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

128th Legislature, Second Regular Session

February 1, 2018

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MAINE CIVIL LEGAL SERVICES FUND COMMISSION

January 31, 2018

Lisa Keim, Senate Chair
Matthew Moonen, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, Maine 04333-0100

RE: 2017 Report of the Maine Civil Legal Services Fund Commission

Dear Senator Keim and Representative Moonen:

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

The Commissioners are John P. Foster, Angela M. Farrell, and myself. We are pleased to report to you on the amounts and uses of the funds allocated from the Maine Civil Legal Services Fund.

Included in our report to you are the individual reports from each of the seven organizations that receive these funds. In 2017, distributions were made according to the following formula and in the following amounts:

Organizations Receiving Funds from Maine Civil Legal Services Fund	% Share of Allocation	Amount Received ($)
Cumberland Legal Aid Clinic	6.4350	94,186.06
Disability Rights Maine	2.9800	43,616.85
Immigrant Legal Advocacy Project	5.2025	76,146.54
Legal Services for the Elderly	20.7355	303,495.74
Maine Equal Justice Partners	10.8900	159,391.80
Pine Tree Legal Assistance	47.7180	698,425.87
Volunteer Lawyers Project	6.0390	88,390.00
Total	**100.0000**	**1,463,652.85**

The total amount distributed in 2017 was $1,463,652.85, just $9,010.47 more than in 2016.

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. During 2017, the Commissioners conducted site visits with organizations that receive distributions from the Fund. These visits allowed the Commissioners to explore firsthand the importance of the Fund to the most vulnerable people of Maine.

The Commissioners will continue to monitor the good work performed by these organizations in order to ensure that the allocations from the Maine Civil Legal Services Fund are used in a manner that will most efficiently and effectively maintain and enhance access to justice in Maine, consistent with the provisions of 4 MRS 19-A. On behalf of all persons 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 207-879-6054 or at mary@marytoole.com.

Respectfully submitted,

Mary C. Toole

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

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

MAINE LAW
UNIVERSITY OF MAINE SCHOOL OF LAW

Cumberland Legal Aid Clinic

2017 ANNUAL REPORT TO THE MAINE CIVIL LEGAL SERVICES FUND COMMISSION AND THE JOINT STANDING COMMITTEE ON THE JUDICIARY

OVERVIEW OF THE PROGRAM

The Cumberland Legal Aid Clinic of the University of Maine School of Law ("the Clinic") is pleased to submit this narrative report on the services provided in 2017 as a result of support received from the Maine Civil Legal Services Fund ("the Fund" or "MCLSF").

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

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

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

A total of 56 students enrolled in Clinic courses during the spring and fall semesters in 2017. During the summer, the Clinic hired six law students to work as full-time interns and one student worked as a full-time fellow doing policy development work in the area of juvenile justice as well as direct representation of clients. As a result, the Clinic was able to provide much-needed representation to individuals on a year-round basis.

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

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

This past year, the Clinic continued its work providing civil legal services to those incarcerated in the Maine state prison system through its **Prisoner Assistance Clinic**, a three- or six-credit course enrolling up to five students each semester, with an emphasis on interviewing, counseling and providing "unbundled" legal services (i.e. limited representation) on a wide range of issues. In 2017, the Prisoner Assistance Clinic provided legal information, advice, and, in some cases, full representation to 156 prisoners. The Prisoner Assistance Clinic students go to the Maine Correctional Center in Windham every week and the Southern Maine Re-Entry Center for Women (now also located in Windham) as needed to meet with prisoners with civil legal matters. The Clinic serves a small number of prisoners in other facilities through correspondence and telephone calls.

The **Juvenile Justice Clinic,** also a three- or six-credit course, enrolls up to five students each semester, who work under the supervision of one faculty member and have the opportunity to work with troubled youth in a number of contexts. Juvenile Justice Clinic students provide legal representation to children with pending matters in the Maine Juvenile Courts, provide legal information and advice on a wide range of matters to homeless teens and young adults through an outreach program at the Preble Street Teen Center, and conduct policy development work on issues such as sealing of juvenile records and alternatives to incarceration, all of which benefit children statewide.

The **Refugee and Human Rights Clinic (RHRC)** is a six-credit course that provides an opportunity for students to advocate on behalf of low-income immigrants in a broad range of cases and projects. The RHRC was developed as a collaboration with ILAP, which refers many of the RHRC's clients. RHRC students assisted 17 immigrants and refugees during 2017. Full representation clients include asylum applicants who have fled human rights abuses in their home countries and are seeking refuge in the United States; immigrant survivors of domestic violence; immigrant victims of certain crimes; and abandoned or abused children seeking legal status in the United States. RHRC students also participated in public education and outreach initiatives that reached dozens of people, including conducting monthly training sessions with ILAP staff on how to apply for asylum using a pro se manual developed in collaboration with ILAP.

Students enrolled in all Clinic courses or working as summer interns and fellows participate in the **Protection From Abuse Program**, through which students attend the weekly protection from abuse docket calls in Lewiston District Court, and represent any victim-survivors of domestic or dating violence, sexual abuse, or stalking who need representation. That program receives top marks from the students, the courts, and clients alike. The Clinic represented 210 victim-survivors in 2017 in protection from abuse or protection from harassments matters in Lewiston District Court. The Clinic provided such representation in 2017 through support from the Fund, as well as federal

funding received from the United States Department of Justice Office of Violence Against Women.

INFORMATION REQUESTED BY THE COMMISSION

The Fund provided nearly 12.4% percent of the total funds used by the Clinic for its programs in 2017 and approximately 28.4% of external funds received, making it the Clinic's largest single source of external funding. Accordingly, the Clinic relies on money received from the Fund for nearly all of the programs described above, but especially for the work of the General Practice Clinic, Refugee & Human Rights Clinic, and Protection from Abuse Program.[2] In 2017, the Fund provided the resources by which the Clinic was able to retain two of our four full-time faculty supervisors and a part-time adjunct faculty member and to operate the Clinic on a year-round basis by hiring two of the five student interns this summer to cover the ongoing cases. Therefore, absent the support provided by the Fund the Clinic would be approximately two-thirds its present size and far more limited in the types of cases we could accept. These funds also enable us to purchase training and legal research materials for our Clinic library and to cover other important expenses (such as hiring interpreters and translators, travel to court, printing, telephone, and mail) directly related to providing legal services. Through the Clinic, the Fund has supported the training of new lawyers in Maine's strong pro bono tradition and enabled hundreds of Maine's poor to have access to justice.

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

Family law (not including Protection from Abuse proceedings) comprised approximately 55% of the Clinic's General Practice and Prisoner Assistance civil caseloads in 2017 (a total of 131cases), and we also assisted 8 teens and young adults with family law matters through the Preble Street Law Program. The Clinic handled 239 Protection from Abuse/Harassment cases for a total of 378 family-related cases last year. The family law caseload, however, is varied. While the majority of cases in the General Practice Clinic, for example, involve disputes regarding parental rights and responsibilities, child support, spousal support, and divorce. The Clinic has also handled several cases involving minor guardianship.

Other areas of civil legal services in the General Practice Clinic 2017 caseload have included foreclosure, landlord/tenant, recovery of personal property, power of attorney, administrative appeals, adult guardianship, recovery of money judgment (financial exploitation), protection from harassment, real estate, recovery of unpaid wages, tax liens, name change, and changing gender identity markers on legal documents (passport, license, birth certificate, court documents).

The Prisoner Assistance Clinic assists prisoners with the full range of family law questions, including adoption, child protection, minor guardianship, and parentage matters. Prisoner Assistance Clinic students address a remarkable variety of other civil legal issues, including: adult guardianship; tort defense, including insurance coverage; federal civil rights; trusts, wills, and advanced health care directives; conversion of property; social security disability benefits; contract claims; attorney's fees disputes; powers of attorney; taxes; recovery of professional/business license; business formation; and bankruptcy.

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[2] The Clinic does some work in the areas of criminal and juvenile law, and those clients (a total of approximately 131 cases) have not been included in the client totals for this report, although some of these clients, particularly the juvenile clients, also had civil legal matters for which we provided assistance.

Juvenile Justice Clinic students provided information and advice to teens and young adult on civil matters such as: education rights, public benefits, housing, disability benefits, immigration, name change, and changing gender identity markers on legal documents through the Street Law Program at the Preble Street Teen Center. Juvenile Justice Clinic students also represented 3 petitioners and one child in minor guardianship matters.

Refugee and Human Rights Clinic students assisted clients with affirmative and defensive asylum matters, marriage-based permanent residence, and Special Immigrant Juvenile Status. Students also assisted a number of women seek bond from immigration detention in Laredo, Texas.

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

In 2017, the Clinic provided civil legal assistance to a total of 492 individuals.[3]

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

The primary demographic information tracked by the Clinic is the client's county of residence. The county-by-county breakdown of our clients' places of residence is as follows: Androscoggin 244; Aroostook 0; Cumberland 183; Franklin 4; Hancock 0; Kennebec 14; Knox 5; Lincoln 6; Oxford 1; Penobscot 6; Sagadahoc 5; Somerset 1; Waldo 0; Washington 0; York County 19; Out of State 4.[4] The Clinic assisted a large number of clients with Limited English Proficiency or who were born outside of the United States. During 2017, our clients' countries of origin included: Angola, Burundi, the Democratic Republic of the Congo, El Salvador, Guatemala, Honduras, Iraq, Somalia, and Sudan. The Prisoner Assistance Clinic assisted clients from Maine's tribes. The Clinic also represents a large number of people with disabilities, particularly those with serious mental and cognitive illnesses.

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

The Clinic serves clients with matters pending throughout Maine. Because the legal work is performed entirely by law students who are enrolled in other law school courses, the Clinic's geographic coverage in full representation matters is primarily courts and agencies located in Cumberland, York, Androscoggin, and Sagadahoc counties, but we appear in courts in other parts of Maine as well. In 2017, we provided full representation to clients with cases in courts and agencies located in Alfred, Auburn, Augusta, Bath, Biddeford, Bridgton, Houlton, Lewiston, Millinocket, Portland (including the Maine Supreme Judicial Court, Federal District Court, and Department of Homeland Security), Presque Isle, Springvale, South Paris, York, Wiscasset, West

[3] We have excluded from our calculations 33 prisoners with whom we had some contact but who were not eligible for our services due to their case type, who did not follow up after an initial contact, for whom the Clinic had to decline representation due to a conflict of interest, or there was some other reason that services were not provided. We have also excluded from our count the individuals, totaling 1591, who contacted the Clinic for legal assistance last year by calling or walk-in and who were provide referrals to other agencies due to a lack of available openings or ineligibility for representation by the Clinic.

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

Bath, Bath, and Boston, Massachusetts. Through the Prisoner Assistance Clinic, the Clinic serves, on a more limited basis, clients with legal matters arising anywhere in the state, covering nearly every District Court, many county probate courts, and some tribal courts.

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

The Clinic had 84 civil cases open at the start of 2017. During the year, the Clinic opened 410 new cases and closed 394. The Clinic has 98 civil cases open at this time. With the start of the new semester in January 2018, we expect to take on several new clients in the upcoming weeks.

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

The Clinic has complied in all respects with the proposal submitted in September 2015. As set forth in the Overview provided in this report, the Clinic has maintained all programs described in the proposal. The Clinic's central focus of providing high-quality full representation to low-income individuals has remained unchanged, while the Clinic continues to develop innovative ways to serve an even larger group of individuals on a more limited basis.

7. *Outcomes measurements used to determine compliance.*

The Clinic tracks data regarding its cases through the same case management system (LegalFiles) used by many of the other legal services providers. With this software, the can review the type and volume of cases handled each year. The caseload size is usually a direct result of the complexity of the cases, as well as student enrollment, which can depend upon the number of Clinic faculty supervisors, student interest, and overall law school enrollment. During 2017, there was nearly full enrollment in all clinical courses. Faculty supervisor approval is required for every case acceptance to ensure that the case falls within the Clinic's case acceptance parameters, including those set to ensure that we are complying with our 2015 proposal to the Commission.

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

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

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

8. Information regarding unmet and underserved needs.

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

CONCLUSION

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

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

Respectfully submitted,
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DISABILITY
RIGHTS
MAINE

DISABILITY RIGHTS MAINE
2017 ANNUAL REPORT TO THE
MAINE CIVIL LEGAL SERVICES FUND COMMISSION
JANUARY 15, 2018

Disability Rights Maine (DRM) is Maine's statewide protection and advocacy agency (P&A) for people with disabilities. Incorporated in 1977 as a private, nonprofit corporation, DRM's mission is to advance and enforce the rights of people with disabilities throughout the state. DRM currently employs 38 people, 13 of whom are attorneys.

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

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

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

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

In 2015, DRM also assumed the contractual duties and responsibilities of the former Maine Center on Deafness. DRM provides Peer Support services to individuals who are Deaf, Hard of Hearing or Late–Deafened and who have an intellectual disability. DRM administers the Telecommunications Equipment Program (TEP), a federal and state funded program that provides no cost adaptive specialized telecommunications equipment to individuals who are unable to use the telephone for expressive or receptive communication, or who face other barriers to telephone communications. DRM also provides advocacy services to Deaf, hard-of-hearing and late-deafened persons in the areas of employment, education, legal aid, health care, social services, finance, housing and other personal assistance. No attorney is currently employed under that contract.

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

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

DRM gets a small appropriation from the Legislature to represent children with disabilities in special education matters. DRM's Education Team consists of two staff attorneys. The Education Team adheres to strict priorities because the need is so great and the number volume is so high. They prioritize assisting children with severe disabilities who are being excluded from school or being restrained or secluded in school. DRM also has a transition priority because so many children with disabilities either graduate from high school or age out of the children's system with little or no

prospect for employment. The Education Team attorneys are part of the Children's Team.

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

Maine Civil Legal Services Funding
In 2017, DRM applied for funds to hire a full time attorney and was awarded 2.98 % of the Fund. In 2017, DRM received $ $43,554.52 from the Fund.

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

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

Appendix B includes 27 case examples that provide a sampling of the types of cases DRM attorneys handled during 2017. Because the amount of the award did not allow DRM to hire a full time attorney, the Fund award is used to supplement the provision of legal services to low-income Maine citizens with disabilities subjected to abuse or neglect or other rights violations. For example, DRM uses the Fund award to represent low-income Maine citizens who either want to live in the community or who want to continue to live in the community, including those

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

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

- **The types of cases DRM attorneys handled in 2017 are listed below:**

Problem Area	
Abuse, Neglect and Other Rights Violations	627
Beneficiaries of Social Security	11
Community Integration/Integrated Settings	135
Due Process	31
Education	184
Employment	23
Government Services & Public Accommodations	63
Guardianship	28
Housing	18
Total	1,120[1]

- **Number of people served;**

DRM Attorneys provided direct representation to 919 Maine citizens with disabilities, excluding citizens in state psychiatric hospitals. DRM advocacy staff provided representation to an additional 909 Maine citizens, including representation of Maine citizens in state psychiatric hospitals.

[1] Some individuals had more than one case

- **Demographic information about people served;**

Age:

Birth – 18	290
19 – 30	186
31 – 40	128
41 – 50	112
51 – 60	117
61 – 70	63
71 & Over	23
Total	919

Gender:

Female	390
Male	529
Total	919

Disability:

Absence of Extremities	1
ADD / ADHD	6
Autism	161
Blindness	4
Cerebral Palsy	29
Deafness	11
Diabetes	2
Digestive Disorders	1
Epilepsy	3
Hard of Hearing (not Deaf)	4
Heart / Other Circulatory	1
Intellectual Disability	437
Mental Illness	199
Multiple Sclerosis	1
Muscular Dystrophy	3
Muscular / Skeletal	2
Neurological Impairment	7
Orthopedic / Physical Impairment	24
Respiratory Disorders	1
Specific Learning Disability	8

Speech Impairments	1
Spina Bifida	2
Tourette Syndrome	1
Traumatic Brain Injuries	9
Visual Impairment (not Blind)	1
Total	919

County:

Androscoggin	68
Aroostook	32
Cumberland	216
Franklin	27
Hancock	7
Kennebec	113
Knox	31
Lincoln	26
Oxford	32
Penobscot	58
Piscataquis	7
Sagadahoc	36
Somerset	30
Washington	11
York	147
Out-of-State	4
Total	919

Race:

American Indian / Alaskan Native	7
Asian	4
Black / African American	9
Somali	2
White	537
Two or More Races	14
Race Unknown	343
Declines to Respond	3
Total	919

Ethnicity:

Hispanic / Latino	5
Not Hispanic / Latino	332
Ethnicity Unknown	582
Total	919

- **Geographic area actually served**; Statewide
- **Status of matters handled, including whether they are complete or open**
  Active in 2017: 1,120
  Opened in 2017: 742
  Closed in 2017: 496

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

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

DRM complied with the terms of the award by using Fund monies to pay staff attorney salaries to represent low-income Maine citizens with disabilities and not for any other expenses such as administrative costs, support staff salaries or advocate salaries. When DRM first received the first fund award, we expanded our case eligibility to representing select eligible children in special education matters but then made a decision to broaden eligibility to represent Maine citizens living in poverty who have a disability. This allowed us to be as flexible and as broad as possible in using the Fund allocation. In other words, we assess any case that comes through for merit, and as long as the caller has a disability, lives in poverty and has experienced discrimination or a violation of rights, they are eligible to be served using MCLSF monies.

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

Most cases come to the DRM through our intake process, many are direct referrals to staff or "field intakes" brought back from facilities, trainings and outreach and some come as "reportable events", where mandated reporters, including providers, report rights violations to the Department of Health and Human Services. After an in-depth intake interview, cases are reviewed by an attorney and assigned to either an advocate or an attorney. DRM has four teams comprised of both attorneys and advocates.

The Developmental Disabilities Team, Mental Health Team and Children's Team meet weekly.[2] The ADA Team meets every other week. DRM's teams meet to monitor cases and projects, to assess and record team progress on annual program priorities and to discuss issues of concern.

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

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

When a case is ready to be closed, the lawyer assigned to the case enters a closed case narrative into DRM's nationally based client management database and notifies the Legal Director that the case is ready to be closed. The Legal Director reviews the case for appropriateness of intervention, timely client contact, accuracy of data and quality of outcomes. The rare case that does not meet these standards is returned for correction and reviewed with the staff attorney during supervision. The Legal Director then places a note in the file approving the closing. A quarterly report, with sample case summaries, is prepared and sent to the Executive Director and the Board of Directors.

When a case is closed at DRM a two page questionnaire is mailed to clients with a cover letter from the Executive Director requesting that they complete the survey and return it to the agency in the self-addressed stamped envelope. The questionnaire is designed to generate feedback from clients on all aspects of DRM services including

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

input on annual priorities. When the surveys are returned, the responses are entered into a database, the compiled results of which are shared quarterly with the DRM Board of Directors.

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

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

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

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

- **Unmet and underserved needs**

Unfortunately, the list of challenges for DRM this year remains similar to the list of challenges from last year. The need for our services continues to grow and grow but the funding remains flat or worse, is decreased by Congress. This year could be one that puts severe strain on DRM and other P&As. At best, our federal programs will be flat funded. DRM could face considerable cutbacks, while costs and demand continues to increase. Recipients of services under DRM's federal programs must meet strict eligibility criteria in order to receive services and the program dollars are relatively small and yet completely restricted. Fund monies allow DRM to serve the legal needs of low income Maine citizens who we would otherwise turn away.

Specific needs that DRM cannot adequately address currently include:

- The increasing number of youth being placed out of home and medicated, including in psychiatric hospitals and residential treatment, and out of state. *Olmstead* claims need to be filed on behalf of these kids. Residential providers seem to have adopted a technique long used by providers of adult services of criminalizing behavior that is a manifestation of the child's disability. Residential providers are calling law enforcement more and more, resulting in more children with disabilities being ensnarled in the criminal justice system and being placed in juvenile detention facilities.[3] Residential providers then refuse to take those children back and they languish in juvenile detention facilities.

- There are more than 500 provider agencies just for people with intellectual disabilities and autism and unfortunately, we often find rights violations when we get into these places where people live and spend their days. These people need increased access to lawyers. Providers seemed to have mounted a coordinated publicity campaign that drastic service cuts will occur if rates are not increased.

- Assisted Living Facilities (ALFs) and other residential care providers continue to refuse people to return to their homes after hospitalization. We know that we are barely touching this systemic problem of individuals with disabilities admitted to the hospital, then clinically ready to be discharged back to their home in the community, but denied on the basis that that the community based facility where they were admitted from is claiming that, due to the increased acuity of the person's disability, the community based facility can no longer provide services. When we make or file a reasonable accommodation request under the various disability rights statutes, FHA, ADA, 504, MHRA, etc., we almost always address the barriers and ensure the person can go back to their home in the community instead of either (a) remaining in the hospital for who knows how long or (b) being sent to a more restrictive environment. DRM needs to be able to respond to facilities that refuse to grant these reasonable accommodations, with a progressive response including litigation. We are also finding that children's residential care providers are doing this with children as well.

- The biggest category of cases that our developmental services team currently turns away is guardianship cases. These cases are vitally important to improving the lot for people with disabilities because they deal squarely with the prevention (or restoration) of the full and utter deprivation of almost all civil rights. They are also

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

cases that become very involved and time consuming. We can only take the cases where exploitation, fraud, abuse or neglect are involved, but we see guardians, with the support of the providers, depriving clients of their rights every day.

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

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

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

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

- Maine needs much, much more legal work in the juvenile justice system. This includes Long Creek as well as "preadjudicated" youth in jails. We need to do conditions cases and we need to focus on the problem of children remaining in detention for months, ensuring transition from detention/commitment is done with adequate supports, etc. We also need to bring schools to account when the only reason a child is involved in the system is for school based "offenses" - (the strategy here would be to bring due process hearings when there were special education

violations, then go to the juvenile court with the settlement or the favorable decision and ask that the matter be dismissed because the student is now getting the services they need). DRM is now a member of the Juvenile Justice Advisory Group and is working with other stakeholders on this issue.

- DRM handles lots of education cases but the need far outstrips DRM's ability to serve. Children are suspended, expelled, restrained and secluded in schools, sometimes as young as 5 years old, and are not receiving the appropriate educational and support services to which they are entitled.

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

- Access remains a serious problem for people with disabilities - both physical access to public accommodations for people with mobility impairments as well as programmatic access for Deaf, Blind and other people with disabilities. Maine needs more lawyers handling these cases. The 127th Legislature passed legislation granting DRM standing to pursue cases against public accommodations under the Maine Human Rights Act that are not accessible to people with disabilities. We are working to make Maine accessible to people with disabilities.

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

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

- The crisis system in Maine is itself, in crisis. Crisis is the safety net for people with disabilities. Maine citizens with intellectual disabilities and autism who need a crisis bed often can't find one. Adults with mental illness are told to go to emergency departments when in crisis. Children are sent to hospital where they can languish for months. DRM is looking at ways to address this issue.

Appendix A
DRM's Federal and State Programs

Federal Programs

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

In order to receive federal funding under the DD Act, states were required to create and designate a P&A agency. In 1977, the Maine Legislature had the foresight to create Maine's P&A agency independent of state government. Later that year, then Governor James Longley designated the Advocates for the Developmentally Disabled (ADD) as the state's P&A agency. ADD later changed its name to Maine Advocacy Services, and then to Disability Rights Center (DRC). DRC became DRM in 2015. The state statute, 5 M.R.S.A. §19501 et seq., is modeled on the DD Act and PAIMI Act, discussed below.

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

3. The third federal grant established the Protection and Advocacy for Individual Rights (PAIR) program, 29 US.C. §794e. Established under the Rehabilitation Act

Amendments of 1978, PAIR was not funded until 1994. PAIR funds were intended to serve all individuals with disabilities not covered under the DD Act or the PAIMI Act. Because the PAIR funding is so limited and yet the eligibility is so broad, DRM developed case selection criteria prioritizing civil rights. DRM's PAIR cases involve violations of the Maine Human Rights Act, the Americans with Disabilities Act, the Fair Housing Amendments Act, and/or the Rehabilitation Act. Additionally, PAIR provides legal services to MaineCare recipients who have experienced a denial, reduction or suspension of services.

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

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

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

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

Each funder requires DRM to report each year on program priorities and how funds from each program were spent. As a result, DRM has developed very sophisticated

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

State Programs

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

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

3. In April of 2015, the Maine Center on Deafness (MCD) Board of Directors, a small nonprofit organization in Portland providing telecommunications equipment to and advocacy for Deaf Mainers, asked DRM's Executive Director, Kim Moody, to become the MCD Executive Director. DRM's Board of Directors approved. Kim Moody quickly determined that due to overwhelming debt and financial mismanagement, MCD was insolvent and needed to close its doors.

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

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

Due to DRM's and Kim Moody's reputation for excellent fiscal and programmatic management, each of the contractors asked DRM to take over the contracts and services, so DRM was able to keep the MCD staff and continue to fulfill MCD's contractual duties. The former MCD closed its doors on June 30, 2015 and reopened under a new name on July 1 with the same staff, in the same building they had been in for 18 years and offering the same services to the Deaf community in Maine.

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

Appendix B
Sample Closed Case Report 2017

DRM Protects Client's Religious Freedom

DRM received a reportable event that the guardian of a 26 year old woman with an intellectual disability told the client that she was not allowed to participate in holidays that are against the guardian's own religion. DRM met with the individual, her guardian, and her support staff and informed the guardian that she did not have the right to infringe on the individual's freedom of religion and the guardian agreed that she would not block the individual from participating in the upcoming holidays.

DRM Has Advocated for Mental Health Clients Involved with the Criminal Justice To Get Appropriate Treatment

- DRM helped a 48 year old man with mental illness who went to a local hospital seeking treatment, but who then charged with assault by the emergency department. The individual was then sent to jail rather than receiving treatment. The jail was ill equipped to provide adequate mental health and was seeking to transfer the client's to a psychiatric hospital. DRM successfully advocated with both state and private psychiatric hospitals for his admission.

- DRM assisted a 66 year old man with mental illness who severely injured himself while in mental health crisis in a prison mental health unit. DRM advocated for appropriate mental health treatment, attended court hearings with his defense attorney and advised the client and his attorney on the possible options for him to get appropriate mental health treatment. As a result the man was transferred to a healthcare facility, with his agreement, and began receiving mental health treatment.

- DRM assisted a 24 year old woman in a psychiatric hospital to secure a court appointed attorney for a criminal matter, and then worked with the client, her attorney, and her treatment team to develop a comprehensive discharge plan that addressed her needs.

DRM Worked to Keep Clients In Their Homes

- DRM stopped a 34 year old man with mental illness from being evicted from his apartment. Client was served with an eviction notice based upon a bed bug infestation where landlord did not provide reasonable accommodations for

client's mental illness despite requests. DRM engaged with landlord, client, and client's case worker to facilitate communications and arrangement of client's requested accommodations. Client briefly stayed in a motel while bed bug treatment and cleaning was completed in client's apartment. Client's landlord agreed to drop the eviction complaint, after a discussion with their attorney.

- DRM stopped the eviction of 49 year old woman with mental illness who was served with an eviction notice based upon complaints from neighbors, the substance of which she disputed. DRM determined that the property was financed through federal rural development funds and therefore the landlord was required to give the client a notice and opportunity to cure prior to serving her with the eviction paperwork. When DRM pointed this out to the landlord's attorney, the attorney agreed to drop the eviction complaint.

- An eviction action brought against a 45 year old man with mental illness who was living in an apartment building specifically funded to assist homeless individuals was dismissed after DRM got involved. Client's landlord, a mental health agency's corporate entity that handled its real estate business, sued the client for eviction using a "no cause" procedure. DRM filed a brief arguing that due to homeless funding the landlord was required to obtain written permission from the project's funders to proceed to evict anyone without having any cause. Court ordered mediation was unsuccessful. DRM's argument caused the landlord to reconsider its position and they voluntarily dismissed the eviction action prior to the next hearing date.

Hospital Policy Changes

- A 16-year-old girl with mental illness who was restrained by hospital personnel after she refused to disrobe into hospital clothing complained to DRM. DRM reviewed hospital policies and researched best practices related to the requirement to disrobe and the use of security staff for physical restraints. DRM facilitated a meeting between the hospital and the client. The hospital conducted an internal investigation and determined that the use of physical restraint in the client's situation was not appropriate or consistent with their policies. As a result, changes were made to both policy and training regarding the need to individually determine if a client is a danger to themselves or others before they are required to disrobe. Additionally, the hospital determined that clients under the age of 18 will not be treated in the hospital's psychiatric emergency department. DRM successfully negotiated increased training for

staff in mental health first aid and a rights training conducted by DRM. Finally the hospital is working with the client to improve the design of "safe clothing", including undergarment for children in the emergency department.

- DRM represented a 46 year old woman with mental illness in an informal grievance against a hospital emergency room after she had been inappropriately restrained while awaiting a psychiatric evaluation at a general hospital's emergency room. The hospital agreed to a meeting with the client and DRM with the doctor who was the chief for the entire emergency department, the director of nursing, the director of patient relations and the director of quality management. The hospital acknowledged that they have no specialty in psychiatry and that the client's treatment had not been adequate. They indicated that they had since hired a part time psychiatrist to assist the emergency department. They also agreed to work with DRM to explore the possibility of the use of some type of peer support services and assistance with obtaining additional services from the state for individuals who remain in their emergency departments for extended periods of time.

Client Dumped Into ED Readmitted to ALF After DRM Successfully Appeals
A 64 year old man with mental illness who had been dumped into a hospital emergency room by that facility was readmitted to an Assisted Living Facility due to DRM's appeal. The client experienced a mental health crisis and was brought to the emergency room for treatment. When he was ready for discharge back to the facility, the facility refused to readmit him. DRM immediately filed an administrative appeal in order to ensure his bed was held open pending an administrative hearing. DRM thereafter worked with the facility, as well as the client's community and hospital based providers, to work out a solution. The facility identified lack of staff training as a barrier for the client's return. Additional training was identified, staff attended, and the client was readmitted back to his home from the hospital.

ALF Adopts Reasonable Accommodation Policies After DRM Files with MHRC and Then Sues
An Assisted Living Facility (ALF) adopted reasonable accommodation policies and was required to participate in disability rights training as a result of a settlement in a case the DRM brought against the facility on behalf of a 67 year old man with mental illness. The ALF placed the man, who had been the victim of trauma during his childhood in a room with a roommate that triggered this trauma causing conflict with the roommate. This caused the client to be admitted into an emergency room for

mental health treatment. The ALF then refused to allow the client to return from the hospital when he was ready for discharge, citing to the conflicts with his roommate. The client spent the next 3 months in the hospital before finding another placement. DRM filed a complaint with the Maine Human Rights Commission (MHRC) and later with the Maine Superior Court alleging violations of the Fair Housing Act and Maine Human Rights Act on the basis of failure to accommodate the client's disability by not exploring the client's request for a different roommate. The MHRC joined the suit due to their administrative finding that there were reasonable grounds to believe that the client was the victim of disability discrimination. The ALF agreed to enter into a Conciliation agreement with the client and the MHRC where the ALF, subject to the approval and monitoring of the Commission, would adopt non-discrimination polices and undergo training.

Client Speaking Out and DRM Intervention Results In Parties Working Towards Long Term Systemic Change in EDs

A 24 year old woman with mental illness reached out to DRM after she was restrained by security guards in an emergency department of a community hospital, had piercings forcibly removed, and faced criminal charges due to the struggle with security. DRM met with hospital administration and a work-group consisting of nursing administration, DRM, ED staff and the psychiatrists from the psychiatric facility was formed. The parties have been working on a long term plan for better treatment of patients in the emergency department, long term strategies for improving both the care in the emergency department and helping to reduce the amount of patients stuck in the emergency department awaiting placement.

Client Discharged to Hotel and Not Shelter Because of DRM

A 41 year old with mental illness was going to be discharged from a psychiatric hospital. He had both physical and psychiatric disabilities but was without housing and did not want to be discharged to a homeless shelter. DRM successfully advocated with the hospital social worker for the client to obtain both emergency funds for a hotel and a housing voucher in order to obtain longer term housing.

DRM Resolved Statewide Transportation Issue with State

DRM received numerous complaints from adults with an intellectual disabilities residing in a group homes and attending day programs, because transportation brokers, responsible for arranging transportation, said they were reducing their reimbursement rates to home agencies providing transportation to day program. The brokers said the agencies were responsible to provide transportation. The agencies

then threatened to cut off transportation due to the insufficient reimbursement rates offered by the broker. DRM spoke with the parties, and, as this was an issue affecting numerous other clients, and met with state officials who advised brokers it was their responsibility to arrange transportation.

Guardianship and Alternatives

- **Guardianship Terminated Due to DRM**

DRM successfully represented a 32 year old woman with mental illness in an uncontested hearing to terminate her guardianship. The client had been under public guardianship for over 15 years and the public guardian initially did not want to relinquish its role as guardian. The client's psychiatric and clinical providers all agreed that the client had made great strides in her recovery over the last several years, including successfully moving from a group home to her own apartment and finding a new community mental health provider after the one she had been affiliated with suddenly went out of business. DRM presented all of this clinical information to the public guardian who agreed not to contest the client's petition to terminate her guardianship. The probate court agreed and the judge terminated the guardianship and as a result the client was now able to make her own choices regarding all of her life decisions.

- **SDM an Alternative to Guardianship**

A young adult with an intellectual disability contacted DRM to learn more about guardianship and supported-decision making (SDM). Client felt overwhelmed with the prospect of making his own decisions (he had recently reached the age of majority) and was indicating that he wanted to be under guardianship. DRM met with the client, his case manager, and his in-home supports and provided information on what guardianship is, and how SDM could be a viable alternative to guardianship. DRM explained that even if he does not have a guardian, it doesn't mean he can't utilize supports in making decisions. After receiving the information, the client indicated that he did want to continue to be able to make his own decisions with SDM.

Maintaining Services

- **Client Retains Services Due to DRM Representation at Hearing**

DRM successfully represented a 48 year old woman with mental illness in an administrative appeal of a MaineCare termination of her services. The state maintained that she was not progressing quickly enough in her recovery. The client's community service providers testified that she had made great strides in her recovery and that if the DLS services were terminated she would be at increased risk of suicide. The administrative hearing officer overturned the termination decision and the client was able to continue to receive her necessary community mental health services.

- **DRM Successfully Appeals Termination of Services**

DRM successfully represented a 56 year old woman with mental illness in an administrative appeal of a MaineCare termination of her community mental health services. The state notified the client that her services were being terminated due to their assessment that the services were duplicative, asserting that the client was living in a nursing home. The client, however, was not living in a nursing home but rather an assisted living facility. Her providers were of the opinion that without these community services she would be at an increased risk of suicide. DRM repeatedly contacted the managed care agency and informed them of their error and the opinion of the providers, but the state refused to withdraw the notice of termination notwithstanding being informed of its error and the effect of termination on the client. A hearing was held and the hearing officer overruled the managed care agency's termination finding that the client was not living in a nursing home but rather an assisted living facility. The client was able to continue to receive her vital community based services.

- **Autism Client Diagnosed After the Developmental Period Found Eligible for Developmental Services Because of DRM Advocacy**

DRM represented a 52 year old man with autism and mental health diagnosis to get developmental services after the client was admitted to a psychiatric hospital. The client was not diagnosed with Autism until later in life, after the developmental period. DRM appealed the developmental services denial and successfully advocated with DHHS for an alternative eligibility process. DHHS then approved the client for waiver services and the client will be discharged from the hospital once the client finds a waiver home.

- **Client Approved for Developmental Services After DRM files Reapplication**

A 46 year old individual with an intellectual disability and his guardian contacted DRM the individual had been incorrectly denied developmental services. DRM met with the individual and reviewed all of the records, requested the application be reconsidered with a focus on information that had not been properly considered in the past. The department provisionally approved services and then granted permanent waiver funding to the individual.

Education Cases

DRM Files Complaint; Student Get Services Outlined In IEP at Mediation

A 4 year old student with a developmental delay was not receiving the services in his Individualized Education Program (IEP) including a 1:1 educational technician, and as a result was not able to access his classroom. He missed dozens of days of school and was regressing in all areas. DRM filed a complaint on behalf of the student and represented the student at mediation, where an agreement was reached wherein a 1:1 was hired, the student was provided with an extra hour of programming per day and an extra hour of tutoring per week of specially designed instruction, and attorney's fees for DRM.

Student Determined Eligible Following DRM Mediation Effort

The parent of a 9 year old student with autism contacted DRM after the school refused to find the student eligible for services because the student was extremely intelligent and was not having academic difficulties. But the student was having social and emotional difficulties and, as a result was subjected to unnecessary exclusions from school and discipline. The DRM attorney represented the family in a mediation, which was continued to allow for an eligibility IEP meeting. DRM assisted the parent in preparing for this meeting where the student was found eligible for special education, a behavior analyst was added to support his IEP team, social skills instruction and related services, including OT, were provided, and an appropriate IEP was developed.

Case Settles at Mediation After DRM Files for Hearing

DRM filed a due process hearing requests on behalf of two 3 year old brothers with developmental delays who were not receiving the services in their IEPs and had been without services for 4 months. The State's early intervention services provider failed to timely implement the Students' IEPs and there was no placement proposed. At

mediation, the parties reached a settlement that included immediate placement, compensatory education, parental reimbursement, and attorneys' fees.

Student Gets Services After DRM Files Complaint
The parent of a 4 year old student with autism contacted DRM because the student was not receiving the services in his IEP from the early intervention services. DRM filed a complaint with the State. DRM also represented the student at an IEP Team meeting where the it was agreed to provide the services in the student's IEP within a week and provide compensatory education to make up for the time that he missed due to the delay in implementation of the IEP.

Student Identified and Gets Services After DRM Files for Hearing
The parent of a 10 year old student with a mental illness contacted DRM because the student was being repeatedly removed from his school and his classroom. The school had determined he was not eligible for special education because he was achieving academically commensurate with his same age peers. DRM filed a due process hearing and then negotiated an interim agreement where the school agreed to use two evaluators selected by the parent to complete an evaluation. Once the evaluation was completed, the student was determined to be eligible for special education and an appropriate IEP was developed. In addition, the school engaged one of the evaluators to provide ongoing training and support for staff in implementing the behavior plan designed to put an end to removals from school and the classroom.

DRM Files Complaint About the Use of Seclusion and Restraint at a Special Purpose Private School
The parent of a 10 year old student with autism contacted DRM because of the frequent use of restraint and seclusion on the student while he attended a special purpose private school (SPPS). The student was placed at the school by his IEP Team. When his parents learned that the student had endured over 100 restraints or seclusions during the three months he attended the SPPS, they convened an IEP Team meeting and successfully returned him to an elementary school in the district. DRM submitted a local complaint to challenge the school's over-dependence and lack of proper documentation of such practices, pursuant to state regulations. The SPPS responded with corrective measures, agreeing to revise their forms to include more detail showing the administrator's oversight, the risk of injury or harm to the student or others, the names of the staff person(s) involved, the discussion on ways to prevent or reduce the future needs for restraint/seclusion, and student debriefing. Additionally, they agreed to re-educate staff on the documentation requirements. And,

they provided records that showed the involvement of more staff than previously seen and a bit more information on the antecedents to their use of these interventions.

DRM Files Two Hearings and a Federal Court Appeal Before Student Has a Placement

It took two due process hearings and an appeal to federal court, for DRM to restore the right of a 7 year old to a full school day. DRM also secured a compensatory education fund to address the time the student was denied an appropriate education, obtained agreement to pay an expert in inclusive education for ongoing consultation to develop a plan to support the student in returning to his neighborhood school, and received a significant contribution toward fees and costs. When the family contacted DRM, the Student had been removed from school for over a month with no educational placement. He had been placed in a special education program in a nearby district because his home school did not believe it could serve him. The neighboring district called a meeting to give 5 days notice that he was no longer welcome in their program. DRM brought a due process hearing against both school districts. The expedited hearing proceeded against the resident district after the hearing officer dismissed the serving school district. DRM prevailed on the primary issue - that the removal from school was a disciplinary change in placement and violated the Student's right to a free and appropriate public education. But the hearing officer declined to order compensatory education, indicating that this was a matter for a regular due process hearing. In addition, although it was not an issue before the hearing officer, there was an order for a 45 day placement. This order was made because at the time of the hearing, the district still had not found a placement for the Student. The Parents reached an agreement with the district to place the student in a 45 day placement other than the one selected by the hearing officer. DRM appealed, while also bringing claims under Section 504 and the ADA against the school district that had improperly excluded the Student. At the conclusion of the 45 day placement, the District still had not located an appropriate placement for the Student, and instead tried to make the 45 day placement permanent. As a result, another due process hearing was filed. This second hearing addressed the issues the hearing officer initially declined to reach in an expedited hearing, as well as the failure of the school to return the student to the placement from which he was removed after the 45 day placement. On the same day, DRM also filed the federal court case described above. A global settlement was reached which resolved all matters. In addition to the compensatory education and fees in the settlement, the school was required to fund the services of an expert in inclusive education. Consultation from that expert is ongoing and an IEP

meeting has been scheduled to discuss the steps necessary to return the Student to his neighborhood school, a transition the family expects will be completed during the current school year.

IMMIGRANT LEGAL ADVOCACY PROJECT

FY 2017 Annual Report (January 1, 2017 – December 31, 2017)

The Immigrant Legal Advocacy Project (ILAP) is pleased to present the Maine Civil Legal Services Fund Commission with its 2017 Annual Report.

1. Introduction

ILAP serves indigent and low-income noncitizens and their US citizen family members. ILAP offers the following services: 1) Full legal representation for persons with complicated immigration issues. Full representation is provided by our *Pro Bono Asylum Project* and by ILAP staff through our *Full Representation Program.* 2) our *Immigration Clinic* offering attorney consultations and group legal informational workshops with eligibility screenings and *pro se* immigration application assistance and brief interventions for persons with slight immigration complications; and 3) *Education and Outreach* to immigrant communities and to service providers.

ILAP serves clients with incomes up to 200% of the annual federal poverty guidelines. Those who are within 150 – 200% of poverty are charged low fees for ILAP's services. Clients with incomes below 150% of poverty are not charged legal fees. In 2017, 99% of our clients were not charged fees for the legal aid provided to them by ILAP.

The grant from Maine Civil Legal Services Fund (MCLSF) helps sustain ILAP's free legal services across all of our legal programs. **Funds received from MCLSF for 2017 were critical to our ability to offer legal assistance to benefit a total of 4,632 individuals in 2,362 households**. Of those impacted by ILAP's services, 1,800 were children.

During 2017, **ILAP provided direct legal services to 3,159 individuals.** Of those, 3,127 were provided services at no fee (99% of our clients) and 32 individuals at low-fee, residing in fifteen of Maine's counties. **An additional 1,473 household family members were impacted when ILAP assisted their family member in gaining or improving legal status.** The MCLSF grant was applied in the manner that ILAP proposed in its request for funding. MCLSF funds were only used to support cases in which the client was not charged a fee.

2. Types of Cases Handled by ILAP

ILAP specializes in Immigration and Nationality Law matters, representing clients in civil proceedings before the Department of Homeland Security's Citizenship and Immigration Services, Immigration and Customs Enforcement, and Customs and Border Protection; before the State Department, the Executive Office for Immigration Review, including the Immigration Court of Boston and the Board of Immigration Appeals, and before the Federal District Court of the District of Maine and the First Circuit Court of Appeals. Virtually all of ILAP's work is in these Federal venues. ILAP also provides a very limited amount of advocacy with State administrative agencies, specifically the Department of Health and Human Services or the Bureau of Motor Vehicles. This advocacy is strictly concerning issues such as immigrant

eligibility for public benefits or for Maine drivers' licenses and ID cards, respectively, or proving U.S. citizenship for U.S. citizens born abroad who have no proof of their U.S. citizenship.

ILAP prioritizes the following: cases of asylum seekers, noncitizen domestic violence, crime, or trafficking victims' cases, unaccompanied minors, cases involving family reunification, and cases of individuals in removal proceedings who would be separated from their U.S. citizen or permanent resident immediate family members if they were to be deported. ILAP also handles applications for citizenship, "Temporary Protected Status," work permits, replacement documents, and other immigration matters as our capacity allows. We do not handle any employment-based immigration matters, referring those cases to private attorneys.

3. Number and Demographics of People Served under the Grant

In 2017, the MSCLF grant supported direct legal aid provided at no fee to 3,127 individuals,[1] 1,622 of whom received various services through ILAP's *Immigration Clinic*. Other clients received full representation, including those whose cases were opened in 2017 and those whose cases were opened in prior years and were still ongoing in 2017.

In 2017, ILAP's clients came 15 of Maine's counties. The following demographics were represented: Males: 53%; Females: 47%; under 18: 15%; ages 18-60: 80%; over 60: 5%.

Additional demographics include the number of clients in the category of citizenship: U.S citizens by birth: 1%; U.S citizens by naturalization: 4%; noncitizens: 95%. Our clients identified themselves with the following ethnicities: African: 66%; Caucasian: 33%; Asian: 1%.

ILAP also collaborated in 2017 with dozens of entities statewide, including the Refugee and Human Rights Clinic at the University of Maine School of Law, domestic violence prevention programs from York to Aroostook counties, city governments, hospitals, schools, Maine's Congressional delegation, adult education centers, churches, counseling centers, homelessness prevention programs, Immigration authorities and the Immigration Court of Boston.

4. Status of Matters Handled Under the Grant

In FY 2017, ILAP's **10.95 FTE legal staff**, augmented by **over 200 volunteers**, provided the following free legal services:

Immigration Clinic: The *Immigration Clinic* is ILAP's first point of contact with clients. Services range from intake screening (which sometimes involves brief legal advice; or referral in cases where the individual requires other services) to attorney consultations in Portland, Lewiston, or Milbridge. Consultations are also conducted in conjunction with outreach events across the state. Persons served in the *Immigration Clinic* may also receive additional *Immigration Clinic* services such as Forms Assistance or Brief Intervention. Forms Assistance includes providing *pro se* immigration application assistance or other assistance to persons needing legal help but lacking major complications. Brief Interventions occur when ILAP helps a client

[1] 99% of ILAP's clients received free services in 2017. Those who attend our education and outreach events, all provided without charge, are not included in the "direct services" number.

resolve a complication that can be resolved without entering a notice of appearance. If needed, ILAP accepts the case for full representation.

All *Clinic* Services: 1,341[2] matters, directly benefiting 1,638 individuals. Services included:

- 821 attorney consultations for 476 individuals;
- 180 individuals received brief legal advice during intake screenings (in addition, 92 individuals were referred during intake, and are not counted as matters);
- 40 individuals detained on immigration charges received a consultation on their legal rights and legal options;
- 29 persons received brief interventions (without an ILAP attorney entering her appearance as the person's attorney);
- **1,067*** *pro se* immigration forms assists were completed (and an additional 145 were in progress at year's end) including:
    - 158 permanent residency applications;
    - 68 citizenship (naturalization) applications;
    - 44 asylum application;
    - 14 family-based visa petitions;
    - 63 work authorization applications completed;
    - 19 applications for Temporary Protected Status;
    - 9 Applications under President Obama's Deferred Action for Childhood Arrivals (DACA) program completed;
    - 231 other types of applications or assists (including applications for replacement permanent resident cards, refugee travel documents, and humanitarian parole, among others);
    - 441 individuals received self-help packets for asylum work permit applications, and received individualized advice on completing the application.

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

Full Legal Representation: In 2017, ILAP's staff and *Pro bono Immigration Panel* attorneys provided full representation services in **267 cases, benefiting 340 clients with complicated immigration issues** (including cases still open from prior years). This includes **182 asylum seekers** who were represented through our ***Pro Bono* Asylum Project** (159 represented by *pro bono* attorneys and 23 represented by staff attorneys). Case activity under the grant included[3]:

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

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

- Cases opened: 42
- Cases closed: 42
- Cases open at year-end: 227

Individual Outcomes: 445 full representation services were provided to ILAP clients.

- Asylum applications granted: 21 (9 were affirmative, 13 were defensive cases in immigration court).
- Asylum applications pending or in preparation: 138 (note: the asylum office and immigration court have years' long backlogs);
- Initial stage of residency granted: 41 (including 9 domestic violence survivors' cases).
- Initial stage of residency applications pending or in preparation: 38 (including 16 domestic violence or trafficking survivors' cases and 8 unaccompanied minors);
- Permanent residency (final stage) granted: 27 (including 9 domestic violence victims and 1 unaccompanied minor);
- Permanent residency (final stage) applications pending or in preparation: 20 (including 4 domestic violence survivors' cases and 5 unaccompanied minors.
- Employment authorization applications granted: 13
- Employment authorization applications pending or in preparation: 19;
- Naturalization to U.S. citizenship applications granted: 8, and 1 in preparation;
- Removal proceedings successfully terminated (to allow applications to be pursued affirmatively before USCIS), or closed (because relief granted): 1;
- Cases finally denied (including after appeals): 0
- Other applications approved: 117.

ILAP measures the quality of its full representation work by tracking the outcomes of all intermediate or final decisions received. In 2017, ILAP had a 100% approval rate for full representation cases that received a final decision. Immigration cases can take years in the ordinary course to receive final decisions; three to five years is common.

Education and Outreach: During 2017, ILAP conducted **42 education and outreach events** throughout the state attended by **1,791 immigrant community members and service providers**, regarding relevant Constitutional and immigration laws. Outreach events included monthly workshops for asylum seekers who are applying for asylum without a lawyer, domestic violence service providers, and outreach to migrant workers employed in Maine's agricultural harvests. Additionally, ILAP was quoted and interviewed in the media (radio, TV and print) around various immigration issues.

Impact Project:

In 2017, ILAP experienced many challenges with new immigration policies and enforcement activities that increased the need for our services. As Maine's only statewide immigration legal aid organization, ILAP is the place the immigrant community and the public turn to for information and legal assistance, and for leadership on immigration advocacy issues.

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open for years while we await the date the wife will reach the top of the waiting list so the final stage of the residency application with Immigration or the State Department can begin.

In response to the new immigration policies, ILAP staff provided free legal consultations to individuals who wanted to know their legal options. Staff analyzed new immigration policies and quickly provided translated advisories for the immigrant community; conducted outreach and know-your-rights presentations in Portland, Lewiston, Milbridge, and Cumberland County Jail; and provided updates to partners on the Maine Immigrants' Rights Coalition (MIRC) about national immigration policies and enforcement. Staff also communicated with Maine's Congressional delegation on federal immigration laws and policies.

In December of 2017, we hired our first Advocacy and Outreach Attorney. She will focus on federal immigration issues that impact Maine's immigrant communities. She will conduct outreach throughout the state to immigrant communities impacted by new immigration laws and policies to ensure that they are informed of their rights and their legal options.

5. Unmet or Underserved Needs:

Although ILAP provides a tremendous amount of service while remaining an extremely lean organization, many of those seeking ILAP's assistance cannot be served due to lack of capacity. The demand for Immigration law assistance grows each year, but our funding does not allow ILAP to continue to grow in a corresponding fashion. We are ineligible for federal funding through the Legal Services Corporation because of our client base. Therefore, we rely upon private funding to support our work. The decline of important recurring funding sources remains a particular challenge to ILAP's ability to meet increased demand.

In 2017, ILAP turned away 70 individuals who were eligible for our services and needed legal assistance, but we lacked the capacity to serve them. This includes 47 asylum seekers. We know that there are many more who do not come to ILAP because they have heard that we are unable to serve everyone. For example we know from data provided by the Cities of Portland and Lewiston that **there are over 1,500 low-income asylum seekers** in those cities. But **we were only able to represent 182 asylum seekers in 2017.** Therefore, we have continued to expand our *pro se* education and outreach, including monthly asylum seeker workshops.

We continued to take steps in 2017 to expand *Pro Bono* Panel capacity, but we continue to be outpaced by the demand for Immigration legal services in general and asylum representation in particular. **In 2017, over 160 *pro bono* attorneys donated more than 3,000 hours of their time, valued at over $500,000 representing asylum seekers.**

Expanded Services in Lewiston and Milbridge

In 2018, ILAP will open a full-time Lewiston Office in response to a growing demand for immigration legal services, particularly asylum, and an increase in the number of individuals who are turning to non-attorneys for assistance because of the lack of services available.

In 2016, we first expanded our Lewiston Project and hired a part-time staff attorney, Meg Moran, Esq. to provide weekly consultations to asylum seekers. Before that, we were only traveling to Lewiston once per month. In 2015-2016 there was a significant increase in the

number of asylum seekers who had moved to Lewiston and needed immigration law assistance. Many were turning to individuals in the community to help them complete their asylum applications. As a result, they were making errors that can lead to denied applications and ultimately deportation.

We have used collaborations to expand our services with very little overhead and with one part-time attorney. This includes a collaboration with Bates College, which provides work-study students from the French Department to interpret for our client meetings; Lewiston Adult Learning Center which provides donated office space; and Berman & Simmons which participates in our *Pro Bono* Asylum Panel.

In early 2018, we will open a Lewiston office with a full-time staff attorney. We will continue to collaborate with the Lewiston Adult Learning Center and Bates College. With a full-time attorney in Lewiston, we will be able to assist more clients. Our Lewiston attorney will also dedicate more time to recruiting, training, and mentoring *pro bono* attorneys in Lewiston.

In 2017, ILAP continued to provide expanded services in Milbridge to vulnerable individuals in need of immigration legal assistance. In 2016, we expanded our presence in Milbridge with bi-monthly staff visits to provide individual consultations, client meetings, and outreach to individuals needing immigration legal aid. Every other month one attorney and one paralegal have spent two days to assist clients in donated office space provided by Mano en Mano. This project is funded by the MJF ESO Endowment Fund, and was initiated to assist vulnerable noncitizens, especially domestic violence victims, minors, trafficking victims, and migrant farm workers, who live in rural areas and who were unserved or underserved due to our limited physical presence. Clients and service providers had previously expressed frustration with geographic barriers, which can keep people from seeking legal assistance. It is also difficult for us to reach communities who do not know about our services or who are unable travel to our office. Without access to ILAP, vulnerable noncitizens remain without legal status, are unable to work, obtain a driver's license or social security card, or to meet their basic human needs, and cannot qualify for services from Pine Tree or VLP because of their status. This project was especially important in 2017, as individuals in rural areas of the state are particularly vulnerable to changing immigration policies.

6. Conclusion

The MCLSF was a critical partner in ILAP's mission in 2017, as we successfully provided information and advice to thousands of Maine's low-income residents. ILAP helped hundreds of low-income immigrants pursue their dreams of permanent residency and citizenship or attain safe haven from persecution or domestic violence, reunite with immediate family members or defeat removal proceedings and remain with their families here in the U.S.

The MCLSF grant was an essential component of our funding mix, helping to sustain all of our free legal services, education and outreach, and systemic advocacy efforts. As Maine's <u>only</u> non-profit legal aid agency offering statewide comprehensive immigration law assistance, ILAP offers a vital service to low-income individuals throughout the State who have nowhere else to turn. With the support of the Maine Civil Legal Services Fund, in 2017 ILAP changed the lives of many of our newest Mainers. ILAP is extremely grateful for the MCLS Fund's support.

Legal Services for the Elderly
Annual Report to the Maine Civil Legal Services Fund Commission
Calendar Year 2017

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 2017. The financial support provided to LSE by the Maine Civil Legal Services Fund ("MCLSF" or the "Fund") is used to provide free legal help to disadvantaged seniors when their basic human needs are at stake. This includes things like shelter, sustenance, income, safety, health care and self-determination.

In 2017, LSE offered the full range of legal services described in the request for funding submitted by LSE to the Commission. During this reporting period, the Fund provided 21% of the funding required to provide the legal services described in this report. The Fund remains LSE's largest source of funding and LSE would not be able to provide services on a statewide basis without the support of the Fund.

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

STATISTICAL INFORMATION

Number of People Served and Legal Matters Handled

In 2017, LSE provided free legal help to 4,729 Maine seniors in 5,787 cases involving a broad range of civil legal problems, including the following:

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

This reflects a 16% increase over the level of service provided two years ago. See **Attachment B** for more detailed information about LSE's overall service levels.

LSE provided this level of service with an extremely small staff. The direct legal services staffing in 2017 included: .80 full time equivalent (FTE) Litigation Director; .20 FTE Helpline Director; .80 FTE Intake Paralegal; 2.0 FTE Helpline Attorneys; 1.0 FTE Consumer Debt/Intake/Referral Paralegal; 1.00 FTE Elder Abuse Paralegal; and 6.60 FTE Staff Attorneys. This is a total of only 12.4 FTEs of direct legal services staff (including supervisory staff).

LSE's attorneys and paralegals are handling about 560 matters per year on average, with the Helpline Attorneys handling nearly 2,000 matters per year (entirely by phone) and the Staff Attorneys, who are doing full representation/litigation, handling a much lower case volume (approximately 130 cases per year) due to the complexity of the matters they are handling.

Types of Cases Handled

The following chart breaks down the number of cases handled in 2017 by general case type. **Attachment C** to this report provides a detailed chart of case types.

LSE CLIENT SERVICES BY GENERAL CSE TYPE	
Case Type	**Total**
Self Determination (1,517)	26%
Consumer/Finance (1,199)	21%
Housing (1,212)	21%
Health Care (757)	13%
Income Maintenance (284)	5%
Individual Rights (includes elder abuse and exploitation) (302)	5%
Miscellaneous (224)	4%
Family (246)	4%
Employment (46)	1%
Total Cases (5,787)	**100%**

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

Status of Matters Handled

The reported matters were all opened during 2017 and are reported regardless of whether or not they were closed in 2017 (only 162 remained open at the end of the year). LSE consistently reports matters opened for the reporting period in question to all funders unless specifically asked for other data. This ensures the data provided by LSE may be compared from year to year and does not include any duplicate information.

The level of service provided in these 5,787 matters breaks down as follows (from most to least intensive): 4% extended representation services; 3% limited action taken/brief services provided; 62% counsel and advice; 23% information only and referral; and 8% 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 35% male and 65% female. All clients served were sixty years of age or older and 39% were 75 years of age or older. While LSE serves both socially and economically needy seniors, 86% of LSE's clients were below 200% of the federal poverty level and 43% were below 100% of the federal poverty level. Those callers who are not below 200% of the poverty level typically receive only basic information and a referral with the rare exception of a financial exploitation case that may be handled by LSE when a referral to the private bar is not possible due to the time sensitive nature of the case.

Geographic Distribution of Cases

The chart provided as **Attachment D** provides data regarding the geographic distribution of LSE's clients in 2017.

DESCRIPTION OF LSE'S SERVICES

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

The four types of service provided by LSE include the following: 1) brief services, advice and counseling to clients throughout Maine by the LSE Helpline; 2) extended representation by seven Staff Attorneys (6.60 FTEs) located across the state who work regular but often very part-time hours at LSE's seven local offices located in Scarborough, Lewiston, Augusta, Bangor, Presque Isle, Machias and Ellsworth ("Area Offices"); 3) special local projects that focus on particular regions of the state where LSE has been able to obtain local sources of financial support; and 4) client education and outreach conducted throughout the state by LSE attorneys and other LSE staff.

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

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

Statewide Helpline Services

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

The Helpline Attorneys provide legal assistance to seniors exclusively via telephone. This is the level of service received by about 85% of the seniors receiving help from LSE though most desire and could benefit from more extensive help. **The number of seniors receiving help entirely via telephone continues to grow as demand goes up steadily while LSE's funding fails to keep pace.** Only a small subset of case types are referred on to the nearest LSE Area Office for in person representation. Because Helpline services are much less expensive to deliver than the Area Office services, this overall approach stretches LSE's limited resources as far as possible.

The Helpline received in excess of 12,000 calls for help in 2017 and these calls were handled by a single Intake Paralegal. About half of those callers end up being referred to other resources because the callers do not have legal problems, or they are not eligible for LSE's services. In addition to making social service referrals, referrals are made by the Helpline, when appropriate, to other legal services providers (in particular, for those under 60), private attorneys, and other existing resources (e.g., the Attorney General's Consumer Division or Adult Protective Services) to take advantage of and ensure there is not any duplication of other available resources. In addition, LSE maintains a panel of referral attorneys who have agreed to accept reduced fees or provide *pro bono* services when a client is between 125% and 200% of the federal poverty level. The panel has 235 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 38 *pro bono* and 277 reduced fee referrals to referral panel members in 2017.

Extended Representation/Area Office Services

The other primary component of LSE's service delivery system involves providing full representation to seniors through local Area Offices. This level of service is provided to less than 15% of those seeking help from LSE. These more resource intensive services are provided by seven Staff Attorneys (one is part-time) who each have assigned geographic areas of the state. These attorneys work out of local Area Offices. With the exception of the administrative office in Augusta, the Area Offices are located within the local Area Agency on Aging or local Community Action Program. This unique co-location relationship is very cost effective and it enables elderly Mainers to address many of their problems in one location – a type of one-stop shopping – which removes what is often another barrier to needed services.

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

Special Regional Projects

In addition to providing services on a statewide basis through the Helpline and Area Offices, LSE conducts special projects that operate on a regional basis and target specific substantive areas of unmet need. These projects are all supported in large part by local funding sources such as United Way or private foundations. The **ten special regional projects in 2017** included the following:

York County Long Term Care Project;

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

Cumberland County Long Term Care Project;

Cumberland County Elder Abuse Law Project;

Cumberland County Senior Helpline;

Androscoggin County Elder Abuse Law Project;

Androscoggin County Senior Helpline;

Kennebec County Elder Abuse Law Project;

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

Elder Abuse Prevention Project (statewide).

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

Outreach and Education

LSE provides legal information to the public through public presentations, print material and its website. LSE materials are distributed directly to homebound residents through the Meals on Wheels program and by direct mail to all town offices, assisted living facilities, home health agencies, hospice programs, and nursing facilities. LSE information is also posted at the courts, Community Action Programs, Social Security offices, senior meal sites, DHHS offices and Area Agencies on Aging. LSE distributed over 3,500 LSE brochures in 2017. In addition to the distribution of print materials, LSE's staff made 188 outreach presentations in 2017 that reached over 1,800 people across the state. LSE focuses these presentations on professionals that are potential referral sources rather than trying to reach individual seniors.

The LSE website was expanded in 2014 to include an extensive online elder rights handbook. It includes information on elder abuse, powers of attorney, advance directives, housing rights, consumer debt problems, MaineCare estate recovery, MaineCare eligibility for nursing home coverage, Medicare Part D, and many other topics. The website provides a valuable resource not just to Maine's seniors, but also to their family members and caregivers. The design of the online handbook meets all national standards for on line materials for seniors and is accessible on a wide range of devices. In addition, over 450 print copies of the elder rights handbook were distributed in 2017 and LSE was able to print an additional 2,500 handbooks using grant funding.

With generous private foundation support, LSE continued to conduct a major public awareness campaign in 2017 focused on the financial exploitation of seniors by family members. It included television, radio and newspaper. This unprecedented and highly successful campaign was developed and conducted in close collaboration with the Office of Adult Protective Services and the Maine Council for Elder Abuse Prevention. It has led to a nearly 50% increase in the numbers of victims seeking help from LSE and Adult Protective Services. In 2017 elder abuse outreach efforts also included a dedicated grant funded position that made over 60 presentation on elder abuse to civic organizations in Maine reaching over 1,100 people.

LEADERS IN THE FIGHT AGAINST ELDER ABUSE

LSE's reputation as an expert in the area of elder abuse continues to grow. In 2017, was able to publish a study regarding the economic impact of financial exploitation on Maine seniors. The study included six years of data from LSE and from Adult Protective services. It found that Maine seniors lose over $12 million per year as a direct result of exploitation. This does not factor in the cost of public benefits required because of the losses or the cost of protective, legal or social services. The Administration for Community Living has identified Maine, and the work of LSE, including this first in the nation study, as a model statewide approach to providing high quality and cost effective services to seniors, in particular victims of elder abuse. On a state level, LSE staff play critical leadership roles in seven local Elder Abuse Task Forces and on the Maine Council for Elder Abuse Prevention. These interdisciplinary and collaborative efforts are making a real difference in the fight against elder abuse in Maine.

OUTCOMES MEASUREMENT

Using the Legal Files case management software that is shared by several of the legal services providers and Crystal Reports to run reports, LSE is able to collect, maintain, and analyze comprehensive data regarding the scope and nature of its services. This includes things like the location of the individual served, the type of case, and the outcomes achieved. Information from this database is used to monitor compliance with all funder requirements and commitments, including the MCLSF.

LSE service and outcome data is reviewed on a regular basis by the LSE Executive Director and its Board of Directors and this data analysis influences decisions regarding how to allocate resources across the state and how to focus ongoing outreach efforts. In addition to monitoring for compliance with MCLSF commitments, LSE routinely provides extensive statistical and narrative reports to other key funders, including the Maine Justice Foundation, United Way agencies, the Area Agencies on Aging, the Office of Aging and Disability Services and the Administration for Community Living.

UNMET AND UNDERSERVED NEEDS

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

Maine's Growing Elderly Population. Maine is already the oldest state in the nation when measured by median age and Maine's elderly population is growing at a rapid rate. Between 2000 and 2030, Maine's elderly population is expected to more than double, with the bulk of that growth taking place between 2011 and 2025. By 2030, it is

projected that 32.9% of Maine's population, or 464,692, will be over 60.[1] Maine is also the most rural state in the nation and most of Maine's elderly live in isolated rural areas.

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

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

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

SUMMARY

LSE remains committed to working on behalf of Maine seniors to protect their safety, shelter, income, health, autonomy, independence, and dignity. The accomplishments by LSE in 2017 were many but LSE is failing to keep pace with the need for help as the number of seniors needing help steadily climbs and the secure and predictable public sources of funding to support LSE's services steadily decline. The support provided by the Fund has never been more important to LSE.

Prepared by: Jaye L. Martin, Executive Director

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[1] U.S. Census Bureau, Population Division, Interim State Population Projections, 2008.
[2] U. S. Census Bureau, 2005-2007 American Community Survey and Across the States 2011: Profiles of Long-Term Care, AARP 2011.

ATTACHMENT A
LEGAL SERVICES FOR THE ELDERLY

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

Services Complementary to LSE's Core Legal Service

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

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

Systemic Work and Public Policy Advocacy

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

ATTACHMENT B
LEGAL SERVICES FOR THE ELDERLY

Client Services Summary—All Direct, Individualized Services

	2012	2013	2014	2015	2016	2017
Total Legal Matters Opened (these are the only LSE services supported by the Fund)	**4,094 (10% decrease due to funding and staffing cuts)**	**4,661 (14% increase, return to 2011 levels, accomplished by adding grant funding)**	**5,401 (16% increase, record high, accomplished by adding grant funded capacity)**	**4,998 (7.5% decrease due to funding and staffing challenges)**	**5,425 (9% increase, return to 2014 service levels)**	**5,787 (7% increase)**
Medicare Part D Appeals (not supported by the Fund)	535	911	1,360	1,463	1,296	1, 429
State Health Insurance Assistance Program (SHIP) services (not supported by the Fund)	994	1,345	1,322	1,507	1,634	Est 1,300
Total direct services	5,623	6,917	8,083	7,968	8,355	8,513

ATTACHMENT C
LEGAL SERVICES FOR THE ELDERLY
Detailed Case Type Report

CASE TYPE	CY 12	CY 13	CY 14	CY 15	CY 16	CY 17
CONSUMER/FINANCE						
Bankruptcy/Debtor Relief	23	26	22	40	72	72
Collection/including Repossession	472	492	535	582	451	322
Collection Practices/Creditor Harassment	220	98	74	61	116	228
Contracts/Warranties	26	48	83	71	76	64
Funeral/Burial Arrangements	5	14	6	5	6	3
Loans/Installment Purchase (Other than Collection)	43	43	44	31	60	78
Other Consumer/Finance	208	220	270	248	286	276
Public Utilities	57	122	85	56	47	44
Small Claims					43	59
Unfair & Deceptive Sales & Practices	51	56	53	36	35	53
TOTAL	**1105**	**1119**	**1172**	**1130**	**1192**	**1,199**
EMPLOYMENT						
Employee Rights	5	3	6	3	6	9
Job Discrimination	4	10	4	4	5	7
Other Employment	32	35	45	53	29	30
Taxes	38	36	59	41	0	0
TOTAL	**79**	**84**	**114**	**101**	**40**	**46**
FAMILY						
Adoption	0	1	2	1	0	2
Child Support	9	10	5	9	4	4
Divorce/Separation/Annulment	83	100	104	93	101	130
Name Change	0	1	1	0	0	0
Other Family	95	132	130	175	117	110
TOTAL	**187**	**244**	**242**	**278**	**222**	**246**

CASE TYPE	CY 12	CY 13	CY 14	CY 15	CY 16	CY 17
HEALTH						
Home & Community Based Care	19	26	32	31	30	29
Long Term Health Care Facilities & Services	43	42	58	68	65	101
Medical Malpractice	27	21	15	15	5	4
Medicare	19	68	71	58	59	40
Maine Care	355	402	489	405	403	361
Private Health Insurance	16	19	19	26	16	20
Other Health Care					158	202
TOTAL	**479**	**578**	**684**	**603**	**736**	**757**
HOUSING						
Federally Subsidized Housing	137	169	264	214	185	172
Homeownership/Real Property (Not Foreclosure)	322	311	409	400	468	433
Mobile Homes	30	62	45	47	37	38
Mortgage Foreclosures (Not Predatory Lending/Practices)	126	175	163	112	136	128
Other Housing	42	29	38	35	50	58
Private Landlord/Tenant	148	157	208	214	269	288
Public Housing	36	36	35	24	72	94
TOTAL	**841**	**939**	**1162**	**1046**	**1217**	**1,212**
INCOME MAINTENANCE						
Food Stamps	21	27	48	68	80	53
Other Income Maintenance	31	17	31	40	33	32
Social Security (Not SSDI)	38	74	74	61	44	79
SSDI	10	21	22	21	31	38
SSI	20	30	32	37	33	34
State & Local Income Maintenance	19	25	17	13	19	34
Unemployment Compensation	9	5	9	6	10	3
Veterans Benefits	4	8	16	21	10	11
TOTAL	**152**	**207**	**249**	**267**	**260**	**284**

CASE TYPE	CY 12	CY 13	CY 14	CY 15	CY 16	CY 17
INDIVIDUAL RIGHTS						
Civil Rights	2	0	2	2	6	5
Disability Rights	3	3	1	3	1	3
Elder Neglect, Abuse, & Financial Exploitation (see also domestic violence)	103	137	194	142	245	260
Immigration/Naturalization	1	2	0	1	1	4
Mental Health	3	3	2	6	4	3
Other Individual Rights	30	35	42	35	22	27
TOTAL	**142**	**180**	**241**	**189**	**279**	**302**
MISCELLANEOUS						
Indian/Tribal Law	2	0	0	0	0	62
License (Auto, Occupational, & Others)	19	21	14	18	19	16
Municipal Legal Needs	5	2	2	1	9	26
Other Miscellaneous	177	230	225	229	145	86
Torts	22	22	40	31	47	33
TOTAL	**225**	**275**	**281**	**279**	**220**	**223**
SELF DETERMINATION						
Adult Guardian/Conservatorship	33	34	42	40	72	55
Advance Directives/Powers of Attorney	334	394	443	351	407	495
Wills/Estates	517	607	771	704	780	953
Guardianship of minor						**14**
TOTAL	**884**	**1035**	**1256**	**1095**	**1259**	**1,517**
GRAND TOTAL	**4094**	**4661**	**5401**	**4988**	**5425**	**5,787**

ATTACHMENT D
LEGAL SERVICES FOR THE ELDELRY

Geographic Distribution of Services

	LSE 2017 STATISTICS		LSE 2016 STATISTICS	
	Total Clients Served	**% of Total LSE Clients Served by County**	**Total Clients Served**	**% of Total LSE Clients Served by County**
Androscoggin	410	9%	419	9%
Aroostook	249	5%	224	5%
Cumberland	873	18%	801	19%
Franklin	96	2%	90	2%
Hancock	186	4%	237	5%
Kennebec	490	10%	496	11%
Knox	128	3%	105	2%
Lincoln	113	2%	106	2%
Oxford	216	5%	195	4%
Penobscot	633	13%	637	14%
Piscataquis	103	2%	81	2%
Sagadahoc	116	2%	112	2%
Somerset	159	3%	173	4%
Waldo	150	3%	148	3%
Washington	187	4%	152	3%
York	620	13%	556	13%
Total	**4,729**	**100%**	**4,532**	**100%**

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2017 Annual Report to the Maine Civil Legal Services Fund Commission
January 2018

Maine Equal Justice Partners (MEJP) is pleased to provide the Maine Civil Legal Services Fund Commission with its annual report for 2017. Funding from the Maine Civil Legal Services Fund (MCLSF) enabled MEJP to continue to provide statewide legal representation, administrative advocacy, and outreach and training for Maine people with low incomes.

During this reporting period, the MCLSF provided 49% of the funding required to provide the legal services described in this report. The MCLSF is MEJP's single largest source of funding and provides critical support that allows MEJP to provide statewide services in all sixteen counties.

BACKGROUND

In 1996, Congress passed legislation prohibiting the federal Legal Services Corporation from funding organizations such as Pine Tree Legal Assistance if they provided legal representation to people with low incomes in class action litigation, administrative advocacy or legislative advocacy. Recognizing that systemic legal advocacy was often the most cost-effective way to protect and advance the interests of low income persons, the Maine bench and bar fostered the creation of Maine Equal Justice Partners to continue this work.

MEJP aims to find solutions to poverty and improve the lives of people with low incomes in Maine. We accomplish our mission through: (1) public policy advocacy in the legislature[1] and with governmental agencies; (2) legal representation and impact litigation on systemic issues; and (3) statewide outreach and training on issues affecting people with low incomes and supports that help prevent or move people out of poverty. MEJP employs an array of tools to advocate directly for clients and pursue systemic, innovative solutions to poverty. MEJP focuses its work on issues that affect people's daily lives – access to adequate health care, food, housing, employment opportunities, and higher education and training opportunities.

MEJP's legal work in 2017 was on behalf of and informed by people with low incomes and those groups that represent them. MEJP believes that people with low incomes are uniquely qualified to identify what is needed to address systemic barriers and create more economic opportunity in their lives. This belief is central in shaping our work and defining MEJP's core priorities. In 2017, MEJP continued to build the Equal Justice Partners Circle, a group of people living in poverty from across the state who engaged in a series of leadership and advocacy trainings in partnership with MEJP staff. Mainers from diverse backgrounds come together to inform and collaborate with MEJP staff and board members. MEJP's work and

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

priorities are informed by the real experience of people experiencing poverty directly, both by our low-income Partners and by our clients.

INFORMATION REQUESTED by the COMMISSION

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

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

In 2017, MEJP handled the following types of legal cases in the form of advice and referrals, limited and full representation to clients located throughout the state:

Case Type	# of Cases
Consumer	5
Education	1
Employment	1
Family	11
Health Care	164
Housing	16
Income Maintenance (i.e. TANF, SNAP, LIHEAP, SSI)	203
TOTAL	401

In 2017, MEJP handled the following types of administrative advocacy cases:

Case Type	# of Cases
Employment	1
Health Care	5
Housing	1
Income Maintenance (i.e. TANF, SNAP, LIHEAP, SSI)	4
TOTAL	11

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

MEJP provides direct legal representation through its toll-free telephone intake system on issues involving the denial, termination or reduction of public assistance programs, public health insurance, and training and educational programs. These services require a thorough understanding of the state and federal statutes and rules governing the various programs as well as an on-the ground working knowledge of the programs and how they are implemented.

In addition to providing direct representation to income-eligible clients, MEJP serves as a legal resource regarding these programs for other civil legal aid organizations in Maine.

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

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

In 2017, MEJP handled a total of 401 cases (this number does not include MEJP's administrative advocacy cases).

Impact litigation in 2017:

Litigation to Ensure Public Assistance Continued during State Budget Impasse (USDC Me.): When the Maine Legislature was unable to pass a new budget for the new fiscal year, MEJP filed a class action lawsuit to ensure that approximately 350,000 people who receive help from MaineCare, Food Supplement and TANF would continue to receive these basic safety net benefits during the state shutdown. Two hours before a hearing on a Temporary Restraining Order, DHHS consented to the relief that plaintiffs were seeking, ensuring that all applications would be processed, and benefits would be timely provided. The firm Johnson, Webbert and Young co-counseled the case.

Litigation to Provide Food Assistance to Lawful Immigrants who are Seeking Work (Maine Supreme Court): The Maine Legislature created a program to provide food assistance to lawful immigrants seeking asylum who have obtained their work authorization and are seeking employment. Funding was capped for the first biennium of the program, but not after that. However, DHHS determined that when the initial funding was expended the program ended. MEJP pursued litigation on behalf of a class to have the program restored. The case awaits a decision from the Law Court. The case is co-counseled with the firm of Drummond Woodsum.

2. Administrative Advocacy

MEJP's advocacy before administrative agencies of government arises from issues identified through the following: (1) direct client services; (2) community involvement and coalition work; (3) outreach and training activities for individuals with low incomes and agencies that serve them; and (4) participation on multiple work groups, commissions and boards related to government functions affecting our clients.

MEJP conducts administrative advocacy at the federal and state level in all of its focus areas. Federal and state agencies often define and operationalize law in regulations and rules and these details can have a significant impact on our clients. MEJP strives to ensure fairness and due process at the administrative level. We also aim to resolve grey areas in the applicable governing statutes. By so doing we clarify eligibility and services covered, which, in turn

improves the ability of other providers to more efficiently use civil legal aid resources. This also enables our clients to navigate a complex and confusing system more successfully.

In 2017, MEJP either advocated or submitted rulemaking comments at the state and federal level on a wide range of issues. The following provide several examples of some of our activities in this area.

Providing Replacement Food Assistance after the Power Outage: When Maine experienced widespread power outages in November of 2017, outages that surpassed those during the Great Ice Storm, many people lost all their perishable food. While federal SNAP law requires states to provide replacement benefits in these circumstances, there was widespread confusion about how people could access these benefits. MEJP worked with the Maine Department of Health and Human Services (DHHS) to clarify the requirements and get the word out so that hundreds of people were able to get replacement SNAP benefits.

Fundamental Changes to the MaineCare Program: Maine DHHS has asked the federal government for permission to make major changes in Maine's Medicaid (MaineCare) program. These changes would be through an "experimental" Section 1115 waiver and include imposition of work requirements for some as a condition of getting health care services, imposition of premiums on extremely low-income people, elimination of retroactive benefits, imposition of an asset test, etc. MEJP organized the submission of comments at both the state and federal level, which did result in some improvements to the proposed waiver. If, as expected, the federal government largely approves what remains of the waiver, MEJP will file suit. The cases will be co-counseled with BernsteinShur, PretiFlaherty and the National Health Law Program.

Improving Access to Public Assistance Programs: MEJP continues to work to improve the process for applying for and receiving public assistance. We are taking steps to ensure that the Maine DHHS client notices are understandable and received timely. As part of this effort, MEJP staff modified and improved the MaineCare eligibility application that DHHS has adopted. MEJP staff is now working to improve the integrated application for public assistance programs. MEJP has also assisting DHHS to make hundreds of its eligibility notices more understandable.

3. Training, Education and Outreach

MEJP provides outreach and training for people with low incomes and the agencies and providers who assist them. We impart critical information on Maine's public benefit programs and how they work and, at the same time, learn about potential barriers and issues for people accessing benefits, and systemic problems that need to be addressed. In 2017, MEJP conducted 62 separate training events throughout the state, reaching more than 2325 individuals, including staff from CAP agencies, Head Start programs, health centers, homeless shelters, and hospitals as well as individuals living with low incomes themselves.

MEJP's direct training, education and outreach is supplemented by our website (www.mejp.org), which contains a wealth of client education materials and information on public assistance programs, public health insurance, and training and educational programs.

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

In 2017, MEJP opened a total of 401 cases (includes full intakes, counsel & advice and referral cases *only*). The services impacted approximately 889 individuals (including those cases still pending).

These numbers, however, do not include the individuals that are impacted by our administrative advocacy, which impacts all similarly-situated individuals, or our training, education and outreach efforts. The chart below illustrates the total number of cases opened and closed, and people served in 2017.

Activity	Total # of Cases Opened and closed/ People served (pending and withdrawn cases not included)
Full intakes – includes limited and full representation	117/296
Counsel & Advice and/or Referred	202/793
Administrative Advocacy	11/140,100 served (this is a conservative estimate based on available data; exact numbers are unknown)
Activity	**Total # of Trainings/# of People Participating**
Training, Education & Outreach	62 separate trainings and workshops/ 2325 people served

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

MEJP represents the interests of all Maine residents living in or near poverty, which is defined as less than 200% of the federal poverty level (FPL) or $40,840 in annual income for a family of three in 2017. According to state data on the Kaiser Family Foundation website, there are 411,800 Maine people, of all ages, living under 200% FPL.[2] MEJP works toward solutions that will impact individuals and families currently living under 200% FPL. MEJP's direct legal assistance targets people who are eligible for public assistance programs. The following numbers provide a snapshot of the number of Maine people receiving assistance in 2017:

- Families receiving Temporary Assistance for Needy Families (TANF): 4,236 households, representing 7,405 children;[3]
- Individuals and families receiving Food Assistance (SNAP) benefits: 93,602 households, representing 178,193 individuals[4] of which 63,927 were children under 18;[5] and
- Individuals covered by MaineCare or the Medicare Savings Program (health insurance or limited assistance with drugs and out-of-pocket costs): 262,426 individuals.[6]

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[2] 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

[3] http://www.maine.gov/dhhs/ofi/reports/2017/geo-distribution-dec.pdf

[4] http://www.maine.gov/dhhs/ofi/reports/2017/geo-distribution-dec.pdf

[5] http://www.maine.gov/dhhs/ofi/reports/2017/SummaryCountsByCounty-Dec.pdf

[6] http://www.maine.gov/dhhs/ofi/reports/2017/overflow-a-dec.pdf

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

In 2017, MEJP provided legal services to individuals residing in all sixteen Maine counties.

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

In 2017, MEJP opened a total of 401 cases. Of the 401 cases opened, MEJP closed 342; 59 are pending. In addition, MEJP opened 11 administrative cases with 8 completed during 2016.

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

MEJP complied in all respects with the 2016-2017 proposal submitted in October of 2015. MEJP has maintained all services described in the proposal. If we deviated from our proposal at all, it was to expand the breadth and depth of the number of issues we undertook.

Outcomes measurements used to determine compliance

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

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

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

- **Training, Outreach and Education:** MEJP measures its success by the extent of its outreach and training activities throughout the state, the number of individuals trained during the year, and the feedback received on training evaluations. MEJP receives more requests for trainings than it can provide in any given year. MEJP's training and education sessions are requested and or attended by a diverse number of organizations, including but not limited to, social service providers, family practice residency programs, provider associations, homeless shelters, tenants' organizations, domestic violence programs, Head Start parent groups, seniors, disability rights groups, immigrant communities and coalitions, municipal representatives and grass root coalitions. The evaluations sheets submitted by workshop and training participants in 2017 were favorable and underscored the value of MEJP's expertise and knowledge for direct service organizations and legal aid providers throughout the state.

Information particular to each recipient organization regarding unmet and underserved needs

Maine Equal Justice Partners supports its operating budget through funding from the MCLSF, the Maine Justice Foundation, the Campaign for Justice, Maine-based and national foundations, and individual donors. In 2016 we experienced a significant decrease in our core legal aid funding due to an across the board cut in Maine Justice Foundation IOLTA funds.

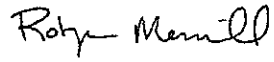
While MEJP's funding from IOLTA funds significantly decreased, the demand for our services remains high, as Mainers face steadily rising costs while stable jobs that can support a family have dwindled. Further, as changes are made to eligibility criteria and scope of benefits for the state's public assistance programs, individuals and families and their caseworkers increasingly turn to MEJP for guidance as to how to navigate this complex system. We do our best to meet the needs of these individuals and to address the systemic problems inherent in their cases but it is often difficult to adequately address the extent of the demands.

Finally, MEJP does not have the staffing capacity or resources to address several areas of concern to people with low income in Maine. We receive requests from clients and organizations that represent them for assistance with consumer and financial issues, family law issues, and employment issues and we are unable to address these needs. We remain particularly concerned about consumer issues, given the limited resources and availability of assistance in this area in Maine. With additional capacity, we could take on issues that currently exceed our capabilities on a systemic level, such as consumer protection and consumer credit reform.

CONCLUSION

Maine Equal Justice Partners receives critical support from the MCLSF that enables us to pursue systemic solutions on behalf of Maine people with low incomes. Without the MCLSF the level and breadth of legal services MEJP currently provides would be severely diminished. We would like to extend our gratitude 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

Maine Volunteer Lawyers Project
Report to the Maine Civil Legal Services Fund Commission
January 2018

Overview

1. 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). Historically, various aspects of VLP operation (including staffing levels and funding) have been addressed in a contractual agreement between PTLA and the MJF. A special advisory committee of the MJF convened on a regular basis to provide support for the work of the VLP.

In 2015/2016, the VLP, in conjunction with PTLA and the MJF, went through a strategic planning process that began in September 2015. In July of 2016 the strategic planning committee recommended that the VLP become a non-profit organization. Subsequently, the VLP was incorporated in the State of Maine on September 30th, 2016, and was then recognized by the IRS as a 501 (c) (3) organization with an exemption date of September 30th, 2016.

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, and to sustain and develop current and potential *pro bono* opportunities.

We do this with a small staff who provide administrative and technical assistance to support the volunteer efforts of the Maine legal community. Further, we provide training and supervision for student and community volunteers who support VLP *pro bono* projects.

To be eligible, 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 or victims of domestic violence, for example), or have particular needs or circumstances that are determined on a case by case basis. Clients must also have limited assets of $5,000 or under (not including a primary residence and one vehicle).

In 2017, MCLSF funds represented 20% of VLP's total funding.

Services

Initial requests for assistance are made through a statewide telephone intake line staffed by non-attorney volunteers and supervised by VLP staff in its main Portland office. Intake

volunteers screen all prospective clients for eligibility and provide every caller with legal information relevant to their problem together with referrals to other organizations where appropriate. Many callers also receive written legal education materials developed by Pine Tree Legal Assistance for people living in Maine as well as being directed to the PTLA website for access to this information.

Participating *pro bono* attorneys provide limited representation through several special VLP initiatives: the Family Law Helpline, the Domestic Violence *Pro Bono* Panels, the Court House Assistance Project (CHAP), and through the Free Legal Answers Maine web site. Clients for the Helpline come through a specific intake process from domestic violence agencies across the state, and clients for the Domestic Violence *Pro Bono* Panel and CHAP are typically walk in intakes during court hours. All clinic services are supported by undergraduate student volunteers from various colleges, (including Bates, Bowdoin, USM and Husson University among others), who provide invaluable help with "on the ground" organization and intake.

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

Cases Handled in 2017

In 2017, VLP staff or volunteers provided service in **2,691 cases**:

Intake line volunteers provided **legal information**:	252 cases
Pro bono attorneys provided **limited representation** through clinic programs:	1664 cases
Pro bono attorneys provided **full representation** through domestic violence panels:	101 cases
Pro bono attorneys provided **representation** in fully referred matters:	549 cases
Open as of 12/31/17, but waiting for referral or service:	125 cases
Total:	**2,691 cases**

While MCLSF funds help to support all of the VLP's work, service was provided in 600 of the above cases using MCLSF funds only.

Additionally, in 2017, the VLP provided administrative assistance and technical support for a *pro bono* homeless clinic in Portland. This clinic is staffed by lawyers from fourteen

Portland law firms (and UNUM), and is held weekly at the Preble Street Resource Center. Preble Street provides intake and case management support for the clinic, and the VLP does not count the cases as "VLP" cases. However, in 2017, 79 clients were seen at the clinic, and over 55% of these clients were provided with extended legal representation by the participating law firms who entered into post clinic representation agreements with the clients.

Also in 2017, the VLP launched the Maine website of Free Legal Answers, which is an ABA project administered by the VLP in Maine. While this project is still ramping up, 60 civil legal questions were answered on this site in 2017 by Pro Bono attorneys licensed in Maine.

Without including the homeless clinic or web based legal questions, the VLP opened 2,374 cases in 2017, and closed 2,181 cases, but many VLP cases that are fully referred to a volunteer lawyer are not opened and closed in the same calendar year, and at the end of 2017, 510 cases, opened in 2017, or before, remained open.

The VLP cases opened in 2017 fell into the following case types:

Case Type	Total Cases OPENED
Benefits	113
Consumer	127
Employment	36
End of Life	108
Family	1,878
Miscellaneous (including housing)	112
TOTAL	**2,374**

Demographics of Clients Served in 2017

- VLP's direct services benefited **2,691** Maine households and benefited an estimated 6,870 individuals. The average annual household income was $26,986.63, and the average household size was 3 people. More than 55% of households had income from employment or employment based benefits.
- The average age of a client at intake was 40 years, but the largest group of clients were between 25 and 34 (28%).
- 16% of clients were 55 or older.
- 87.9% of clients identified as White, 4.6% as Black, 2.8% as Hispanic, 1.5% as Native American and 1.2% as Asian.
- 5.1% of clients did not speak English as a first language.
- 33.9% of households had at least one person with a disability.
- 66.2% of clients were female and 33.8% were male.

- 1,458 households included children, and 808 of those households were headed by a single parent.

Geographic Areas Served in 2017

The VLP is a statewide organization that provides intake and courthouse clinics statewide. The geographic distribution of VLP clients by county in 2017 is as follows:

County	
Androscoggin	15.8%
Aroostook	1.8%
Cumberland	22.7%
Franklin	1.3%
Hancock	3.4%
Kennebec	12.6%
Knox	1.3%
Lincoln	1.5%
Oxford	3.6%
Penobscot	13%
Piscataquis	0.9%
Sagadahoc	2.9%
Somerset	2.6%
Waldo	2.5%
Washington	1.8%
York	14%

(Out of state / Unknown 1.8%)

Unmet Need

Most qualifying clients who receive an intake would benefit from full representation, but of the 2691 cases the VLP worked on in 2017 only 24% were referred fully to a *pro bono* attorney. Of the other cases worked on in 2017, 62% received limited representation from a *pro bono* attorney through a clinic program, and 9% received legal information and referral only, (and for 5% service is still pending).

Most of the VLP clinics serve clients with family law cases, and family law is consistently the most requested service need across the state. Currently, only clients referred to the VLP through statewide domestic violence organizations are able to access the VLP phone based family law clinic, leaving some rural clients unable to easily access a *pro bono* family law attorney. To mitigate some of this problem, the VLP has continued to develop limited representation family law courthouse clinics. We know this helps meet more need, because client numbers rise in every county where a family law courthouse clinic is opened. Most

recently (fall 2017) the VLP opened a family law courthouse in West Bath, and we are currently working to open a family law clinic at the Belfast District Court.

The VLP also provides domestic violence representation to clients who have been unable to access legal representation from other legal aid organizations, usually because they have not sought help before the hearing on a protection from abuse matter. The VLP fills this gap through panels of *pro bono* attorneys who are scheduled to appear and represent clients on the day of the hearing. Currently, the VLP provides this service in Portland and Lewiston, and Bangor.

To further mitigate access issues, the VLP has started the Free Legal Answers service in Maine. Clients can access this service from anywhere in Maine where there is an internet connection. In 2018, the VLP will be creating a process that will allow some clients on this service to access extended representation.

The VLP actively recruits *pro bono* attorneys for areas of client need, including unemployment compensation, foreclosure, and probate issues, with the goal of meeting need through the expansion of volunteer resources.

Outcomes Measures Used to Determine Compliance

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

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

Compliance of Services Delivered to Services Proposed

In its application to the Maine Civil Legal Services Fund for 2016/2017, the VLP proposed using its MCLSF Funding to support general legal services to clients from around the state, in all areas of civil law and at all levels of service including: brief legal assistance via the Hotline; limited representation via the Family Law Helpline and clinic projects, and full referral of cases to attorneys throughout Maine. As reported above, in 2017, the VLP provided unbundled and full representation, as well as legal information and referrals, to clients across Maine (including service out of the Bangor office) in a wide variety of

substantive legal areas. Additionally, actual cost per case for the VLP continues to be low because of the donated service of volunteers, and in 2017 the average cost per case was under $200.

Conclusion

By organizing donated services of private attorneys and community volunteers, and by pioneering new service models, VLP is able to leverage extraordinary levels of legal service for Maine people. VLP continues to provide new opportunities for *pro bono* service while developing new ways for Maine people to access these services. In 2017, the value of services donated to clients with low incomes under the auspices of VLP exceeded $2 million, providing almost $2.5 of service for every $1 in funding actually received. MCLSF funding was critical to supporting VLP in 2017 in its efforts to maintain and improve the delivery of legal services through the work of volunteers and to expand limited representation projects that efficiently help a greater number of Maine people with low incomes. With the continued support of MCLSF funding, the new VLP will be able to maintain and expand these services in 2017 and beyond.

Respectfully submitted,

Juliet Holmes-Smith

Juliet Holmes-Smith
Director
Maine Volunteer Lawyers Project

Pine Tree Legal Assistance
Report to the Maine Civil Legal Services Commission
January 2018

Pine Tree Legal Assistance is pleased to submit this report on program and Commission-funded accomplishments in 2017, which also marked Pine Tree's 50th anniversary year.

Program Overview

Pine Tree believes that there should be fairness, justice and equality for all, not just for the few who can afford it, and, that if it can instill more fairness in our society, there will be less poverty. It was with this ideal in mind that a group of concerned attorneys founded Pine Tree Legal Assistance to help low-income individuals and families address serious civil legal needs. Ever since Pine Tree opened its doors in 1967, it has helped Maine's most vulnerable residents overcome pressing problems of everyday life – domestic and sexual violence, homelessness, economic insecurity, financial exploitation, employment issues, and others – by enforcing legal protections and assuring fairness in the administration of justice.

Pine Tree is Maine's oldest and largest statewide civil legal aid provider. Its mission is to ensure that state and federal laws affecting poor people are upheld, while also addressing the systemic barriers to justice faced by Mainers with low incomes. To achieve this end, Pine Tree provides free civil legal assistance in cases where it can make a difference in meeting basic human needs or enforcing basic human rights. Pine Tree is also committed to making the justice system more accessible for all Mainers, regardless of income, using three effective strategies:

1. Provide all Mainers with access to information: Pine Tree maintains a comprehensive library of self-help tools, legal information, and resources which are available to everyone via www.ptla.org, www.statesidelegal.org and www.kidslegal.org. Literally millions of people rely on one or more of the Pine Tree websites each year, making them among the most popular legal aid websites in the country.
2. Provide community legal education: Because of their expertise, Pine Tree staff and volunteers present on relevant legal topics to thousands of Maine residents, social service providers, members of the private bar, court personnel, landlords, and others.
3. Provide legal advocacy for individuals and families: The majority of Pine Tree's work focuses on providing direct legal advocacy to individuals and families who are unable to afford private counsel. Advocacy ranges from personalized legal advice and brief service to negotiations and full representation in the most serious cases.

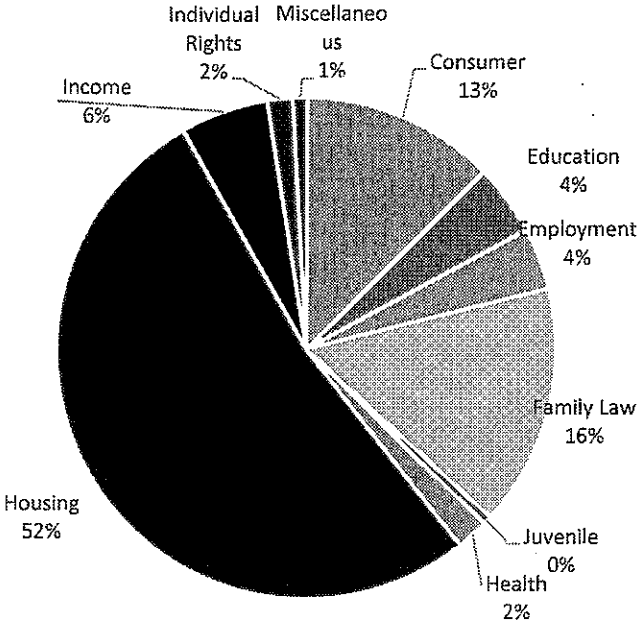
Because of its far-reaching expertise and geographical range, Pine Tree serves as both the first and last resort for people with low incomes experiencing serious problems. When Pine Tree does not have the capacity to assist an eligible client, that individual will likely proceed without legal assistance.

In 2017, Pine Tree celebrated its 50th anniversary and its impact on Maine's legal system. The abolition of debtors' prison, the right to due process and a fair hearing, the first successful employment discrimination lawsuits, improved housing codes, and accessibility for people with disabilities, are legacies of Pine Tree's work. More recent achievements include new state laws to protect victims of domestic violence, groundbreaking work in foreclosure prevention, and the development of a nationally acclaimed website for military and veteran families.

Information Requested by the Commission

1. *Types of cases handled*

In 2017, Pine Tree Legal Assistance worked on 7,735 cases, providing direct legal assistance on a wide range of legal issues.



More than fifty percent of Pine Tree cases involved housing issues, including homeownership, federally subsided housing, public housing, private housing, and mobile homes.

Thirteen percent of Pine Tree cases involved consumer issues, including disclosure cases, credit card collections, contracts/warranties, illegal collection practices/harassment, predatory consumer lending, car loans, rent to own issues, problem with public utilities, unfair trade practices, bankruptcy, auto purchase and repair issues, and more.

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

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

Law Category	Cases exclusively funded through MCLSF	Cases funded through MCLSF and other sources
Consumer	25	973
Education	9	352
Employment (including tax)	11	307
Family Law (including PFAs)	10	1,208
Juvenile	0	44
Health	10	159
Housing	288	4,054
Income	25	439
Individual Rights	37	127
Miscellaneous (including tribal law)	6	72
Total	**421**	**7,735**

2. *Number of people served*

Pine Tree served more than two million people in 2017 through direct legal aid, outreach, and its websites.

- Pine Tree served 19,498 people through individual cases, including 11,836 adults and 7,664 children.
- Pine Tree served 3,533 people through community education activities including consultations, meetings, presentations, and trainings.
- Pine Tree's websites were utilized by 2,266,326 unique users in 2017 (accessing Pine Tree's websites for a total of 4,360,938 page views).

MCLSF funding is crucial for the maintenance and development of website resources and self-help tools. Pine Tree maintains four websites: www.ptla.org, www.kidslegal.org, www.statesidelegal.org, and www.helpMElaw.org. In 2017, www.ptla.org alone recorded almost 1.5 million users and almost 3 million total page views. The table below highlights the most frequently viewed pages on ptla.org.

Rank	Page	2017 Page views
1	Rights of Tenants (Evictions)	307,286
2	What can I do if my landlord is trying to evict me?	143,209
3	Home Page	120,237
4	Rights of Tenants (Evictions) in Spanish	102,862
5	Find Legal Help (Triage Tool)	98,387
6	How to Get Your Security Deposit Back in Spanish	85,589
7	Guardianship of a Minor	82,303
8	Rights of Maine Renters: Landlord Coming Into Your Home	80,224
9	Rights of Maine Renters: Unsafe or Unfit Housing	71,500
10	What is a Guardian ad Litem?	69,669

In 2017, Pine Tree redesigned its www.kidslegal.org and www.ptla.org websites to make them more user friendly and engaging, especially for users who rely on smart phones or mobile devices to access information. 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.

3. *Demographic information about people served*

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

- Two out of three are women;
- Almost half have a disability;
- Almost half live in rural areas;
- One in ten is a veteran;
- One in seven represents an ethnic minority; and
- One in seven is age 60 or older.

To make the most of its limited resources, Pine Tree generally restricts direct legal aid to individuals and families whose household's annual adjusted gross income is at or below 125% of the federal poverty guidelines. The chart below shows the breakdown of households served in 2017 by poverty level.

Below 100% poverty	56%
100% – 199% poverty	34%
Over 200% poverty	9%
Unknown	<1%

4. *Geographic area actually served*

Pine Tree prioritizes litigation services for low-income residents of all sixteen counties. Its six neighborhood offices are strategically located around the State to be close to Maine courts and to provide access to all Mainers. The chart below shows the geographical distribution of Pine Tree's clients in 2017 (some of whom received help with more than one legal problems during the year.)

County	Clients Served	All People Served
Androscoggin	869	3,269
Aroostook	383	1,027
Cumberland	1,410	4,087
Franklin	104	312
Hancock	189	574
Kennebec	626	1,785
Knox	86	237
Lincoln	85	298
Oxford	219	768
Penobscot	670	1,730
Piscataquis	50	166
Sagadahoc	144	452
Somerset	197	661
Waldo	96	306
Washington	244	669
York	810	2,442
Out of State	114	530
Unknown	39	185
Total	**6,335**	**19,498**

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

In 2017, Pine Tree staff and volunteers worked on 7,735 cases for individuals and families. Advocacy ranged from legal information, advice and brief service to negotiations and full legal representation in court and administrative hearings for the most serious cases. Forty percent (2,712) of Pine Tree's closed cases involved full legal representation, meaning that staff did everything necessary to resolve the client's legal problem. This is also one of the highest percentages of full representation of any legal aid program in the United States, according to the Legal Services Corporation. Of cases receiving full representation, 96% were resolved in favor of the Pine Tree client – a tremendous win ratio.

Status	# of Cases
Resolved in favor of the client after full legal representation	2,595
Resolved in favor of the opposing party after full legal representation	117
Resolved after providing information, advice or limited assistance	3,508
Cases open as of 12/31/2017	1,079
Total cases handled in 2017	**7,735**

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

The activities supported with MCLSF funding in 2017 are consistent with the activities proposed in Pine Tree's 2016-17 application to the Commission. In the application, Pine Tree sought funding to support its three key strategies: direct legal advocacy for individuals and families who are unable to afford private counsel; maintenance and development of program website resources and self-help tools; and training events and presentations to client groups, social service providers, members of the private bar, and others. As described above, Pine Tree served more than two million people in 2017 through direct legal aid, community legal education, and websites.

7. *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. Pine Tree records outcome information for more than 50 potential case outcomes. With Pine Tree's unique emphasis on full legal representation throughout Maine, the outcomes of its 2017 advocacy was extensive. The following data and stories highlight some of Pine Tree's most significant outcomes in 2017.

In 2017, Pine Tree's advocacy:

- ***Prevented homelessness for 314 families*** though eviction dismissals alone. Nearly half of those involved subsidized housing, an important stabilizer for many low income and vulnerable families. If a tenant with a housing subsidy is evicted, the tenant may become ineligible for other subsidized housing programs for up to five years. Losing access to this subsidy can drastically affect a tenant's ability to afford housing in the future, and poses particular hardships for families with children and the elderly. Pine Tree preserved $59,407 in monthly housing subsidies by having evictions dismissed. ***The annualized value of this savings for low income Mainers is $712,884.***
- *Resulted in* ***365 new protection orders for victims of domestic violence, sexual assault, stalking, and dating violence.***
- *Saved* ***Maine consumers $1,268,446*** *in unlawful and excessive debt by enforcing consumer protections.*
- *Saved* ***Maine taxpayers $431,509*** *in federal tax debt.*

Our KIDS LEGAL project, which provides direct representation to children, youth, and parents on their behalf, obtained the following ***outcomes in education cases*** in 2017:

- 87 students received needed educational services, after KIDS LEGAL obtained an IEP, 504 plan, or compulsory educational services;
- 30 students were readmitted to school after KIDS LEGAL resolved issues related to expulsion, truancy, or other barriers keeping students out of school;
- 31 students were kept in school after KIDS LEGAL prevented a suspension or expulsion; and
- 6 homeless students were enrolled in school after KIDS LEGAL enforced the McKinney–Vento Homeless Assistance Act; and
- In 6 cases, KIDS LEGAL staff obtained a systemic change in a school system that will have an impact far reaching the one student we represented.

The data collected in outcomes measurement provide only a glimpse into the impact of Pine Tree's advocacy. The impact of direct legal services can be profound, as evidenced in the following case:

> *Erica Veazey, a staff attorney at Pine Tree Legal, went to the Belfast District Court to help a family facing eviction, a typical day for her. Unbeknownst to Erica, there was another woman in court that day who needed help. Her abusive boyfriend was evicting her from the home they shared for more than 10 years. The woman (we'll call her Jennifer) had just obtained a temporary protection from abuse order against her boyfriend. Jennifer did not have an attorney. The presiding judge knew about the protection order and, because of the situation, sent a court officer to find a Pine Tree Legal attorney. The court officer found Erica, handed her the court's file, and asked her to talk with Jennifer. Erica found Jennifer huddled in a conference room in the courthouse, crying and terrified. Her abusive boyfriend brought the eviction case against her in an attempt to force her out of the home they shared, even though her temporary protection order said she had a right to stay at the property. Jennifer was the victim of years of domestic violence and sexual assault. Her abuser had taken away her car, destroyed her cell phone, disconnected the landline and internet, and had not allowed her to leave the house to work. She had nowhere to go, no resources to help her, and she was petrified. Erica quickly reviewed Jennifer's case and talked with her about her goals. First, Erica tried to negotiate to allow Jennifer to stay in the home for a few weeks while she found a new place to live. Her boyfriend was unwilling to come to any agreement so Erica represented Jennifer in a contested hearing. Erica identified a defect in the eviction notice and, using this as a defense, she succeeded in defeating the eviction. As a result, Jennifer did not lose her housing and become homeless that day. A great outcome! But our story doesn't end there...*
>
> *Erica then contacted Jade Richards, another staff attorney at Pine Tree Legal specializing in cases involving domestic and sexual abuse. Jade agreed to represent Jennifer at her final protection order hearing. Jade helped Jennifer obtain a final protection order that prohibits her abusive ex-boyfriend from having any contact with her for two years, orders him to pay $250 in damages to replace the cellphone he destroyed, and allows her to remain in the home until after Christmas, giving her time to find a new, safe place to live. Jade also ensured the terms of the agreement required the abuser to keep the utilities to the home (specifically the landline phone) turned on during this time period. Jade also connected Jennifer with an advocate from the local victim service agency who is helping her find new housing.*

In Jennifer's case, skilled legal representation from local Pine Tree attorneys both resolved the immediate risk of homelessness and protected her from abuse going forward.

8. *Information regarding unmet and underserved needs*

As a result of funding limitations, Pine Tree does not have sufficient staff to accept every meritorious case for which help is sought. In 2017, 3,289 requests for assistance were referred to other resources after the provision of general legal information, primarily because Pine Tree's limited staff could not accept additional cases for representation. Those problems included the following:

- 270 Consumer law questions
- 16 Education law questions
- 228 Employment law questions
- 837 Family law questions
- 21 Juvenile law questions

- 122 Health law questions
- 584 Housing law questions
- 36 Foreclosure law questions
- 345 Income Maintenance law questions
- 262 Individual Rights law questions
- 365 Miscellaneous law questions

As noted earlier, its experience and reputation ensure that Pine Tree is both the first and last resort for low-income people of all ages and backgrounds who need legal assistance with a civil problem. In 2016, Pine Tree participated in an eight-week study with other Maine legal aid providers researching the unmet and underserved legal needs of Maine's low income population. That data shows that ***56% of legal needs that fall within Pine Tree program priorities are unmet or underserved***.

These numbers represent only a small fraction of actual need for program services. A national study[1] has shown that most people with civil legal problems do not identify them in that way. Instead, they assume that their problem is simply the result of bad luck and never seek legal help, even when the actual problem is the result of illegal activities which legal services could correct. Similarly, a 2012 study by Pine Tree of legal needs among Maine's veteran community found that 70% of those surveyed had experienced at least one legal problem in the past twelve months, but only a small fraction of those sought legal help from any source. Of course, there is a high cost to Maine families, local communities, and our State when legal protections are not enforced and client households end up in crisis.

Conclusion

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

In 2017, the Maine Civil Legal Services Fund was Pine Tree's second largest source of general funding, supporting work in all 16 counties and enabling Pine Tree to serve individuals and families who would otherwise go without help. It is becoming even more important at a time when Pine Tree's single largest general funding source (federal funding from the Legal Services Corporation) remains at risk of reduction or elimination, jeopardizing a range of services unavailable from any other organization in Maine.

Poor Mainers from Fort Kent to Kittery and from Oquossoc to Eastport have a better opportunity to receive justice today, thanks to the continuing services made possible from the Maine Civil Legal Services Fund.

Respectfully submitted,

Nan Heald
Executive Director

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