERS IN THE FIGHT AGAINST ELDER ABUSE**

Elder abuse remains a top priority systemic issue for LSE. In addition to providing legal representation to 384 victims of elder abuse in 2022, up from 239 in 2021, LSE is a leader in efforts to prevent elder abuse and improve the community response when it does occur. LSE provides infrastructure support for the Maine Council for Elder Abuse Prevention including maintaining the website and handling registration for two conferences that are held every year. The Council includes over 80 members from a broad range of public and private organizations as well as individuals. The Council focuses on raising awareness about elder abuse and improving the response by providing multi-disciplinary training for professionals who work with victims.

LSE Staff Attorneys serve on local Elder Abuse Task Forces where they exist. These groups enable professionals from many different disciplines to work together to raise awareness of elder abuse and improve the local response.

LSE's Executive Director Co-Chaired the Elder Justice Coordinating Partnership, created by Executive Order, which included 22 members from a broad range of public and private sector leaders. The Partnership developed an Elder Justice Roadmap that identifies strategic priorities for preventing and responding to elder abuse. The Roadmap was published in January of 2022, and the Partnership continues to meet twice per year to monitor implementation of the Roadmap.

### **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 2022 was 85%. Most callers who are not satisfied with the services are unhappy because they have problems with which LSE is not able to help.

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 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 older people in Maine. The unmet need continues to grow. There are at least three major drivers behind the significant and growing unmet need for legal services among Maine's older population.

### **1. Maine is the oldest state in the nation, and the number of older people living in Maine is growing at an incredible rate.**

By 2030, it is expected that nearly one out of every three Maine residents will be over 60. That means there will be over 460,000 older people living in Maine. The growth rate of those in the 65 and older group is projected to be 44.6% from 2018 to 2028 as the baby boomers age into this age group.

### **2. There is a very high poverty rate among older Mainers, and older people face many other unique challenges.**

**In Maine, 18% of older people live below 150% of the poverty level, and nearly one third live below 300% of the poverty level.** 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 rate among older people in Maine does not tell the whole story. Older Mainers with low incomes live on fixed incomes and 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 older people in Maine are also extremely vulnerable in other ways. Under America's Health Rankings for Seniors<sup>1</sup>, Maine ranks 25<sup>th</sup> in the nation (with 1 being best) for older people living in poverty, 33<sup>rd</sup> for food insecurity, 31<sup>st</sup> for severe housing problems, and 41<sup>st</sup> for suicide.

### **3. Older people who are low-income face frequent legal problems.**

Older people 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 older people with low incomes had experienced a legal problem in the past year (this went up to 67% for low income seniors 70 years of age or older).<sup>2</sup> This is consistent with a more 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.<sup>3</sup> LSE is meeting at most 10% of the need for services.**

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<sup>1</sup> America's Health Rankings 2022, [2022-senior-report-state-summaries.pdf](https://www.americashealthrankings.org/2022-senior-report-state-summaries.pdf) ([americashealthrankings.org](https://www.americashealthrankings.org))

<sup>2</sup> 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.

<sup>3</sup> Justice Gap Measurement Survey, The Justice Gap: Measuring the Unmet Civil Legal Needs of Low Income Americans, 2017.

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. A national survey that is consistent with prior Maine surveys showed that 87% of older people with low-incomes who experience 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.<sup>4</sup> **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

LSE is pleased to be reporting that every single older person calling LSE with an emergency legal problem in 2022 received free legal help from LSE. In addition, LSE was able to help 500 more people in 2022 than in 2021. This growth in the number of people getting free legal help was possible due to increases in the Fund and new sources of pandemic relief funding made available to LSE over the past two years. Those sources of pandemic relief funding will expire in 2024.

At the same time, 448 people who sought help with less serious problems were turned away to ensure those with emergency needs could be served. This is not the way that LSE had operated prior to 2020, and this need to deny services to people facing less serious legal problems in order to meet the needs of people facing an imminent risk of harm is a sign of a system under severe strain. We know that over 50% of older people in Maine with low incomes face at least one legal problem each year. Even with the increases in funding in 2022, LSE is meeting less than 10% of the actual need for free legal help. This leaves more and more older Mainers without access to an attorney when facing legal problems that will keep them from meeting their basic human needs.

Prepared by: Jaye L. Martin, Executive Director

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<sup>4</sup> 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 older people in Maine. 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 older and disabled Maine residents with information and assistance on health insurance matters, in particular Medicare and MaineCare. In 2022, the LSE Medicare Part D Appeals Unit assisted 722 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 other 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 older people in Maine than would be possible if LSE were to limit its activities to individual representations. The LSE Board of Directors has adopted guidelines which govern the nature and scope of this systemic advocacy work. These legislative and systemic activities are not supported by the Fund.

**ATTACHMENT B  
LEGAL SERVICES FOR THE ELDERLY**

**Foreclosure Prevention Services Provided with American Rescue Plan Act Funding**

LSE handled 73 foreclosure defense cases in 2022. Prior to June of 2022, these services were provided by all LSE Staff Attorneys with each attorney handling the cases arising in their assigned geographic area. Starting in June of 2022, LSE moved to having a single Foreclosure Prevention Staff Attorney handle all foreclosure cases on a statewide basis.

The clients served were 55% female and 45% male. Eleven percent of those served were veterans.

Twenty-one of the reported cases remained open at the time of this report.

Foreclosure was prevented in eleven (21%) of the closed cases (of these, seven involved loan modifications, and four were dismissed with prejudice).

Seven older homeowners avoided homelessness as a direct result of receiving legal services.

Thirty-nine homeowners (75% of the total clients served where the file has been closed) who were not represented in foreclosure mediation or litigation still had their housing situation improved as a direct result of having access to legal representation. In cases where extended services were not provided due to lack of merit, or because the foreclosure had not been filed yet, LSE helped older homeowners understand the foreclosure process so they could make plans for alternative housing if needed. LSE also often also helps foreclosure clients with other legal issues including tax abatement, consumer debt, health care access, and financial exploitation.

Overall, 86% of the clients receiving foreclosure prevention services had their situation improved as a direct result of obtaining access to free legal assistance.

**ATTACHMENT C  
LEGAL SERVICES FOR THE ELDERLY**

**Geographic Distribution of Services**

|              | <b>LSE 2021 STATISTICS</b>  |                                                | <b>LSE 2022 STATISTICS</b>  |                                                |
|--------------|-----------------------------|------------------------------------------------|-----------------------------|------------------------------------------------|
|              | <b>Total Clients Served</b> | <b>% of Total LSE Clients Served by County</b> | <b>Total Clients Served</b> | <b>% of Total LSE Clients Served by County</b> |
| Androscoggin | 233                         | 9%                                             | 265                         | 8%                                             |
| Aroostook    | 143                         | 5%                                             | 149                         | 5%                                             |
| Cumberland   | 439                         | 16%                                            | 541                         | 17%                                            |
| Franklin     | 54                          | 2%                                             | 72                          | 2%                                             |
| Hancock      | 118                         | 4%                                             | 139                         | 4%                                             |
| Kennebec     | 286                         | 11%                                            | 383                         | 12%                                            |
| Knox         | 71                          | 3%                                             | 95                          | 3%                                             |
| Lincoln      | 71                          | 3%                                             | 85                          | 3%                                             |
| Oxford       | 121                         | 4%                                             | 139                         | 4%                                             |
| Penobscot    | 407                         | 15%                                            | 429                         | 13%                                            |
| Piscataquis  | 45                          | 2%                                             | 58                          | 2%                                             |
| Sagadahoc    | 67                          | 2%                                             | 59                          | 2%                                             |
| Somerset     | 95                          | 4%                                             | 148                         | 5%                                             |
| Waldo        | 109                         | 4%                                             | 94                          | 3%                                             |
| Washington   | 103                         | 4%                                             | 119                         | 4%                                             |
| York         | 331                         | 12%                                            | 418                         | 13%                                            |
| <b>Total</b> | <b>2,693</b>                | <b>100%</b>                                    | <b>3,193</b>                | <b>100%</b>                                    |



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# Maine Equal Justice

**People Policy Solutions**

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## **2022 Annual Report to the Maine Civil Legal Services Fund Commission January 2023**

The 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 2022, the MCLSF accounted for approximately 58% 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.

Notably, 34% of the funds received through the MCLSF in 2022 were temporary ARPA funds meant to extend an expiring Bank of America grant to the civil legal aid providers' foreclosure prevention and community redevelopment programs for an additional two years. These ARPA funds allowed MEJ to provide critically important legal services for low-income consumers during Maine's recovery from the COVID-19 pandemic. All the consumer protection work described in this report was funded and made possible by these ARPA funds, as the original Bank of America grant allowed MEJ to establish a consumer protection program in 2019.

Over the last year, MEJ has complied in all respects with the 2022-2023 proposal submitted in the fall of 2021. MEJ has maintained all the services described in the proposal. 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 can move out of poverty and sustain economic stability.

### **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 is often the most cost-effective way to protect and advance the interests of low-income persons, and that 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 and build on this work.

Since its beginning, MEJ has worked to increase economic security, opportunity, and equity in Maine. We accomplish our mission through: (1) public policy advocacy in the legislature<sup>1</sup> and with governmental agencies; (2) legal representation and impact litigation on systemic issues; and (3) statewide outreach and training on issues affecting people with low income and 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, income, employment, 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 in 2022 (Advice, Referrals, Limited and Extended Representation, including Impact Litigation):**

Maine Equal Justice provides direct legal representation through its toll-free telephone and online 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 and on-the-ground working knowledge of them. 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 household). When MEJ identifies a systemic issue, staff work 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 legal services capacity so we can meet the legal needs of these community members.

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

In 2022, MEJ handled 657 cases (this number does not include administrative advocacy cases). Most cases MEJ handled related to income maintenance, with a substantial number in housing and health care. MEJ handled more housing cases in 2022 than in prior years because of the increase in need in this area. 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                                                         | 7          |
| Education                                                        | 11         |
| Employment                                                       | 3          |
| Family                                                           | 30         |
| Health                                                           | 83         |
| Housing                                                          | 126        |
| Income Maintenance (i.e., TANF, SNAP, LIHEAP, SSI, Unemployment) | 356        |
| Individual Rights                                                | 29         |
| Miscellaneous                                                    | 12         |
| <b>TOTAL</b>                                                     | <b>657</b> |

**Impact Litigation:**

Maine Equal Justice pursued impact litigation to address the needs of clients with low income while also shaping policy impacting thousands of similarly situated individuals across the state. In many of these cases, MEJ represented the interests of low-income consumers and worked to ensure and strengthen consumer protections. This work to maintain and strengthen consumer protections was supported and made possible by the ARPA funding that came through the MCLSF.

**Consumer Data Industry Association v. Frey (Maine Federal District Court/ U.S. First Circuit Court of Appeals)**

In 2019, the State of Maine enacted a law to protect victims of domestic violence from economic abuse. This law prevents debts resulting from economic abuse from being reported to a credit agency. The credit reporting agencies brought a lawsuit to prevent enforcement of this state law on the grounds it was preempted by federal law. MEJ filed an amicus brief arguing that the law was not preempted. The District Court (LAA-464) ruled that the Maine state law was preempted by the federal FCRA. The case was appealed to the First Circuit Court of Appeals. (LAA-494). MEJ filed an amicus brief on appeal. The First Circuit found that the law was not preempted. The Credit Reporting Agencies have requested that the U.S. Supreme Court grant a petition for certiorari and review the First Circuit’s decision. MEJ is waiting for the U.S. Supreme Court’s decision.

**Portfolio Recovery Associates, LLC Plaintiff – Appellee, v. Casey Clougherty (Maine Law Court):**

This case seeks to resolve what rule of evidence should be applied in credit card collection cases. MEJ filed an amicus brief arguing that the stricter rule of evidence should apply. The Law Court did not decide the issue but remanded the case to the trial court for further findings of fact. Because of the delay in hearing cases due to the pandemic, a new trial has not been held in the case.

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

This is a foreclosure case brought in federal court. The bank argued that because the case was brought in federal court the homeowner was entitled to mediation as provided by state law. MEJ filed a motion arguing that the state law providing for mediation applied, and the court agreed. The Federal Court has since promulgated rules requiring foreclosure plaintiffs in federal court to comply with state law mediation requirements. The case is still active; we are currently in mediation, which was delayed due to the pandemic.

**JP Morgan v. Camille Moulton** (Maine Law Court):

This is a foreclosure case in which the bank is asking the Maine Law Court to revisit its decision on the res judicata effect of a judgment in a foreclosure case. We filed an amicus brief arguing that the Law Court should not change its rule. The rule currently prevents a bank from relitigating a foreclosure case after judgment on the merits has been entered against the bank. Our brief focused on the doctrine that the Law Court precedent, which is over twenty years old, was as a matter of law adopted by the legislature when it made amendments to the statutes that govern foreclosure actions in Maine. We are waiting for a decision from the Law Court.

**SAVE Policy Enforcement:**

SAVE (Systematic Alien Verification for Entitlements) is a federal database that documents and verifies immigration status. Federal law dictates the steps the Maine Department of Health and Human Services (DHHS) must take when an applicant for benefits disputes the results in SAVE regarding their immigration status. MEJ urged DHHS to implement rules to ensure the department consistently follows the federal SAVE requirements. DHHS has yet to implement rules. MEJ has requested administrative hearings for several clients because of the Department's failure to follow the SAVE rules. We have been successful in those cases at the administrative level. MEJ is now working with private counsel to pursue litigation to require DHHS to implement rules and comply with federal law.

**Susan Kiralis-Vernon and Sara Halsey v. Fedcap** (Maine Federal District Court):

Fedcap is the contractor that administers Maine's ASPIRE program, which is the training and education program in which parents and caretakers participate to receive income support from the Temporary Assistance for Needy Families (TANF) program. MEJ's legal services team has received numerous complaints about Fedcap's failure to properly implement the program. MEJ brought this case on behalf of two clients whose rights were violated, alleging that Fedcap has negligently

managed the program and harmed our clients as a result. Fedcap filed a motion to dismiss, which MEJ opposed. MEJ is now waiting for a decision from the court on the motion to dismiss.

### **Administrative Advocacy in 2022:**

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; 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 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. 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 2022, MEJ submitted rulemaking comments at the state and federal level on eight proposed rules covering a wide range of issues and handled thirty-four administrative cases. MEJ handled the following types of administrative advocacy cases with the support of the MCLSF:

| Case Type                                              | # Of Cases |
|--------------------------------------------------------|------------|
| Consumer                                               | 1          |
| Education                                              | 1          |
| Employment                                             | 4          |
| Health Care                                            | 6          |
| Housing                                                | 2          |
| Income Maintenance (i.e., TANF, SNAP, LIHEAP, SSI, UI) | 15         |
| Individual Rights                                      | 5          |
| <b>TOTAL</b>                                           | <b>34</b>  |

MEJ collaborated with state agencies including the Maine Department of Health and Human Services (DHHS), the Maine Department of Labor (DOL), and MaineHousing to address the needs of people with low income. MEJ provided recommendations for systemic improvements based on research, policy expertise, and community input, as well as technical support and assistance to implement changes to meet people’s immediate and longer-term needs.

### **3. Training, Education and Outreach in 2022:**

Maine Equal Justice provides outreach and training on public benefits and programs for low-income community members and the agencies and providers who assist them. We impart critical information on Maine’s economic security programs and how to access them. At the same time, we learn about potential barriers and issues faced by people accessing benefits and about systemic problems. In 2022, MEJ conducted 37 virtual and in-person training events throughout the state, reaching over 737 individuals, including staff from social service agencies, health centers, and homeless shelters and individuals living with low income.

MEJ’s direct training, education, and outreach is supplemented by our website ([www.mejp.org](http://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 2022, MEJ produced and shared resources on unemployment insurance, tax credits, emergency assistance, food assistance, and more.

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

In 2022, Maine Equal Justice handled 657 cases. Of those cases, MEJ closed 598 cases, impacting at least 1,067 individuals. Of the 657 cases handled, 59 are pending. Fourteen cases closed because the client withdrew or failed to return. These numbers, however, do not include those impacted by our administrative advocacy, which impacts similarly situated individuals, or by our training, education, and outreach efforts. The chart below illustrates the total number of cases closed and people served.

| <b>Activity</b>                                         | <b>Total # of Cases Closed/ People served</b>                                                                                                                                                                                        |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Full intakes – includes limited and full representation | 144 cases/369 served                                                                                                                                                                                                                 |
| Counsel & Advice                                        | 187 cases/398 served                                                                                                                                                                                                                 |
| Referred                                                | 267 cases/300 served                                                                                                                                                                                                                 |
| Administrative Advocacy                                 | 34 cases/345,924 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) |
| <b>Activity</b>                                         |                                                                                                                                                                                                                                      |
|                                                         | <b>Total # of Trainings/# of People Participating</b>                                                                                                                                                                                |
| Education & Direct Outreach                             | 37 separate trainings and workshops/<br>737 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 \$46,060 in annual income for a

family of three in 2022.<sup>2</sup> According to the most recent state data on the Kaiser Family Foundation website, there were 356,500 Maine people, of all ages, living under 200% FPL in 2021.<sup>3</sup>

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 as of August 2022:

- 10,757 people were enrolled in Temporary Assistance for Needy Families (TANF) that provides income support to families with children;
- 169,790 people were enrolled in the Food Assistance (SNAP) program that helps people with low income put food on the table; and
- 397,196 people were covered by MaineCare or CubCare, which provides public health insurance for people with low income who otherwise could not afford it.<sup>4</sup>

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

MEJ provided direct legal assistance to individuals residing in all sixteen Maine counties in 2022.

| County       | # of Cases   |
|--------------|--------------|
| Androscoggin | 116          |
| Aroostook    | 74           |
| Cumberland   | 434          |
| Franklin     | 7            |
| Hancock      | 20           |
| Kennebec     | 118          |
| Knox         | 18           |
| Lincoln      | 14           |
| Oxford       | 16           |
| Penobscot    | 145          |
| Piscataquis  | 3            |
| Sagadahoc    | 15           |
| Somerset     | 21           |
| Waldo        | 25           |
| Washington   | 15           |
| York         | 139          |
| <b>TOTAL</b> | <b>1,180</b> |

<sup>2</sup> <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>

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

<sup>4</sup> <https://public.tableau.com/app/profile/waynecarino/viz/DHHSbytheNumbers/DHHSbytheNumbers>



**MEJ advanced three new projects in 2022 that involved extensive outreach, education, and direct assistance.** While these projects are not funded by MCLSF, they are coordinated with our legal services work described above.

**1) Build HOPE Project:** The aptly named Higher Opportunity for Pathways to Employment (HOPE) program was enacted by the Maine legislature in 2018. The HOPE program makes higher education and training possible for low-income parents with children. HOPE provides critical support that can enable low-income parents to go back to school and succeed, but many students report they still struggle to meet their needs over the course of their program, especially in the face of emergencies. The Build HOPE Project at MEJ fills in current gaps by providing additional income support.

Through the Build HOPE Project, MEJ provided critically needed financial support to 244 students in HOPE or the Parents as Scholars (PaS) program to increase the likelihood of success in their education or training. This work impacted 858 individuals in these households. MEJ staff gathered and tracked project data, and research is now underway that will build collective knowledge of how to improve programs to be most effective in helping low-income parents succeed in their educational and training pursuits. MEJ legal services staff verified participation in HOPE or PaS with DHHS and worked with participants to ensure they were accessing other public benefits and supports for which they were eligible.

**2) Peer Workforce Navigator Project:** The Peer Workforce Navigator (PWN) Project connects people who are under- or unemployed with education and training, apprenticeships, unemployment insurance, healthcare, and other supports people need to get and keep gainful employment. The PWN Project is a collaborative effort that MEJ is leading with four other community-based organizations and the Maine Department of Labor (MDOL). MEJ's advocates and legal team were instrumental in designing and launching the project.

The project seeks to: (1) connect community members to good, quality jobs and education and training opportunities to promote career advancement and economic security; (2) support community members to navigate Unemployment Insurance and get the benefits they need in critical times; (3) help workers access economic security programs that give people the support they need to work toward their career goals; and (4) identify systemic barriers that are preventing people from moving ahead and work with the MDOL to resolve those issues. Through this project, MEJ hired a Peer Workforce Navigator who assisted 255 households, including 528 individuals, in 2022. MEJ's Navigator worked in close collaboration with the legal services team to address peoples' legal needs. MEJ also provided training, technical, and policy expertise for the project.

**3) Maine Credit to Kids Collaborative:** In 2022, Maine Equal Justice formed a network of organizations called the Credit to Kids Collaborative that engaged in outreach to educate Mainers about the federal Child Tax Credit (CTC) and to help families with low income enroll in and access the CTC, if they were not receiving it automatically.

MEJ trained thirty low-income parents as “Child Tax Credit Helpers” who each helped at least twenty other families in their communities access the CTC. Many of them were also trained as Certified IRS Intake Specialists. MEJ held eight training sessions for CTC Helpers and advocates, reaching over 200 people. MEJ held two in-person events, serving close to 40 people with tax questions or direct tax assistance. MEJ supported weekly CTC intake appointments in Portland and Lewiston to help low-income parents file taxes to get the credit. MEJ provided direct assistance to help 81 households access the CTC in 2022. MEJ reached thousands more through coalition partners, training, and outreach efforts. MEJ also engaged in administrative advocacy resulting in DHHS and MaineHousing sharing information to public benefit recipients about the CTC and how to access this critical income support.

***Outcome measurements used to determine compliance:***

The proposal submitted for 2022-2023 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 training workshops than we can provide in any given year. 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 MEJ's legal services are IOLTA and the MCLSF.

MEJ's legal services team hears from an increasing number of people who struggle to access public assistance for which they are eligible. A lack of affordable housing has become a major crisis for Mainers with low income. In 2020, 58% of extremely low-income households in Maine—over 20,000 households—were severely cost-burdened by housing, meaning they spent more than half of their income on housing. That data is likely worse now. These households are at risk of eviction and homelessness—and of the cascading events that will push them deeper into poverty.

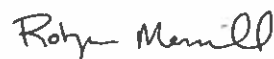
The high level of inflation in 2022 made basic needs harder to meet and lowered the value of public assistance dollars. As the cost of living rises and financial hardship increases, individuals, families, and caseworkers increasingly turn to MEJ to help navigate complex programs and systems. MEJ's legal services team does its best to meet the needs of these individuals and to address the systemic problems inherent in their cases, but with current resources it is not possible to adequately address the demand. More capacity is desperately needed. Making matters worse, the ARPA funds that flow through the MCLSF are set to expire at the end of 2023. These funds allow MEJ to engage in impactful work to preserve and strengthen consumer protections in Maine and fund the equivalent of a full-time position at the organization.

In addition, MEJ needs to build new and additional capacity to meet the housing and public benefit needs of immigrant Mainers whom Pine Tree Legal Assistance is unable to help based on the individuals' immigration status. We have created a multilingual phone system, published our client educational materials in up to six languages, hired translators for community events, and done extensive outreach in impacted communities. More capacity is still needed to fill in the growing gaps in Maine's legal aid infrastructure and to meet the significant need for legal services.

### CONCLUSION

Maine Equal Justice receives critical support from the MCLSF that enables the organization 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.

Respectfully submitted:



Robyn Merrill  
Executive Director

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**Maine Volunteer Lawyers Project**  
**Report to the Maine Civil Legal Services Fund Commission**  
**January 2023**

**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. This year, in 2023, VLP will celebrate its 40th anniversary.

**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 *pro bono* opportunities for lawyers and non-lawyer volunteers.

We work towards these goals with a small staff of seven (three full time, four part time) who provide administrative support to the volunteer efforts of the Maine legal community. The VLP also 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 connect with the courts and community organizations to increase awareness of VLP's services. 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, the Maine State Courts Justice Action Group, and community organizations to increase available *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 six program staff. Those positions are as follows:

- Justice Program Coordinator (full time): Recruits, trains and supervises non-lawyer volunteers; operates clinic programs.

- Justice Referral Coordinator (full time): Manages telephone intake and outreach to lawyers; refers cases for full representation.
- Bangor Staff Attorney (0.6 FTE): Manages all operations for cases in seven northern counties.
- Pro Bono Engagement Director (0.6 FTE): Recruits and supports volunteer attorneys statewide.
- Domestic Violence Coordinator (0.5 FTE): Manages Domestic Violence Pro Bono Panel statewide.
- Communications Specialist (0.5 FTE): Responds to client requests for assistance; manages social media and website.

Together with the Director, these six staff people arranged for volunteer legal services to be delivered to nearly 2,000 people in all sixteen counties of Maine last year.

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.

## **Services**

### **Types of Cases Handled**

The VLP coordinates legal services generally in three ways: full referral, limited representation clinics, and online legal advice.

“Full referral” means that VLP has recruited an attorney to accept a client for full, *pro bono* representation in their legal matter, and the lawyer will provide the same service that would be provided to a paying client. Full representation in civil legal matters including the following case types: bankruptcy, access to benefits, consumer complaints, family matters<sup>1</sup> including domestic violence cases, employment, end of life issues including wills and probate matters, foreclosure, real estate, debts, and other types of civil legal problems. VLP recruits attorneys to do outreach to members of the bar regarding specific cases through our “Lawyer of the Day” program.

Second, given the high volume of requests in some areas, and/or due to certain populations with specific needs, VLP has several programs referred to as “clinics”, where

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<sup>1</sup> While the need for full representation in family matters far exceeds our volunteer attorneys’ ability to provide such services, we do refer some family matter cases each year for full representation. Priorities for referral include urgent safety issues, language or other barriers to self-representation, possible fees available, and other factors.

qualified individuals meet with an attorney for limited representation and advice. Clients can have multiple clinic appointments if needed. VLP's current clinic programs include the Court House Assistance Program (CHAP) for family law; Helpline, for family law with domestic violence concerns; Workers Rights Legal Clinic, for employment related concerns; Small Claims Clinic, to assist people with small claims matters; Small Business and Non-Profit Panel, to assist qualified organizations with civil legal problems; and the Maine Homeless Legal Project, to assist unhoused people with civil legal problems. Those consultations sometimes lead to more expanded representation.

VLP organizes and manages volunteer attorneys to assist in domestic violence related matters through our Domestic Violence Pro Bono Panel and Lewiston Protection from Abuse (PFA) Panel, in partnership and coordination with domestic violence resource centers around the state. The volunteer attorneys in these programs provide both consultations and in person representation for protection from abuse cases in Portland and Lewiston, which may include representation through the conclusion of the PFA matter<sup>2</sup>.

VLP has also developed partnerships with a variety of community organizations to facilitate referral of their clients to VLP for help with civil legal matters. In addition to Maine's domestic violence resource centers, VLP's community partners include Acadia Hospital, Wabanaki Health and Wellness, Groups Recover Together, Adoption and Foster Families of Maine, and Maine Access Immigrant Network.

VLP manages the Free Legal Answers Maine web site, a partnership with the American Bar Association, where qualified Mainers can go online and ask questions about civil legal matters, and attorneys recruited and supported by VLP provide answers. VLP staff screen and monitor the questions and provide referrals to other resources where appropriate.

### **Number of People Served: Cases Handled in 2022**

In 2022, VLP conducted a thorough data review and cleanup of our file management system. As a result, many older, inactive cases were closed out. The data included in this report reflects those clean-up efforts and more precisely shows the work VLP is doing.

In 2022, 1,998 people received legal assistance through VLP. 1,610 individuals had open cases at VLP during 2022. Those open cases range from full referral for *pro bono* representation in a civil matter to limited representation to get advice and guidance about a legal matter. 1,230 were new cases opened in 2022. In addition, in 2022, VLP's

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<sup>2</sup> It is a goal to expend in person representation in PFA matters to Bangor in 2023.

Maine Volunteer Lawyers Project report to the MCLSFC January 2023

volunteer attorneys answered 413 questions asked by 394 individuals through Free Legal Answers Maine (FLAME) online portal, for a total of 1,998 people served.

Of this total, 1,705 received limited representation or legal information services. Ninety-two people received extended representation, with 80% of those having complete resolution of their legal issues.

These numbers do not reflect the numbers of people who contact VLP for help and are provided information about other resources available to resolve their issues, including referrals to other legal aid providers and/or other community services. In 2023, VLP has initiated a tracking system to collect the data to document the extent of this service, for which many people have expressed appreciation.

As of December 31, 2022, VLP had 205 cases open. Of those, 95 were referred to a volunteer attorney, and 23 were waiting for a volunteer attorney to accept their case. 32 individuals were scheduled for a clinic; 51 were pending review or waiting for client documents; 4 were ready to close.

The cases that were open during 2022 covered a range of civil legal case types. As has been true in the past, family law and related matters was the largest area of client need, with 1,133 of the open cases in 2022. Those included 356 family law matters with domestic violence and 136 Protection From Abuse cases. Other case type data includes the following:

| <b>Case Type</b>                                                    | <b>Number of Cases</b> |
|---------------------------------------------------------------------|------------------------|
| Benefits                                                            | 51                     |
| Consumer                                                            | 6                      |
| Bankruptcy                                                          | 44                     |
| Employment                                                          | 133                    |
| End of Life/Wills/Estates                                           | 87                     |
| Family (including DV cases)                                         | 1,133                  |
| Small Claims                                                        | 68                     |
| Miscellaneous (including foreclosure, tort claims, and real estate) | 157                    |



**Demographics of Clients Served in 2022**

VLP’s direct services benefited 1,610 clients and an estimated 4,476 individuals in those households. The average household size was 2.78 people, and the average annual household income was \$20,157, which is less than the federal poverty level for 2022.

Age groups of our clients were as follows:

|              |     |       |
|--------------|-----|-------|
| Under age 25 | 120 | 7.4%  |
| Age 25-44    | 993 | 61.6% |
| Age 45-60    | 326 | 20.2% |
| Over age 60  | 171 | 10.6% |

- 84% of clients identified as White, 5.2% as Black, 2.7% as Hispanic, 2.1% as Native American, 1.3% as Asian, and 4.5% as other.
- 5.8% of clients did not speak English as a first language.
- 72.2% of clients were female, 26.5% were male, and 1.2% were other/no answer.

**Geographic Areas Served in 2022**

The VLP is a statewide organization that provides connection with *pro bono* volunteer attorneys statewide.

The VLP receives requests for assistance in several ways. The VLP website provides a link for email requests. VLP has telephone intake through two toll free telephone numbers, one to the Bangor office and one to the Portland office, largely staffed by trained community and student volunteers. Community partners refer people to VLP through established channels. Family Law intakes for victims of domestic violence come from all the domestic violence agencies in Maine through a specially developed process. VLP also receives requests for assistance from incarcerated people via regular mail. Once the client is screened, the type of legal problem reviewed, and if accepted, full referrals are made to attorneys throughout Maine depending on the location of the client, or the client may be scheduled for legal clinic. Free Legal Answers Maine is available statewide for those who can access the internet. All our programs receive requests for assistance from all 16 counties of Maine.

In 2022, the VLP director travelled to six district courts in Aroostook and Washington Counties to connect with the court clerks and distribute informational materials. VLP also continued outreach to community partners in northern Maine, and VLP was able to allocate increased staff resources to the Bangor office. In 2022, cases opened out of the Bangor office increased by 7.5%. In 2023, VLP will continue plans to increase access to services in northern Maine.

The geographic distribution of VLP clients by county in 2022 is as follows:

| <u>County</u>       | <b>VLP cases</b> | <b>FLAME</b> | <b>Total</b> | <b>% of Total</b> |
|---------------------|------------------|--------------|--------------|-------------------|
| <b>Androscoggin</b> | 245              | 37           | 282          | 14%               |
| <b>Aroostook</b>    | 37               | 20           | 57           | 3%                |
| <b>Cumberland</b>   | 378              | 65           | 443          | 22%               |
| <b>Franklin</b>     | 36               | 20           | 56           | 3%                |
| <b>Hancock</b>      | 35               | 21           | 56           | 3%                |
| <b>Kennebec</b>     | 160              | 50           | 210          | 10%               |
| <b>Knox</b>         | 23               | 4            | 27           | 1%                |
| <b>Lincoln</b>      | 24               | 14           | 38           | 2%                |
| <b>Oxford</b>       | 64               | 13           | 77           | 4%                |
| <b>Penobscot</b>    | 172              | 55           | 227          | 11%               |
| <b>Piscataquis</b>  | 21               | 8            | 29           | 1%                |
| <b>Sagadahoc</b>    | 43               | 9            | 52           | 3%                |
| <b>Somerset</b>     | 46               | 22           | 68           | 3%                |
| <b>Waldo</b>        | 43               | 10           | 53           | 3%                |
| <b>Washington</b>   | 26               | 13           | 39           | 2%                |
| <b>York</b>         | 227              | 52           | 279          | 14%               |

(Out of state / Unknown: 30)

**Compliance with Proposal to Commission**

In the application to the Maine Civil Legal Services Fund in September of 2021, VLP identified three areas where increased funding would support organizational growth and better delivery of services. Those three areas were general operations, including support for staff; recruitment of volunteer lawyers; and improved use of technology. In 2022, VLP made gains in all these areas.

Regarding general operations and better staff support, VLP is currently fully staffed. In April of 2022, thanks to increased funding, VLP was able to add a part time Communications Specialist to assist managing the high volume of email requests for assistance that VLP receives. What were in the past walk-in services are now entirely by telephone or electronic means, and as a result each client request for help takes more staff time than in the past. The addition of the Communications Specialist has provided relief to overwhelmed staff who were trying to manage the email communications and has allowed us to reduce the wait time for response. In late 2022, VLP was able to increase the hours of the Communications Specialist from 20 to 30 hours per week.

As with many non-profits, it is difficult for VLP to compete with the private sector for compensation and incentives. Being such a small organization, any staff turnover has a significant impact on the entire team. Through prudent fiscal management and increased revenue from other sources, VLP was able to provide cost of living increases to staff for 2023, and to budget for increased staff development/education in 2023. These actions support our goal of increased staff retention.

An important part of the work that VLP does to benefit the state of Maine is coordination and cooperation with a variety of partners, including the other legal aid providers, the Justice Action Group (JAG), community agencies, and the courts. Adequate funding to support these activities is critical, and MCLSFC funding for general operations allows this to happen. In 2023, VLP has plans to increase the number of community partners with established relationships, to promote awareness of our services and facilitate referrals.

Another area of development is recruitment of volunteer attorneys. VLP engaged in activities in 2022 to advance this goal. First, we have reviewed and rebuilt the Mead Fellowship program. This was a recruitment effort started in the winter of 2019-2020, focused on newly admitted lawyers in Maine. The pandemic upended these plans. In 2022, a robust program was developed for 2023, with many activities and presentations to encourage and support the Fellows to learn about *pro bono* service and encourage them to make *pro bono* service a regular part of their practice throughout their careers. We have a full cohort of seven Mead Fellows starting programming in January of 2023.

VLP had a leadership role in the Rural Access to Justice Summit, presented by the Justice Action Group Pro Bono Committee in October of 2022. Over 150 lawyers from all over the state registered for this event to develop ideas to increase access to justice in rural areas of Maine, including by *pro bono* service.

Also with the Pro Bono Committee, VLP participated in a *pro bono* roundtable in the fall of 2022 with approximately 17 larger law firms in Maine to hear their views on *pro bono* service and how VLP could make it easier for attorneys to volunteer their time.

In 2022, VLP hosted continuing legal education trainings to support our lawyer volunteers and to encourage *pro bono* service in exchange for free CLE credits. 2022's trainings included a comprehensive domestic violence training program, two probate law seminars, one employment law program, a "Zoom for Lawyers" program, and a family law program. These offerings were helpful to VLP in engaging attorneys in *pro bono* service, in particular in family law matters. In addition, VLP tried a new event, called a "Day of Service", designed to recruit in house counsel and other non-litigators to assist with case review for open, referred cases<sup>3</sup>.

A third area of improvement for VLP in 2022 is better use of technology. Staff had regular technology training in 2022. VLP developed electronic forms for clients to request help that have streamlined operations. In the second half of 2022, work began to build an online intake module that will further streamline the intake process for many people. We are hopeful that this new, online intake process will be ready to launch in the spring of 2023.

### **Outcomes Measures Used to Determine Compliance**

One measure of the improvement with the general operations is the reduced wait times for response to a request for services. In early 2022, wait times were upwards of two weeks for a response to an email request. This was clearly unacceptable, and because of funding provided, VLP was able to develop better systems to manage these requests and to hire a part time staff person to handle the incoming email. This has reduced the wait time to two business days.

VLP is currently fully staffed with dedicated and talented people. Over the past two years, we have been able to complete a thorough data clean up and have closed out many older cases. In late 2020, in the wake of the pandemic and the sudden loss of VLP's director, Juliet Holmes-Smith, VLP had nearly 1,000 cases open, and almost that many incomplete intake files. All open cases and incomplete intakes required individual review and determination of next steps. As of January 6, 2023, VLP has 223 open cases, and 60 incomplete intakes in our system, reflecting the good work that staff has done on data clean up.

As indicated, VLP relies on a large file management system, Legal Server, to manage our case files and volunteers, track our data, and report our work. It has been a challenging project to bring this system into order so that we can more effectively use the system and

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<sup>3</sup> In particular, VLP is grateful for the support of many attorneys from Unum for this service work.

report our activities. In addition, this work was a prerequisite to add the online intake software that we expect will further streamline our operations.

For cases referred to volunteer attorneys, VLP requires regular reporting on case progress including the number of *pro bono* hours provided 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.

### **Unmet and Unserved Needs**

There are certainly many individuals with civil legal problems who are unable to access legal help. Some of those legal needs are in the case types where we do not have volunteer attorneys available to help. Those case types include:

- **Minor and Adult Guardianship:** these probate actions require specialized knowledge of the probate courts and procedures. Due to the structure of the probate courts in Maine, the speed at which the cases progress through the court system is slow relative to state court. They are family matters with complex emotions and involve some of the most sensitive issues of any legal matter, including custody of a child or the ability of an elderly person to make decisions for themselves. The number of attorneys who practice in this area is low. VLP has a very difficult time finding volunteer attorneys to provide *pro bono* services in this type of case.
- **Family matters:** the volume of family matters that go through the Maine courts every year reflects the high number of Mainers who need help with this kind of legal problem. On Free Legal Answers Maine, the largest number of questions relate to family law. The CHAP clinics are helpful to many people, but full representation in family matters is still needed by many, especially survivors of domestic violence, people with disabilities and/or mental health problems, those with language or literacy problems, and others. In addition, VLP is not back to the pre-pandemic numbers of people served when we had walk in clinics<sup>4</sup>, and we continue to have work to do to increase access to these services.
- **Cases involving the Department of Health and Human Services:** Many people come to VLP every year with problems that relate to their interactions with DHHS, including child protection and elder abuse matters. To effectively advocate for a client involved with DHHS, an attorney needs some specialized

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<sup>4</sup> Despite several targeted efforts, volunteer lawyers are not interested in returning to in person services at the courthouses for the CHAP clinics. Attorneys report both continuing health concerns and preference for remote work. VLP plans to make renewed efforts to reopen in person CHAP in 2023.

training and knowledge of the administrative and legal procedures available, as well as the impacts of related court proceedings. Attorneys with this training and experience are generally on the court appointed counsel list, and given current circumstances, those attorneys are not generally available for volunteer work. This is an area when there is unmet need that VLP has been unable to resolve.

- Administrative law: VLP receives requests from people who have problems with their health insurance or medical provider, a dispute with a municipality, or a dispute with a government agency. In most cases, VLP does not accept these cases for referral because we do not have volunteer attorneys available on our roster to volunteer for *pro bono* administrative law service.

### **Conclusion**

By organizing donated services of private attorneys and community volunteers, and by pioneering new service models, VLP can leverage high 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.

In 2022, 166 Maine attorneys volunteered through VLP to provide over 2,782 hours of *pro bono* services to the people of Maine. Based on an estimated average rate of \$200 per hour, VLP's volunteer attorneys provided over \$556,400 worth of legal services for free to Mainers in need.

In 2022, the Maine Civil Legal Services Fund provided just over \$55,250 to the VLP to perform services in Maine. In addition, funds provided by the American Rescue Plan Act (ARPA) were distributed through the MCLSFC to the legal aid providers, with \$34,625 of ARPA funds distributed to VLP<sup>5</sup>. This combined funding of \$89,884 provided 17.7 percent of VLP's overall budget. The remaining revenue received by VLP came from IOLTA funding, the Campaign for Justice, a federal grant from the Office of Violence Against Women, and other private grants and fundraising. The funds received by VLP from the Maine Civil Legal Services Fund were critical to our organization in 2022 and remain so for 2023.

Respectfully submitted,

*Elizabeth Stout*

Elizabeth Stout

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<sup>5</sup> The ARPA funding replaced an earlier Bank of America grant to legal aid providers that expired in 2022.

Executive Director  
Volunteer Lawyers Project

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## PINE TREE LEGAL ASSISTANCE, INC.

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(207) 774-4753  
<https://ptla.org>

### Report to the Maine Civil Legal Services Commission January 2023

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 efforts in 2022.

#### ***Types of cases handled***

In 2022, Pine Tree Legal Assistance worked on **7,582 cases**, providing direct legal assistance on a wide range of legal issues – ***an increase of 12% compared to 2021.***

Sixty-two percent of Pine Tree cases involved housing issues, including preventing evictions and foreclosures, enforcing safe housing laws, enforcing housing discrimination laws, and others. Our housing advocacy addressed issues arising in homeownership, federally subsidized housing, public housing, private rental housing, and mobile homes.

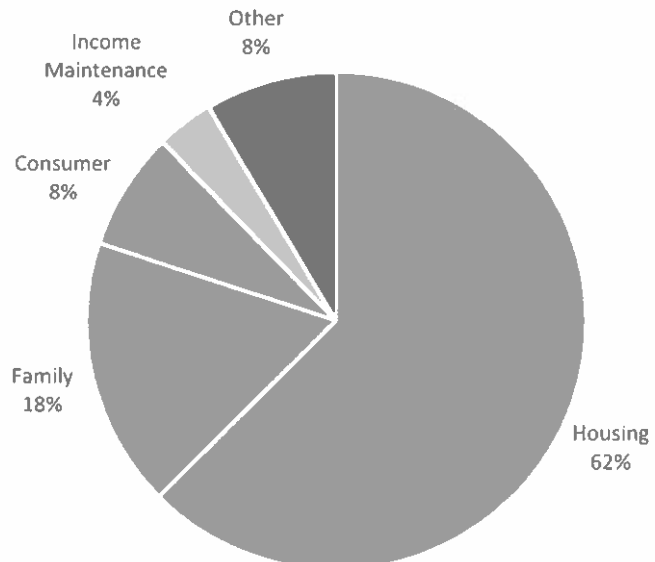
Eighteen percent of Pine Tree cases involved family law, primarily working with survivors of domestic and sexual abuse.

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

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

Other cases handled involved education, employment, tribal, health, juvenile, and other issues.

MCLSF provided partial funding support for all cases, augmenting the more limited support available from other funders in a very important way that has ensured greater access to justice for thousands of Mainers. The following chart shows the number of cases handled in 2022 by area of law.



| Law Category                         | Cases Handled |
|--------------------------------------|---------------|
| Consumer                             | 584           |
| Education                            | 216           |
| Employment (including tax)           | 251           |
| Family Law (including PFAs)          | 1,331         |
| Juvenile                             | 13            |
| Health                               | 42            |
| Housing                              | 4,738         |
| Income                               | 281           |
| Individual Rights                    | 33            |
| Miscellaneous (including tribal law) | 93            |
| <b>Total</b>                         | <b>7,582</b>  |

### ***Number of people served***

Pine Tree served more than **one and a half million people** in 2022 through direct legal aid, outreach, and its websites.

- Pine Tree served 18,342 people through individual cases, including 6,883 children.
- Pine Tree served 11,627 people through community education activities including consultations, meetings, presentations, and trainings.
- Pine Tree’s websites were utilized by 1,370,601 users in 2022, accessing Pine Tree’s websites for a total of 2,455,797 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](http://ptla.org), [kidslegal.org](http://kidslegal.org), [statesidelegal.org](http://statesidelegal.org), and [helpMElaw.org](http://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. Pine Tree’s websites are nationally recognized for their accessibility and successful provision of tools for unrepresented people to navigate the legal system when they need to do so. In 2022, [ptla.org](http://ptla.org) alone recorded 698,424 users and 1.2 million page views. The following table highlights the most frequently viewed pages on [ptla.org](http://ptla.org).

| Rank | Page                                                                  | 2022 Pageviews |
|------|-----------------------------------------------------------------------|----------------|
| 1    | What Can I do if my Landlord is Trying to Evict Me?                   | 87,357         |
| 2    | ptla.org Homepage                                                     | 86,654         |
| 3    | Rights of Maine Renters: Eviction (Spanish language version)          | 48,229         |
| 4    | Contact Us                                                            | 46,949         |
| 5    | What is a Guardian ad Litem?                                          | 38,705         |
| 6    | Rights of Maine Renters: Security Deposits (Spanish language version) | 37,493         |
| 7    | Do I Have to Repay Unemployment Benefits if I am Overpaid?            | 36,619         |
| 8    | How to Handle Social Security Overpayments                            | 24,986         |

|    |                                                                                       |        |
|----|---------------------------------------------------------------------------------------|--------|
| 9  | Guardianship of a Minor (Arabic language version)                                     | 24,250 |
| 10 | Rights of Maine Renters: Unsafe of Unfit Living Conditions (Spanish language version) | 23,908 |

**Demographic information about people served**

Pine Tree’s clients in 2022 are representative of the broad demographic diversity seen throughout the state:

- Two out of three are women and one in fifty identify as nonbinary, genderqueer, or a different gender than man or woman.
- 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 or ethnic minority.
- One in twelve households include a veteran or current member of the military.

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 2022 by poverty level.

|                     |     |
|---------------------|-----|
| Below 100% poverty  | 54% |
| 100% – 199% poverty | 32% |
| Over 200% poverty   | 14% |

**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 for all Mainers to reach Pine Tree’s efficient client intake system. The chart below shows the geographical distribution of Pine Tree’s cases and clients in 2022.

| County       | Cases Handled | All People Served |
|--------------|---------------|-------------------|
| Androscoggin | 1,032         | 2581              |
| Aroostook    | 433           | 1049              |
| Cumberland   | 1,759         | 3802              |
| Franklin     | 142           | 426               |
| Hancock      | 200           | 448               |
| Kennebec     | 743           | 1865              |
| Knox         | 110           | 244               |
| Lincoln      | 118           | 311               |
| Oxford       | 300           | 814               |

|              |              |               |
|--------------|--------------|---------------|
| Penobscot    | 816          | 1903          |
| Piscataquis  | 67           | 172           |
| Sagadahoc    | 141          | 331           |
| Somerset     | 258          | 679           |
| Waldo        | 145          | 367           |
| Washington   | 195          | 445           |
| York         | 978          | 2339          |
| Out of State | 127          | 518           |
| Unknown      | 18           | 48            |
| <b>Total</b> | <b>7,582</b> | <b>18,342</b> |

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

In 2022, Pine Tree staff and volunteers worked on 7,582 cases for individuals and families. Pine Tree’s advocacy ranged from the provision of legal information, advice, and brief service to negotiations and full legal representation in court and administrative hearings and in litigation. Pine Tree continues to prioritize providing full legal representation to our clients when possible. Of the 6,285 cases closed in 2022, clients in **more than 40%** (2,614 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 impact of legal services in ensuring that legal rights are properly investigated and heard in the appropriate tribunal. The following chart shows the status of matters handled in 2022.

| Status                                                                       | # of Cases   | %    |
|------------------------------------------------------------------------------|--------------|------|
| Resolved in favor of the client after full legal representation              | 2,541        | 34 % |
| Resolved in favor of the opposing party after full legal representation      | 73           | 1%   |
| Resolved after Pine Tree provided information, advice, or limited assistance | 3,671        | 48 % |
| Cases still open as of 12/31/2022                                            | 1,297        | 17 % |
| <b>Total cases worked on in 2022</b>                                         | <b>7,582</b> |      |

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

The activities supported with MCLSF funding in 2022 are consistent with the activities proposed in Pine Tree’s 2022-23 application to the Commission. In the application, Pine Tree sought funding to support its three key strategies:

- direct civil legal advocacy for individuals and families who are unable to afford private counsel.
- maintenance and development of program website resources and self-help and other community-facing educational tools.

- training events and presentations to client groups, social service providers, members of the private bar, and others.

***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 2022 advocacy are extensive.

The following data highlight some of Pine Tree's most significant outcomes. In 2022, Pine Tree's advocacy:

- Resulted in \$3,707,126 in income, savings, and benefits to our clients.
- Prevented homelessness for 1,333 households by preventing or delaying an eviction.
- Preserved housing subsidies for eligible tenant families worth more than \$250,000 annually.
- Secured 412 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. The following examples help further illustrate how funding from the Maine Civil Legal Services Fund is used to stabilize the lives of Mainers with low incomes.

*A mother and her three children suddenly became homeless when a burst pipe in the apartment above theirs caused extensive water damage in their unit. Her landlord refused to take responsibility for providing housing while repairs were underway and told her to stay in the Portland family homeless shelter. A Pine Tree lawyer took her case and got the family temporarily housed at a hotel. Our client was able to find new long-term housing, and we helped her obtain the return of her full security deposit.*

*A woman was sexually assaulted and strangled by her ex-boyfriend after he broke into her apartment through her bedroom window. A Pine Tree lawyer represented her in a PFA hearing, and the court issued a 2-year Protection from Abuse order.*

*A middle school girl was being bullied and sexually harassed at school, outside of school, and on social media, including receiving messages telling her that she should kill herself. Shortly after this started, she stopped feeling safe at school and stopped attending regularly. This was especially concerning because of her learning disabilities – although she was in 7th grade, she read at a 2nd grade level. Pine Tree got involved, and the School District agreed to place her in a special program, where she is receiving specialized services and thriving socially.*

*A 70-year-old man with multiple disabilities, including Parkinson's Disease, was told by the management company at the federally subsidized complex where he lived that he had several months to fix certain housekeeping issues. Shortly afterwards, the management company came back and served him a notice that they would revoke his housing voucher because of those conditions. Revoking his housing voucher would ultimately lead to an eviction and would make it nearly impossible for him to find other housing that he could afford on his very limited income. Fixing the conditions required a lot of physical labor that he was unable to do. Working with his doctor, a Pine Tree lawyer requested a reasonable accommodation for more time to make the changes in the apartment. We were able to help secure assistance from an agency with an enhanced level of case management who was able to help him make the changes. He was able to fix the problem and remain in the apartment, and his voucher is safe.*

### **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 2022, Pine Tree Legal Assistance recorded 8,973 requests for legal help. Just over 70% of the requests for assistance resulted in a new case. The remaining 28% 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 68% of cases. Because of our limited staff capacity, a lesser degree of assistance than callers requested was provided in the remaining 32% 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<sup>[1]</sup> 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.

### **Conclusion**

In 2022, the ongoing pandemic, the housing crisis, and rising inflation resulted in an extraordinarily challenging year for many Mainers, especially those served with low incomes. The demand for civil legal assistance among our client population continues to be at its highest. In 2022, our statewide Call Center received a total of 10,328 calls – an increase of 180% compared to 2019.

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<sup>[1]</sup>[http://www.americanbarfoundation.org/uploads/cms/documents/sandefur\\_accessing\\_justice\\_in\\_the\\_contemporary\\_usa\\_aug\\_2014.pdf](http://www.americanbarfoundation.org/uploads/cms/documents/sandefur_accessing_justice_in_the_contemporary_usa_aug_2014.pdf)

Thanks to the funding provided through the Maine Civil Legal Services Fund and other sources, our team continues to strive to meet the needs of our clients over. 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.

MCLSF funding will remain very important to our work in 2023 as the impact of the pandemic continues and ongoing federal and state legislation affects the legal protections and benefits on which low-income Maine residents rely. We are 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 "Tom Fritzsche". The signature is fluid and cursive, with the first name "Tom" and last name "Fritzsche" clearly distinguishable.

Tom Fritzsche  
Executive Director

## Addendum on to the Commission on ARPA-funded activities in 2022

In 2022, Pine Tree Legal Assistance received funds from the American Rescue Plan Act (ARPA) to extend our foreclosure prevention work, providing critically important legal assistance to homeowners during Maine's recovery from the COVID-19 pandemic.

### The Services Provided

Pine Tree's Foreclosure Prevention Project is focused on preserving homeownership for low- and moderate-income homeowners who are at-risk of losing their home through foreclosure. Homeownership is still an important part of the American Dream and, for many Maine families, their home is their primary asset. Foreclosures are financially devastating for families and have destructive long-term economic and social impact on families.

The Project was funded through ARPA and other funds. The services provided included:

- Advocating on behalf of homeowners to obtain loan modifications that allow the homeowner to preserve their housing while also continuing to pay on their mortgage.
- Advocating on behalf of homeowners who have been victims of predatory lending, unfair lending practices, and abuses by loan servicers.
- Providing community resources for homeowners and working with housing counselors to provide a coordinated approach to preserving homeownership.

### The Outcomes Achieved

In 2022, Pine Tree's Foreclosure Prevention Project worked on a total of 103 cases.

| Status                                                                       | # of Cases | %   |
|------------------------------------------------------------------------------|------------|-----|
| Resolved in favor of the client after full legal representation              | 11         | 11% |
| Resolved in favor of the opposing party after full legal representation      | 1          | 1%  |
| Resolved after Pine Tree provided information, advice, or limited assistance | 62         | 60% |
| Cases still open as of 12/31/2022                                            | 29         | 29% |
| <b>Total cases worked on in 2022</b>                                         | <b>103</b> |     |

In one of the cases that resolved in 2022, the client was referred to Pine Tree Legal Assistance by a housing counseling agency for representation in federal court foreclosure case. Our client is a single mother of two children who fell behind on her mortgage when her husband left the family and stopped contributing. The COVID pandemic hit while the homeowner was waiting to be scheduled for the Foreclosure Diversion Program, the state court mediation program. Due to the pandemic, the case was paused indefinitely. During that period, our client's children got older and she was able to earn more income as a server. We helped her obtain a loan modification that was affordable and would allow her to stay in her home. After the loan modification was finalized, our client and her family contracted COVID. She missed a lot of work and almost immediately defaulted on her loan. Pine Tree assisted her in negotiating for a COVID-19 FHA Partial Claim, which she successfully obtained. She is now current on her loan.