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

129th Legislature, First Regular Session

February 1, 2019

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MAINE CIVIL LEGAL SERVICES FUND COMMISSION

February 1, 2019

Michael Carpenter, Senate Chair
Donna Bailey, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, Maine 04333-0100

RE: 2018 Report of the Maine Civil Legal Services Fund Commission

Dear Senator Carpenter and Representative Bailey:

I am pleased to submit the 2018 Annual Report of the Maine Civil Legal Services Fund Commission to the Joint Standing Committee on Judiciary, as required by 4 MRSA §18-A.

John P. Foster, Sara A. Murphy, and I are the three Commissioners who oversee the Maine Civil Legal Services Fund. The Annual Report includes information about the amounts and uses of the funds allocated from the Fund. This compilation includes a report from each of the seven organizations receiving these funds.

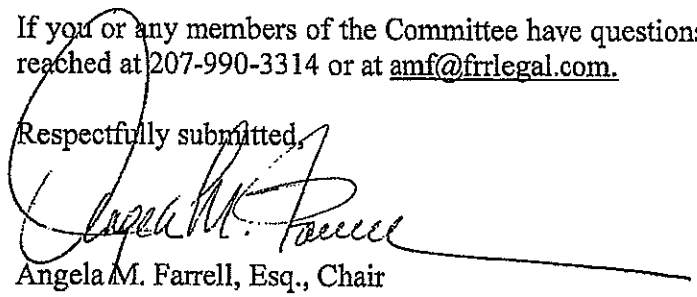
The total amount distributed in 2018 was $1,451,486. This was $12,169 less than the amount distributed in 2017. The distributions in 2018 were made according to the following formula and in the following amounts:

Organizations Receiving Funds from Maine Civil Legal Services Fund	% Share of Allocation	Amount Received ($)
Cumberland Legal Aid Clinic	6.4350	93,403.05
Disability Rights Maine	2.9800	43,254.25
Immigrant Legal Advocacy Project	5.2025	75,513.50
Legal Services for the Elderly	20.7355	300,972.65
Maine Equal Justice Partners	10.8900	158,066.70
Pine Tree Legal Assistance	47.7180	692,619.56
Volunteer Lawyers Project	6.0390	87,655.17
Total	**100.0000**	**1,451,484.88**

The Maine Civil Legal Services Fund plays a critical role in funding access to justice for residents of Maine who are low income, elderly, and/or have a disability. As Commissioners, we will continue to monitor the good work performed by these organizations in order to ensure that the allocations from the Fund are used in a manner that will most efficiently and effectively maintain and enhance access to justice in Maine, consistent with the provisions of 4 MRSA §18-A. On behalf of all persons who benefit from this Fund, we thank you for your support.

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

Respectfully submitted,



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

Enclosure

cc: John P. Foster, Esq., Commissioner
Sara A. Murphy, Esq., Commissioner

MAINE LAW
UNIVERSITY OF MAINE SCHOOL OF LAW

Cumberland Legal Aid Clinic

2018 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 2018 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 52 students enrolled in Clinic courses during the spring and fall semesters in 2018. During the summer, the Clinic hired 6 law students to work as full-time interns, 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, and another student worked part-time as a policy fellow. 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 2018, the Prisoner Assistance Clinic provided legal information, advice, and, in some cases, full representation to 131 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 (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 15 immigrants and refugees during 2018. 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 206 victim-survivors in 2018 in protection from abuse or protection from harassments matters in Lewiston District Court. The Clinic provided such representation in 2018 through support from the Fund, as well as federal funding received from the United States Department of Justice Office of Violence Against Women.

INFORMATION REQUESTED BY THE COMMISSION

The Fund provided nearly 11.6% percent of the total funds used by the Clinic for its programs in 2018 and approximately 27.2% of external funds received; it continues to be a critical 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 and Protection from Abuse Program.[2] In 2018, 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 far more limited in the number and 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 64.8% of the Clinic's General Practice and Prisoner Assistance civil caseloads in 2018 (a total of 151 cases), and we also assisted 6 teens and young adults with family law matters through the Preble Street Law Program. The Clinic handled 219 Protection from Abuse/Harassment cases for a total of 376 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, parentage, and divorce. The Clinic has also handled several cases involving minor guardianship.

Other areas of civil legal services in the General Practice Clinic 2018 caseload have included foreclosure, landlord/tenant, recovery of personal property, power of attorney, administrative appeals, adult guardianship, protection from harassment, real estate, recovery of unpaid wages, tax liens, name change, education, tort defense, power of attorney, 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, de facto parents, child protection, delegation of parental rights, child support, minor guardianship, and parentage matters, as wel as a case involving the intersection of state and tribal family law. 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; foreclosure; conversion of property; social security disability benefits; contract claims; attorney's fees disputes; powers of attorney; tax issues; recovery of professional/business license; business formation; and bankruptcy.

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, emanciapation, and changing gender identity markers on legal documents through the Street

[2] The Clinic does some work in the areas of criminal and juvenile law, and those clients (a total of approximately 125 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.

Law Program at the Preble Street Teen Center. Juvenile Justice Clinic students also represented petitioners 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.

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

In 2018, the Clinic provided civil legal assistance to a total of 465 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 231; Aroostook 0; Cumberland 189; Franklin 1; Hancock 1; Kennebec 5; Knox 5; Lincoln 1; Oxford 3; Penobscot 7; Sagadahoc 4; Somerset 0; Waldo 1; Washington 0; York County 14; Out of State 3.[4] The Clinic assisted a large number of clients with Limited English Proficiency or who were born outside of the United States. During 2018, our clients' countries of origin included: Angola, Burundi, the Democratic Republic of the Congo, Dominican Republic, El Salvador, Guatemala, Honduras, Iraq, Jamaica, Panama, Republic of Congo, Rwanda, 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 primarily in federal, state, and probate courts and agencies located in Cumberland, York, Androscoggin, and Sagadahoc counties, but we appear in courts in other parts of Maine as well. In 2018, we provided full representation to clients with cases in courts and agencies located in Alfred, Auburn, Augusta, Bath, Biddeford, Bridgton, Lewiston, Millinocket, Portland (including the Maine Supreme Judicial Court, Federal District Court, and Department of Homeland Security), Preseque Isle, Rockland, Springvale, South Paris, Kennbunk, York, Wiscasset, West 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.

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[3] We have excluded from our calculations 4 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 1453, 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 Clinic, who are incarcerated in several locations throughout the state. In some instances, the prisoners do not have an identifiable "home" county, in which case we list the county of their correctional facility.

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

The Clinic had 98 civil cases open at the start of 2018. During the year, the Clinic opened 417 new cases and closed 438. The Clinic has 78 civil cases open at this time. With the start of the new semester in January 2019, we expect to take on 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 2017. 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 (previously LegalFiles and now Legal Server) 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 2018, 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 2017 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, U.S, Department of Justice, National Immigrant Justice Center, Judge Advocate General, as well as positions in the state and federal 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,

Deirdre M. Smith
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DISABILITY RIGHTS MAINE
2018 ANNUAL REPORT TO THE
MAINE CIVIL LEGAL SERVICES FUND COMMISSION
JANUARY 15, 2019

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 39 people, 18 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 and half an attorney for patients at Riverview Psychiatric Center and an attorney for patients 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 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 recently began a new program investigating and monitoring representative payees for the Social Security Administration. The Protection and Advocacy Program for Beneficiaries of Representative Payees monitors, investigates, and reviews representative payees to prevent and detect financial exploitation or misuse of an individual's benefits and may advocate on behalf of beneficiaries to ensure that their needs are being met.

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. In 2018, DRM received year $42,945.00 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 28 case examples that provide a sampling of the types of cases DRM attorneys handled during 2018 for indigent Mainers. Because the amount of the award did not allow DRM to hire a full time attorney, the Fund award was used to supplement the provision of legal services to low-income Maine citizens with disabilities subjected to abuse or neglect or other rights violations. For example, DRM uses the Fund 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 2018 are listed below:**

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

Abuse, Neglect and Other Rights Violations	482
Beneficiaries of Social Security	20
Community Integration/Integrated Settings	165
Due Process	22
Education	195
Employment	29
Government Services & Public Accommodations	67
Guardianship	43
Housing	9
Voting	1
Total	1,033[2]

- **Number of people served;**

DRM Attorneys provided direct representation to 1,033 Maine citizens with disabilities, excluding citizens in state psychiatric hospitals. DRM advocacy staff provided representation to an additional 642 Maine citizens, including representation of Maine citizens in state psychiatric hospitals.

- **Demographic information about people served;**

Age:

Birth – 18	255
19 – 30	187
31 – 40	107
41 – 50	99

[1] Services Request or case

[2] Some individuals had more than one case

51 – 60	93
61 – 70	55
71 & Over	22
Total	818

Gender:

Female	345
Male	473
Total	818

Race:

American Indian / Alaskan Native	7
Asian	3
Black / African American	9
Somali	2
White	477
Two or More Races	11
Race Unknown	299
Declines to Respond	10
Total	818

Ethnicity:

Hispanic / Latino	10
Not Hispanic / Latino	292
Ethnicity Unknown	516
Total	818

County:

Androscoggin	95
Aroostook	15
Cumberland	176
Franklin	19
Hancock	8
Kennebec	118
Knox	30
Lincoln	21
Oxford	39
Penobscot	56
Piscataquis	6
Sagadahoc	34
Somerset	63

Waldo	25
Washington	14
York	92
Out-of-State	7
Total	818

Disability:

Absence of Extremities	1
ADD / ADHD	4
Autism	126
Blindness	5
Cerebral Palsy	28
Deafness	12
Diabetes	3
Epilepsy	5
Hard of Hearing (not Deaf)	4
Heart / Other Circulatory	1
Intellectual Disability	380
Mental Illness	187
Multiple Sclerosis	1
Muscular Dystrophy	3
Muscular / Skeletal	2
Neurological Impairment	5
Orthopedic / Physical Impairment	23
Respiratory Disorders	3
Specific Learning Disability	1
Speech Impairments	1
Spina Bifida	2
Tourette Syndrome	1
Traumatic Brain Injuries	18
Visual Impairment (not Blind)	2
Total	818

Income:

FPL	494
125% FPL	18
N/A FPL	77
Unknown	229
Total	818

- **Geographic area actually served**; Statewide

- **Status of matters handled, including whether they are complete or open**
  Active in 2018: 1,033
  Opened in 2018: 666
  Closed in 2018: 664

- **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.[3] The ADA Team meets every other week. DRM's teams meet to monitor cases and projects, to assess and record team progress on annual program priorities and to discuss issues of concern.

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

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 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. At best, our federal programs will be flat funded. DRM could face considerable cutbacks, while costs and demand continues to increase. Recipients of services under DRM's federal programs must meet strict eligibility criteria in order to receive services and the program dollars are relatively small and yet completely restricted. Fund monies allow DRM to serve the legal needs of low income Maine citizens who we would otherwise turn away.

Specific needs that DRM cannot adequately address currently include:

- The Children's Advocacy Program has brought to public attention the state of the children's behavioral health system. DRM participated in, with DHHS, an assessment of the children's behavioral health system that documented how many children throughout the state were waiting for in-home services or not receiving the correct service. Receiving services would prevent many children from being placed out of state. DRM is concerned about 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.[4] Residential providers then refuse to take those children back and they languish in juvenile detention facilities.

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

- 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.

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[4] 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.

- 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.[5] 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 2015, DRM took over the Maine Center on Deafness (MCD), a small nonprofit organization in Portland providing telecommunications equipment to and advocacy for Deaf Mainers, because of overwhelming debt and financial mismanagement. MCD was insolvent and needed to close its doors.

MCD had a long-time contract with Maine Department of Labor (MDOL) for the Telecommunications Equipment Program (TEP) which distributes adaptive specialized telecommunications equipment to individuals who are unable to use the telephone for expressive or receptive communication, or who face other barriers to telephone communication. The MDOL also contracted with MCD to provide advocacy for the rights of Deaf, hard-of-hearing, late-deafened and Deaf/Blind 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.

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

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 2018

Voting

Hospitalized Client Votes Because of DRM

As a result of DRM filing a reasonable accommodation request with a psychiatric hospital, a 69-year-old woman who was an inpatient at the hospital voted. The client had asked hospital staff 2 weeks earlier to ensure that she was able to obtain an absentee ballot in the event that she was still at the hospital but the hospital did not honor her request. She was unable to obtain a ballot the day before election day because the deadline for obtaining such ballots has passed. Election law allowed her to obtain a special circumstances ballot on election day due to her circumstances. The hospital refused DRM's initial request to assist with the process that would allow the client to cast her vote. DRM then filed a reasonable accommodation request under various federal civil rights laws with the hospital on behalf of the client. The hospital then agreed to assist the client and she was able to cast her vote on election day.

Guardianship

DRM Successfully Represents Client in Terminating Guardianship and Using SDM

A DRM attorney represented a 40 year old man with autism in a Supported Decision-Making (SDM) pilot project that was a joint venture between DRM and a small service provider. DRM taught the project's rights components and the guardianship/supported decision-making components. DRM successfully represented the client in Probate Court to restore his rights at the completion of the pilot based on SDM.

DRM Represents Client in Limiting Guardianship

An individual subject to a full guardianship contacted DRM requesting assistance in terminating or limiting the guardianship. The client's guardian was her mother, who opposed any modification in guardianship. The client's mother repeatedly misstated the client's rights and misinformed the client of what her authority was, at times to the point of bullying her daughter. A DRM attorney prepared a petition to terminate the guardianship and filed in probate court. The client's mother obtained an attorney. The parties and the attorneys met extensively, and eventually negotiated an agreement that substantially limited the mother's authority as guardian. DRM drafted a proposed order, which the court signed. The client now makes her own decisions with regard to medical, financial, and housing issues, which the mother retaining decision-making authority in only narrow circumstances.

DRM Represents Client to Terminate Guardianship
An individual with an intellectual disability contacted DRM seeking assistance with terminating his guardianship. The man was subject to a limited public guardianship, which allowed him to make his own medical decisions, but allocated all other decision-making authority to DHHS. A DRM attorney met with the client and attended a Person-Centered planning meeting, where the guardian representative indicated agreement with terminating the guardianship. The client lived in a supported housing, and was active as an artist in his community. DRM believed that even without the agreement of DHHS, the client had a good chance of persuading a court that guardianship was no longer necessary. The DRM attorney completed a petition to terminate guardianship and the client's doctor completed a form indicating that it was his opinion that a guardian was not necessary. The DRM attorney represented the client in court by filing the paperwork with the court, and a hearing was scheduled. The DRM attorney attended court with the client, his home supports, and his guardian. All parties indicated that they were in agreement with terminating the guardianship, and the judge gladly signed the order and congratulated the client. The client, who had been subject to his guardianship for 20 years, was overjoyed that the guardianship was finally terminated, and the advocate closed the case.

Employment
A Hospitalized Client Gets Professional License Due to DRM Representation
A 37 year old man with mental was able to obtain a professional license due to DRM representation before licensing board that had initially denied his application. The client had been informed by the examining board that his application for licensure had been denied due to past behaviors. The behaviors had occurred a number of years prior and were a result of his, at the time, untreated mental illness. The client was now receiving treatment and his providers were willing to testify to his success. The DRM attorney represented the client at the appeal hearing and was successful in having the board reverse its decision. The client's application was accepted and he was awarded his professional license.

Employer Settles After DRM Files MHRC Complaint on Behalf of Customized Employment Client
A client with an intellectual disability was paid back wages owed and compensatory damages for discrimination in employment. Client's guardian contacted DRM after the client was terminated from his part time (3 hours/week) employment. The job was "carved out" for him - ie, the employer and VR worked together to create a customized position that the client could do. Before the client was hired, the duties were built into the job responsibilities of other workers. The company was bought out. Soon after taking over, the new manager team called client's guardian and told her that client was terminated. Client, guardian and caseworker were all concerned

about the termination and that the client was being paid $.25 less than the minimum wage after the minimum wage was raised. A DRM attorney filed a complaint with the MHRC alleging discrimination and he was underpaid when they terminated him. Following client's filing with the MHRC, the company negotiated a settlement.

Transportation

Hearing Officer Finds that Broker Must Accommodate Client After DRM Files for Administrative Hearing

A DRM attorney successfully represented a woman with autism in an administrative hearing who needed an accommodation in order to access MaineCare's non-emergency transportation (NET). The woman needed NET to get from her home to her day program. On a couple of occasions, and as a result of her disability, the client began unbuckling her seatbelt prior to arriving at her destination. As a result of this, the client was told she could no longer independently access van transportation, instead she would need a friend or family member to ride on the van with her to day program and then wait four hours at her day program and then ride back on the van with her. Alternatively, her family was told they could drive her. Both of these options prevented her family member from working. The hearing officer found that the NET transportation broker was required to accommodate her disability and have an attendant support her on the van to ensure her safe access to transportation.

Client's Transportation Reinstated After DRM Appeals Cancellation

A a client's case manager contacted DRM for a client whose transportation had been abruptly canceled without notice. The transportation broker stated that they would no longer transport unless the client was accompanied by an escort because of a medical issue. In the months the broker had been transporting the client, no one had notified the guardian about seizure activity during transport, nor had any records of such activity been kept. A DRM attorney appealed the cancellation and a hearing was scheduled. The DRM attorney then spoke with DHHS staff who agreed that the cancellation without notice was problematic, and due to the lack of reporting or recordkeeping. DHHS agreed to direct the transportation broker to reinstate transportation with the instruction that any seizure activity during rides be recorded and reported to the guardian. The rides were reinstated, and over two weeks later, no reports of seizure activity during transport had been reported.

Reasonable Modification Requests

A Single Person Placement Reasonable Modification Granted Because of DRM

The guardian of a 32 year old man requested DRM assistance in negotiating with his housing providers. A DRM attorney attended multiple Individual Support Team

(IST) meetings and successfully negotiated with the provider to continue to provide home support services. When the individual's housemate moved out, the individual was unable to find a suitable housemate or a new placement within the time allowable by regulation, so a DRM attorney filed a grievance on behalf of the individual and was successful in having the client's services continued while a safe transition plan was created. The DRM attorney drafted and submitted a reasonable modification request for the individual to receive services in a single person placement based on clinical support. The Reasonable Modification was granted, though the individual's providers had decided to pull out. After a year of providing services after the individual's previous housemate had moved out, the agency discharged him from services and hired a private attorney to seek a forcible entry and detainer. The DRM attorney then negotiated an agreed upon move out date. The client had a safe transition and moved to a crisis services house while a long term placement was identified

MaineCare Modifies Regulation Following DRM Request

DRM secured a change in MaineCare regulations as a reasonable modification for a 71-year-old woman with mental illness thus ensuring her access to a critical medical device necessary to monitor her diabetes. In order to qualify for coverage of this device MaineCare regulations required that thee woman undergo an 8 week program of self-monitoring her glucose levels with blood strips and report the data to MaineCare herself twice a year. Her therapist's opined that the timing, number, and manner of this self-monitoring triggered a variety of mental health stressors causing the client to access crisis services during this time frame. A DRM attorney drafted and submitted a request to reduce this self-monitoring time frame from 8 weeks to 2 weeks under Title II of ADA to the ADA Coordinator and the request was granted.

Reasonable Modification Granted Due to DRM Advocacy

DRM represented a man with an intellectual disability, and a significant trauma history and brain injury that was the result of abuse by a previous provider, sought a modification of the DHHS prohibition on single person developments." After client moved into a group home, the State pressured the client and his support agency to get a roommate. With support from his treating providers, the client's reasonable modification request was granted.

Requested Modification to MaineCare Rules Granted For Hospitalized Client Due to DRM

A 42 year old woman with mental illness placed at a state psychiatric hospitalization had been eligible for brain injury waiver services but who had not received them for a couple of years, received a modification of the rule requiring an up to date neuropsychiatric evaluation in order to again be eligible for BI waiver services. DRM sought and received a modification to MaineCare rules to allow a neuropsychiatric

evaluation that was less than 3 years old to be used Within days of the request, Mainecare substituted the older neuropsychiatric evaluation and set up an assessment with the client, her treatment team, and its managed care provider to further assess her eligibility for services, thus expediting the agency's decision-making process by 4-6 months and allowing the client to timely develop a safe discharge plan from the hospital to the community.

Services

DHHS Reverses Opinion that Clients Can't Challenge MAO Reductions Because of DRM

DRM received a number of referrals for clients who had requested and been denied Medical Add-On (MAO) hours, or the MAO hours had been reduced. MAO is an increased rate of reimbursement for providers who serve clients who have very high medical needs and require services that are outside of routine direct care functions. At first, the Department argued that members themselves did not have a right to appeal the reduction, and that only the provider could appeal because it was a "rates" issue. After a DRM attorney filed a memorandum of law, arguing that the members did in fact have a right to appeal the Department's decision, the Department withdrew its assertion that the members did not have a right to appeal, and the appeals moved forward. The appeals were set for hearings, and DRM agreed to represent the clients on the substantive cases. A number of DRM attorneys worked on the cases, reviewing copious amounts of medical records, speaking with guardians, service providers, and case managers. A DRM attorney had discussions with the Department, and also with attorneys representing other clients challenging the same issue and attorneys representing the providers on their appeals in order to coordinate efforts. Eventually, the Department reconsidered and authorized all of the requested MAO hours for each of the clients. A DRM attorney then withdrew the appeals and the request for hearings.

Client Found Eligible and Gets Services Days Before Becoming Homeless Due to DRM

A young man with autism and his case manager contacted DRM to appeal a determination that he was eligible for developmental services. The individual had applied a few years before and was denied based upon his IQ. Recently he had been diagnosed with autism, rendering him eligible. DHHS was incorrectly stating that he was not eligible because his diagnosis came too late (when, in fact the regs require not that the diagnosis be given prior to age 18, but that the disability have presented itself before age 18). Time was crucial in this case because the young man was about to turn 21, and would be losing his housing through children's services. The DRM attorney advocated with various DHHS staff and participated in regular phone conferences to discuss the issue and make plans. Eventually, a DHHS supervisor reversed the

decision and found him eligible to receive developmental services less than 2 weeks before he would become homeless. The man's case manager, DRM and DHHS staff worked together to have him apply for services and search for a home. Miraculously, the individual was given an offer of services and located a group home in an area he wanted that he liked very much, and was able to move in the day before he was to lose his housing.

Client's Hours are Restored After DRM Prepares For Hearing

DHHS notified an adult with a developmental disability who has lived in her own home for over 16 years, that the client's hours were being cut from 141 hours per week to 84 hours per week after she switched home support agencies. DHHS said that the client was not entitled to receive full-time staffing because she lived in her own home, and not an agency home. At first, DHHS said if the agency took over the client's lease that would remedy the issue. However, after the agency did so, the DHHS stated this had not corrected the problem, and that the client's hours would still be cut. At no time did the Department provide to notice to the client of the reduction in her hours. The client and her case manager filed a grievance, which went up to an administrative hearing on the matter. A DRM attorney agreed to represent the client at the administrative hearing. The DRM attorney prepared for the hearing, which was continued multiple times for various reasons, at times over the objection of the client. One continuance was granted after the hearing had begun because the Department was not prepared to address the issues raised by DRM, despite the DRM's repeated attempts to contact DHHS to discuss issues in the case. DHHS refused to mediate. Eventually, the Department asked to negotiate a settlement. When DRM determined that resolution was not going to happen, DRM requested to go forward with the hearing. On the day before the hearing, the Department sent a letter stating that it had reconsidered and that the client could keep her services as they had always been in place. The Department gave no reason for its reconsideration and did not respond to requests for explanation. DRM followed up to ensure the proper authorizations and that the client, who kept her services and remained in her home.

Adverse Eligibility Determinations Reversed After DRM Appeals and Submits Additional Evidence Demonstrating Client had Autism Prior to Age 18

An adult with an intellectual disability who had been diagnosed by 2 providers with Autism Spectrum Disorder, contacted DRM after appealing a determination that the client was not eligible for developmental services. The Department maintained that the client ineligible for services, since there was no documentation that the disability presented itself during the developmental period (i.e., prior to age 18), as required by the regulations. A DRM attorney reviewed extensive records and submitted an addendum by a provider that the diagnosis is by definition a developmental disability,

and that the diagnosis would have been present prior to age 18. After DRM submitted the additional paperwork to the Department, the client was determined eligible for developmental services without the need for a hearing.

Mental Health Agency Changes Policies and Practices Because of DRM
A DRM attorney represented a 49 year old woman with mental illness in an administrative grievance proceeding filed against a community mental health agency after the agency terminated the community services of the client. DRM alleged 21 separate counts of violations of various state and federal regulations as a result of the discharge. The agency entered into a settlement agreement with the client prior to the scheduled administrative hearing. The agency provided DRM with redacted and de-identified documents that were part of the settlement agreement and agreed that they could be used in any future training of other agency providers by the DRM.

Housing

Forensic Client Able to Avoid Eviction and Move After Reporting Problems with the Apartment to the State with DRM Assistance
A 53 year old female forensic patient who was court ordered to live in a supported apartment that was staffed by a mental health agency, reported many issues with the apartment, to the state. The state investigated and developed a corrective action plan. The landlord, upset about being told they also had to take corrective action, such as fixing the heat in the building, threatened the client with eviction. If evicted, the client would, potentially, have to return to the state psychiatric hospital since she was court ordered to live in the apartment. The DRM attorney worked with her criminal defense attorney, and was able to help the client get legal services that would help either slow down or prevent the eviction. As a result, the client was not evicted and was able to move to a private apartment in her community of choice. The DRM attorney also spoke with the state to ensure they were continuing to monitor the mental health agency's willful ignorance of the conditions of the apartment that they were staffing.

DRM Prevents Client From Being Illegally Discharged
DRM stopped a residential service provider from illegally discharging a 54 year old woman with traumatic brain injury from her home. Client, who was under guardianship, lived in a residence that was owned and operated by a social service agency that provided in home services to the client on a 24 hour basis. The agency decided to close the residence and gave the client a notice informing her that services were being terminated and that she had 30 days to vacate her home. The client had no place to go and had no other services in place. Without these services or housing the client's only option would be the hospital. A DRM attorney filed an administrative appeal of this discharge arguing that state regulations required the provider to have a

safe discharge plan in place prior to terminating services regardless of the reasons for termination. The agency agreed to keep the program open until the client found an appropriate place to live. A new residence with appropriate services was found and client successfully moved into her new home. Since the appeal was moot, it was withdrawn.

After DRM Appeals Discharge, Provider Agrees to Rescind Termination
DRM was contacted after a mental health services and private non-medical institution provider involuntarily terminating a young man's services and residences. DRM challenged the termination of the young man's services and residence by appealing the termination and then convinced the provider to rescind its termination of his services and residence.

Client Returns Home after DRM Appeals Discharge
The right of a 45 year old man with mental illness and quadriplegia to live in the community instead of was assured because of DRM. A DRM attorney agreed to appeal the client's involuntary discharge from a nursing home after the client was brought to an emergency room because of his need for emergency medical treatment related to a physical disability. Client was then transferred to a general hospital for rehabilitative treatment. The nursing home then refused to allow the client to return alleging the client's behaviors were disruptive to the facility. A DRM attorney filed an administrative appeal of the discharge and began to request subpoenas for witnesses and numerous documents. A meeting was held prior to the hearing date with all the parties and an agreement was reached whereby the client would return to the nursing home and be provided with assistance in order to relocate to a different area of the state closer to his family which is where the client wanted to live.

Assistive Technology
Client Gets New Power Chair After DRM Intervenes
The mother/guardian of a young adult contacted DRM seeking because the client needed a new power wheelchair. The client's wheelchair had malfunctioned ten months before DRM got involved. The client's had been given a manual wheelchair while a replacement was being pursued, however, the manual wheelchair was virtually unusable because a power chair was needed and the manual chair was not customized to the client, resulting in sores if she used it for long periods of time. As a result, the client had mostly been confined to her bed for the previous ten months. The DRM attorney spoke with the client's mother, who reported that as soon as DRM agreed to look into the case, the new power chair was finally ordered and was expected to arrive in a few weeks. DRM monitored the case to ensure the chair arrived and that it fit the client's needs.

MaineCare Reverses Long Term Policy of Not Funding Motorized Wheelchairs in ALFs Due to DRM

A 45 year old man with a mobility impairment contacted DRM after MaineCare refused to fund medically necessary mobility equipment. Although there was no dispute that a specialized power mobility device was necessary for the client to have any independent mobility, MaineCare policy prevented funding for motorized wheelchairs for individuals living in assisted living facilities and denied his requests. The client was participating in the Homeward Bound program and the lack of power mobility was going to be an insurmountable barrier to his safe discharge to the community. A DRM attorney appealed the denial and also requested a reasonable accommodation to the MaineCare policy pursuant to the ADA. Just before the hearing took place, MaineCare reversed its decision and agreed to fund the power wheelchair.

Education

Student Able to Receive General Education Credits After DRM files for Hearing

The parents of a 16 year old student with a mental illness contacted DRM because the student's transcript identified her as a student with a disability. At one point during high school, when she had some acute mental health needs, she had been placed in a smaller environment. She has always excelled academically and performed at or above grade level in challenging classes. She had been assured that she would be given access to the same curriculum as her peers, but this turned out not to be the case. It was only after the year was over that she learned she would not receive general education credits and instead the special education classes would be designated on her transcript. She learned that her chosen college would not accept those credits. DRM initially supported the parents and the student in advocating for changes through the IEP process. When this was unsuccessful, a DRM attorney filed a due process hearing on the Student's behalf as well as raised claims under the ADA and Section 504. Just prior to hearing, a settlement agreement was reached where the District agreed to give the Student an opportunity (along with the necessary supports) to meet several standards she was not exposed to in the special education class and, when completed, she would receive credit for all of the general education classes on her transcript and the references to the special education classes would be removed. The school district is now reviewing its policies and practices with regard to transcripts for students who receive special education support.

Student Returned to Mainstream Classroom After DRM Files Due Process Hearing

The parent of a 10 year old student with mental illness contacted DRM because the Student was not allowed to attend her elementary school. The School District wanted

to place her at a day treatment program. The Student had moved into the District from a neighboring district and the District refused to implement her IEP, which said that she was placed in the mainstream classroom. A DRM attorney filed a due process hearing request on the Student's behalf. Through negotiations and mediation, the parties reached an agreement that the Student was provided tutoring for the remaining month of school while an independent evaluation was completed by an evaluator of the parent's choice. Once the evaluation was complete, the IEP Team met and the Student was placed in the mainstream classroom with the services and supports she needed.

Student on Shortened Day Works Towards Full Day After DRM Involved with Procedural Wrangling

The parent of an 8 year old student with a mental illness contacted DRM because the student was being forced into an abbreviated school day. DRM assisted the family in filing a complaint with MDOE where they sought stay-put. The District responded by filing an expedited due process hearing. DRM then filed a due process hearing and the matters were consolidated. An interim agreement was reached at mediation just prior to hearing where the District agreed to place the Student for a full school day in a neighboring school district preferred by the parents and to contract with three experts chosen by the parents to provide evaluation and consultation to the IEP Team. Unfortunately, shortly after the placement, the other school District indicated it could not maintain the Student given its current staffing levels. So DRM supported the family through the IEP process to work with the experts to develop a plan to return the student to her previous school and to resist attempts to place her at a special purpose private school far from her home. The Student continues to make slow progress toward a return to a full school day, but the pace has been dictated by the consulting experts and the Student's mental health providers.

DRM Assists with Filing MDOE Complaint; then Files Due Process About Placement

The family of a 15 year old student with a mental illness contacted DRM because of the student's inappropriate exclusion from school and other related matters. DRM assisted the family in filing a state complaint with the Maine Department of Education. MDOE found multiple violations and ordered that the District provide the Student with compensatory education including 40 hours of counseling services and 96 hours of specially designed instruction. MDOE also ordered further training for school staff and indicated that it would be conducting an on-site review of eligibility determinations for high school students. But the MDOE decision did not resolve questions about placement for the upcoming school year. After initially trying to resolve the issue informally, DRM filed a due process hearing to secure the Student's return to school. Almost immediately after filing, the District offered the

Student placement in the alternative program preferred by the Student and his family, to the matter was withdrawn. The Student was returned to school and was successfully supported at the alternative program through a Section 504 plan.

After DRM Files Due Process Student Returned to Full Day

The parent of a 15 year old student with mental illness contacted DRM after the student had been out of school for months and not allowed to return. After a misunderstanding at school, the district considered the student a threat and placed him on isolated tutoring for 6 hours per week 'pending a risk assessment.' DRM represented the student in a due process hearing request against the district alleging violations of the student's right to a FAPE in the LRE. During the course of negotiations, DRM the student was back in his high school for a full day to start the new school year. The district hired an independent evaluator and provided the student with a compensatory education fund and attorney's fees for DRM.

IMMIGRANT LEGAL ADVOCACY PROJECT

FY2018 Annual Report
(January 1, 2018 – December 31, 2018)

The Immigrant Legal Advocacy Project (ILAP) is pleased to present the Maine Civil Legal Services Fund Commission with its 2018 Annual Report.

1. Introduction

ILAP serves indigent and low-income noncitizens and their US citizen family members across Maine through the following services:

- Immigration Forms Program: Attorney consultations, brief interventions and assistance navigating *pro se* immigration applications, provided by ILAP staff and trained volunteers.
- Full Representation Program: Full legal representation for persons with complicated immigration issues, provided by ILAP staff and members of our *pro bono* asylum panel.
- Education & Outreach: Group informational workshops to immigrant communities and service providers with eligibility screenings and materials in multiple languages.

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 2018, 94% of our clients were not charged fees for the legal aid provided to them.

The grant from Maine Civil Legal Services Fund (MCLSF) helps sustain ILAP's free legal services across all of our programs. **During 2018, ILAP provided direct legal services to 2,951 individuals**. Of those, 2,774 (94%) were provided services at no fee and 177 (6%) at low-fee. The MCLSF grant was applied in the manner that ILAP proposed in its request for funding and 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 (TPS), Deferred Action for Childhood Arrivals (DACA), 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 2018, the MSCLF grant supported direct legal aid provided at no fee to 2,774 individuals.[i] Clients came from all 16 of Maine's counties and the following demographics were represented:

- Gender: 51% female 49% male
- Age: 17% under 18, 79% ages 18-60, 4% over 60
- Race/Ethnicity: 68% African or African American, 29% Caucasian, 2% Asian, Other 1%.
- Category of citizenship: 2% U.S citizen by birth, 4% U.S citizen by naturalization, 94% noncitizens

Additionally, ILAP collaborated with dozens of entities statewide in 2018, 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, state, and federal government agencies, hospitals, schools, Maine's Congressional delegation, adult education centers, churches, counseling centers, and homelessness prevention programs. In 2018, ILAP collaborated with Mano en Mano and Maine Mobile Health to provide immigration law assistance and outreach to clients in rural Maine.

4. Status of Matters Handled Under the Grant

In 2018, ILAP's 13.8 FTE legal staff, including 5.8 FTE attorneys, 1 FTE Accredited Representative, 2 FTE Paralegals, and 250+ volunteers provided the following free legal services.

Immigration Forms Program: The Immigration Forms Program is ILAP's first point of contact with clients. Services encompass intake screening (which sometimes involves brief legal advice or referral where the individual requires other services), forms assistance, brief intervention and attorney consultations in Portland, Lewiston or Milbridge. These services are also offered in conjunction with outreach events across the state. In 2018, the Immigration Forms Program provided 1,491 services, and addressed 1,009 matters directly benefiting 1,139 individuals[ii], including:

- 456 attorney consultations for 272 individuals
- 248 individuals received brief legal advice during intake screenings (in addition, 21 individuals were referred during intake, and are not counted as matters)

- 32 individuals detained on immigration charges received a consultation on their legal rights and legal options
- 23 persons received brief interventions (without an ILAP attorney entering her appearance as the person's attorney)
- 732 *pro se* immigration forms assists were completed
    - 73 permanent residency applications
    - 91citizenship (naturalization) applications
    - 45 asylum applications
    - 8 family-based visa petitions
    - 64 work authorization applications
    - 39 Temporary Protected Status applications
    - 4 Deferred Action for Childhood Arrivals program applications
    - 168 other types of applications or assists (such as applications for replacement permanent resident cards, refugee travel documents, and humanitarian parole, among others)
    - 240 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, we are unable to track the final outcomes of these matters. ILAP therefore measures our performance by the number of applications successfully filed without being rejected by the relevant government department or agency.

Full Representation Program: In 2018, ILAP's staff and *pro bono* attorneys provided full representation in 284 cases, benefiting 371 clients with complicated immigration issues (including cases still open from prior years). This includes 183 asylum seekers, 157 of whom were represented by *pro bono* attorneys and 26 by staff attorneys. Case activity[iii] under the grant included 30 cases opened, 44 cases closed and 227 cases open at year-end. ILAP provided the following full representation services in 2018:

- 17 asylum applications granted
    - 10 were affirmative cases and 7 were defensive cases in Immigration Court
- 129 asylum applications pending or in preparation[iv]
- 58 initial stage of residency applications granted
    - Including 11 domestic violence survivors' cases and 12 unaccompanied minors
- 41 initial stage of residency applications pending or in preparation
    - Including 20 domestic violence or trafficking survivors' cases and 15 unaccompanied minors
- 49 permanent residency (final stage) applications granted
    - Including 10 domestic violence survivors' cases and 10 unaccompanied minors
- 37 permanent residency (final stage) applications pending or in preparation
    - Including 6 domestic violence survivors' cases and 13 unaccompanied minors
- 24 employment authorization applications granted
- 17 employment authorization applications pending or in preparation

- 13 naturalization to U.S. citizenship applications granted and 3 in preparation
- 1 removal proceedings successfully terminated to allow applications to be pursued affirmatively before USCIS or closed because relief was granted
- 0 cases finally denied, including after appeals
- 50 other applications approved, and 23 other applications pending or in preparation

ILAP measures the quality of its full representation work by tracking the outcomes of all intermediate or final decisions received. In 2018, ILAP had a 100% approval rate for full representation cases that received a final decision. Immigration cases can take years to receive final decisions; three to five years being common.

Education and Outreach: In 2018, ILAP conducted 60 educational outreach events regarding relevant Constitutional and immigration laws attended by 1,794 immigrant community members and service providers across the state. 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, among other topics. Additionally, ILAP was quoted and interviewed in the media (radio, TV and print) on 30 occasions about a range of immigration issues.

5. Unmet or Underserved Needs:

Although ILAP provides a very high level of services while remaining an extremely lean organization, we lack the capacity to help every individual in need of immigration legal assistance and representation. Demand grows each year, but our funding does not allow ILAP to expand in a corresponding fashion. ILAP is ineligible for federal funding through the Legal Services Corporation because of our client base. Therefore, we rely heavily on private funding to support our work, primarily in the form of foundation grants and individual donations, and the continuation of important recurring funding sources like the MCLSF grant.

In 2018, ILAP turned away 674 individuals who were eligible for our services and needed legal assistance because we did not have the capacity to serve them, including 470 asylum seekers. We know that there are many more individuals 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 and U.S. Citizenship & Immigration Services that there are over 4,000 low-income asylum seekers in Maine, but ILAP was only able to provide representation for 183 asylum seekers last year. In 2018, **over 178 *pro bono* attorneys donated 3,724 hours of their time, valued at $937,242**, representing asylum seekers. We also continued to expand our *pro se* education and outreach efforts to provide guidance to individuals applying for asylum without an attorney.

Despite making significant expansions to our legal staff in 2018, ILAP continue to be outpaced by the demand for immigration legal services in general and asylum representation in particular. New positions in 2018 included an Intake Supervisor, Staff Attorney (to replace a paralegal), Lewiston Staff Attorney (increased from part- to full-time), part-time Lewiston Interpreter/Paralegal and part-time

Rural Maine Project Attorney (one year, grant-funded). In January 2019, we added an Asylum Program Attorney and promoted the attorney formerly in that role to the new position of Asylum Program Director.

6. Additional Accomplishments:

In December 2017, ILAP hired a full-time Advocacy & Outreach Attorney to monitor federal immigration policy, analyze state and local laws, and conduct state-wide educational outreach. In addition to expanded outreach efforts, key advocacy projects over the last year have included testifying before the state legislature, collecting public comments on proposed changes to the federal "public charge" rule and briefing Maine's Congressional delegation on various issues. At the state level, ILAP testified against an anti-sanctuary bill and in support of a bill establishing the crimes of criminal forced labor and aggravated criminal forced labor. The former bill did not pass, while the latter was passed into law and its addition will lower the hurdles faced by immigrant survivors of labor trafficking in finding safety in the United States. At the national level, ILAP briefed Maine's Congressional delegation on the ramifications of proposed changes to the "public charge" rule, the urgent need for a pathway to permanent status for DACA and TPS recipients, and the need to combat the attacks by the current administration on asylum seekers and low-income immigrants.

In June 2018, ILAP achieved a major organizational milestone – the opening of a full-time office in Lewiston. This office strengthens ILAP's efficacy and effectiveness by increasing access to legal services for the city's growing number of asylum seekers and countering a troubling rise in the unauthorized practice of law. ILAP began providing monthly consultations and educational outreach in Lewiston more than ten years ago. In 2016, we began offering weekly office hours, but community members repeatedly asked us to establish a greater presence. Since opening in June, ILAP has taken on more full representation cases, placed asylum cases with *Pro Bono* Panel attorneys, and provided consultations or forms assistance to close to 100 individuals. Additionally, we have held educational outreach events in Lewiston, grown the Lewiston-based membership of our *pro bono* panel to 12 local attorneys and strengthened relationships with partners and community-based organizations.

Additionally, in 2018 ILAP continued to deepen our services in rural parts of the state. Through the Washington & Hancock County Project, which was launched in 2016, ILAP staff continued to travel to Milbridge to provide legal services at Mano en Mano, including legal consultations, forms assists appointments, and full representation. ILAP staff also conducted 3 educational outreach events for 63 individuals in Milbridge during 2018. Although this "Milbridge model" has been very effective in allowing us to have a greater presence in the area without the overhead of a regional office, ILAP is continuing to explore different models for bringing our services to more rural immigrant communities. This fall, we piloted the "Rural Maine Project" to complete a state-wide needs assessment and opportunity scan to determine how to best respond to the growing and shifting needs of Maine's rural immigrants over the long-term. This Project is now especially important as individuals in rural parts of the state have been disproportionately affected by amplified immigration enforcement efforts, uncertainty with the DACA and TPS programs, and several travel-related incidents that suggest racial profiling.

Finally, over the last year ILAP has continued our Detention Project, which we resumed in 2017 to respond to more intense immigration enforcement and detention efforts that no longer focus on immigrants with serious criminal histories. Our attorneys are once again providing consultations to individuals detained at Cumberland County Jail and, in some cases, offering limited or full representation during bond hearings and in removal defense cases. Additionally, several high profile enforcement efforts over the last year have created fear among individuals with and without legal status, prompting ILAP to work closely with local and state law enforcement officials to build stronger relationships with immigrant communities. Because we expect the current level of enforcement and detention to continue and potentially become more intense, we are prepared to allocate additional staff and volunteer time to this project as needed.

6. Conclusion

Over the last year, draconian immigration policies and anti-immigrant rhetoric have added a new layer of complexity and urgency to our work providing comprehensive legal services to low-income immigrants in Maine. In addition to the infringement of the rights of immigrants without legal status, we have seen unprecedented attacks on nearly all forms of legal immigration. For ILAP, these shifts have meant that formerly straightforward or routine cases are now much more time-consuming and complex for staff, volunteers and clients.

Within this climate of fear and uncertainty, MCLSF remains one of ILAP's most steadfast partners and a critical source of general operating funding. The grant is an essential component of our funding mix, allowing us to respond quickly and effectively to the ongoing and shifting legal needs of our immigrant neighbors through direct legal services and educational outreach. With this funding, ILAP has supported thousands of clients to attain or maintain their legal status in the face of growing threats to their civil rights. With legal status, immigrant community members are able to achieve safety and stability for themselves and their families, access educational and employment opportunities, build networks and resiliency, and become powerful advocates for social justice across Maine.

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[i] Those who attend ILAP's education and outreach events, all provided without charge, are not included in the "direct services" number.

[ii] The number of services is greater than the number of matters because more than one service was provided in some matters.

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

[iv] Note that the Asylum Office and Immigration Court have years' long backlogs.

Legal Services for the Elderly
Annual Report to the Maine Civil Legal Services Fund Commission
Calendar Year 2018

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 2018. The financial support provided to LSE by the Maine Civil Legal Services Fund ("MCLSF" or the "Fund") is used to provide free legal help to disadvantaged seniors when their basic human needs are at stake. This includes things like shelter, sustenance, income, safety, public benefits, health care and self-determination.

In 2018, 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 24% 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 2018, LSE provided free legal help to 4,277 Maine seniors in 5,121 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.

Service levels were down compared to the prior two years. It is believed this is due to a three year public awareness campaign coming to an end in in 2017. The campaign was funded by a private foundation. Television and radio are extremely effective says to reach Maine seniors right in their homes. LSE also experienced a slight

decrease in staffing. 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 2018 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 6.40 FTE Staff Attorneys. This is a total of only 12.2 FTEs of direct legal services staff (including supervisory staff). This is a slight decrease in the staffing as compared to the prior year.

LSE's attorneys and paralegals are handling about 560 matters per year on average, with the Helpline Attorneys handling approximately 1,800 matters per year (entirely by phone) and the Staff Attorneys, who are doing full representation/litigation, handling a much lower case volume (approximately 150 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 2018 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 (1,310)	26%
Housing (1,158)	23%
Consumer/Finance (1,071)	21%
Health Care (622)	12%
Income Maintenance (272)	5%
Individual Rights (includes elder abuse and exploitation) (267)	5%
Family (201)	4%
Miscellaneous (183)	3%
Employment (37)	1%
Total Cases (5,121)	**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), housing (public and private housing, foreclosures, evictions), consumer issues (debt collection, consumer fraud, creditor harassment), and access to health care (Medicare and MaineCare).

Status of Matters Handled

The reported matters were all opened during 2018 and are reported regardless of whether or not they were closed in 2018 (502 remained open at the end of the year). This is a large number of cases to be open at year end. This is the direct result of a conversion to a new case management system in the fall of 2018 that caused a delay in LSE staff being able to close cases on the system. The normal number would be closer to 160. As of the date of this report, the backlog in case closings has been addressed. 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 5,121 matters breaks down as follows (from most to least resource intensive): 5% extended representation services; 3% limited action taken/brief services provided; 59% counsel and advice; 25% 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 36% male and 64% female. All clients served were sixty years of age or older, and 40% were 75 years of age or older. While LSE serves both socially and economically needy seniors, 90% of LSE's clients were below 250% of the federal poverty level and 43% were below 100% of the federal poverty level. Those callers who are not below 250% of the poverty level typically receive only basic information and a referral with the rare exception of a financial exploitation case that may be handled by LSE when a referral to the private bar is not possible due to the time sensitive nature of the case.

Geographic Distribution of Cases

LSE provides services on a statewide basis. LSE's clients are consistently distributed across the state in proportion to the distribution of seniors across the state. Year after year, LSE serves clients in nearly every organized township in Maine. This broad geographic distribution of services is accomplished by ensuring every call for help gets through and then applying uniform guidelines when deciding how much resource to put toward each type of legal problem regardless of where the person lives. The chart provided as **Attachment D** provides data regarding the geographic distribution of LSE's clients in 2018.

DESCRIPTION OF LSE'S SERVICES

Since its establishment in 1974, LSE has been providing free, high quality legal services to socially and economically needy seniors who are 60 years of age or older when their basic human needs are at stake. This includes things like shelter, sustenance, income, safety, public benefits, health care, and self-determination. LSE offers several

different types and levels of service in an attempt to stretch its limited resources as far as possible.

The 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 (6.40 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 case types accepted by LSE, the level service provided by LSE in each case type (information and referral only; telephone assistance only; or full representation), and the range of possible desired outcomes for each case type are governed by comprehensive written client service guidelines that are consistently applied on a statewide basis ("LSE Targeting Guidelines"). The LSE Targeting Guidelines ensure LSE is thoughtfully putting its limited resources to work where they will have the greatest impact. The Guidelines also ensure an equitable distribution of LSE's resources and services across the entire state. LSE's approach to targeting its services to those most in need and in legal areas where it can have the most impact has been recognized as a national best practice by the Administration for Community Living (formerly the Administration on Aging).

The remainder 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 need for help goes up steadily while LSE's funding fails to keep pace.** Only a small subset of case types are referred on to the nearest 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. LSE's Helpline services are provided at an average cost per case of only $52.97 as compared to the national average for senior helplines of $85.47.

The Helpline received in excess of 11,000 calls for help in 2018 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 229 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 31 *pro bono* and 184 reduced fee referrals to referral panel members in 2018.

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 cover assigned geographic areas of the state. With the exception of the administrative office in Augusta, the Area Offices are located within the local Area Agency on Aging 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.

LSE rigorously merit assesses cases before committing these intensive resources to a case, but once cases are accepted for full representation, Staff Attorneys are successful more than 87% of the time in stopping abuse, recovering homes and assets that have been stolen, saving homes from foreclosure that seniors have lived in for decades, and helping seniors obtain needed home care and other long term care services that allow them to continue living in their own homes longer.

LSE has historically proven very responsive to the emerging legal needs of Maine seniors. Examples of this include LSE's work in the foreclosure defense area (saving on average 30 homes per year from foreclosure) that dates back to the start of the foreclosure crisis; LSE's creation of a consumer debt unit in 2009 in response to the economic downturn; and LSE's growing reputation as a national expert in the elder abuse area. LSE's ability to respond to emerging legal problems on a statewide basis is contingent upon having access to unrestricted financial support from sources like the MCLSF.

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 **seven special regional projects in 2018** included the following:

York County Long Term Care Project;

Cumberland County Long Term Care Project;

Cumberland County Elder Abuse Law Project;

Androscoggin County Elder Abuse Law Project;

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, Department of Health and Human Services offices and Area Agencies on Aging. LSE distributed over 11,000 LSE brochures in 2018. In addition to the distribution of print materials, LSE's staff made 211 outreach presentations in 2018 that reached over 3,200 people across the state. To magnify the impact of the presentations, LSE focuses primarily on reaching professionals that are potential referral sources rather than trying to reach individual seniors.

The LSE website includes an extensive online elder rights handbook. The handbook includes information on elder abuse, powers of attorney, advance directives, housing rights, consumer debt problems, MaineCare estate recovery, MaineCare eligibility for nursing home coverage, Medicare Part D, and many other topics. The website provides a valuable resource not just to Maine's seniors, but also to their family members and caregivers. The design of the online handbook meets all national standards for on line materials for seniors and is accessible on a wide range of devices. In addition, over 475 print copies of the elder rights handbook were distributed in 2018.

LEADERS IN THE FIGHT AGAINST ELDER ABUSE

LSE's reputation as an expert in the area of elder abuse continues to grow. In 2017, LSE was able to publish a first of its kind 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 that are required by seniors because of the losses or the cost of protective, legal or social services. In 2018, LSE designed a demonstration screening project using victim characteristics identified in the 2017 study and obtained private foundation support for the project. The screening project hopes to identify potential victims sooner, potentially even before any harm occurs.

On a statewide level, LSE staff also 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 Server 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.

In addition to monitoring outcomes achieved across all case types, LSE has adopted as its quality standards the American Bar Association ("ABA") Standards for the Operation of a Telephone Hotline Providing Legal Advice and Information and the combined ABA and Legal Services Corporation ("LSC") Performance Criteria for the Provision of Civil Legal Aid. The LSE Board of Directors and senior management monitor compliance with these standards. LSE also conducts periodic client satisfaction surveys. The satisfaction rating in 2018 was 97%. All of this data is used to continually fine tune the LSE Targeting Guidelines so that LSE's limited resources are directed to those case types where they will have the greatest impact. Finally, LSE periodically evaluates its operation against benchmark best practices developed by the Maine Association of Nonprofits.

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 expected that 32.9% of Maine's population, or 464,692, will be over 60.[1] In addition, Maine's population of very old is growing rapidly. From 1990 until 2009, people age 85

[1] U.S. Census Bureau, Population Division, Interim State Population Projections, 2005.

and over grew by 10,000 – a 58% increase.[2] 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.[3] Maine is the only New England state that has an elder poverty rate above the U.S. average, and Maine's 65-and-above poverty rate is the highest in New England.[4] 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.

The high poverty rates among Maine seniors does not tell the whole story. Low income Maine seniors living on fixed incomes face additional financial challenges, including a high tax rate, high medical costs, high food costs, high electricity costs (41% above the national average) and an aging housing stock heated with oil.[5]

Low Income Elders in Maine Experience Frequent Legal Problems. **A legal needs study conducted in 2011 by the University of Maine Center on Aging revealed that 56% of Maine's low income seniors had experienced a legal problem in the past year (this went up to 67% for low income seniors 70 years of age or older).**[6] This is consistent with national data showing that from 45% to 86% of low income elderly experience a legal problem in a given three year period.[7] Seniors face more frequent legal problems than the general low income population and are at higher risk of harm when facing a legal problem. Using census statistics and the lowest need estimates in the available studies, we can estimate that at least 30,000 elderly Mainers would benefit from receiving free legal services each year right now. By the year 2030, the low income seniors in need of free legal help will grow to at least 44,000.

The legal needs study found that without ready access to free legal assistance, elders who can't afford a lawyer are most likely to "do nothing" about their legal

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[2]Maine Department of Health and Human Services, Office of Aging and Disability Services, State Plan on Aging, October 1, 2012 to September 30, 2016, page 7.

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

[4] U.S. Census Bureau, American Community Survey One-Year Estimates for 2010, "Poverty status in the past 12 months by sex by age".

[5] Maine Department of Health and Human Services, Office of Aging and Disability Services, State Plan on Aging, October 1, 2012 to September 30, 2016, page 9.

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

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

problem. This is the main reason the unmet need for services is not getting more attention. It is a fear of loss of independence that keeps many seniors from seeking assistance. Maine's State Plan on Aging found the following:

> Maine elders generally do not think of themselves as old, sometimes even when they are 90. Instead, older adults generally report that they measure their age by their independence; and they are fiercely independent. They acknowledge that physical limitations and the loss of independence are the things they fear most. The older adults in our focus groups freely admitted that pride keeps them from asking for help and that they think asking for help is admitting defeat.[8]

Doing nothing when facing a legal problem like foreclosure, eviction, or overwhelming medical debt quickly leads to a downward spiral in what had previously been a productive and independent person's life. In addition, of growing concern is the reality that seniors are being preyed upon in large numbers by unscrupulous caregivers and family members. A recent survey found that 5.4% of all seniors are financially exploited by a family member each year.[9] The most common form of loss by victims of exploitation served by LSE is the loss of the home through deception or undue influence, with the theft of very modest life savings and diversion of income (from public benefits) also very common.

The harm that results when Maine seniors who face legal problems that implicate their basic needs don't get access to free legal help extends well beyond the loss of safety, independence and dignity experienced by individual seniors. As the oldest state in the nation, failing to provide seniors with legal help when it is needed adversely impacts all of our local communities and our entire state. It takes the form of increased health care and social services costs and increased burdens placed on caregivers of seniors that might have retained their independence if legal help had been available.

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 2018 were many, but LSE is failing to keep pace with the need for help as the number of seniors needing help steadily climbs and secure and predictable sources of funding steadily decline. Since the initial inception of the Fund, the support provided by the Fund has never been more important to LSE as we fight to make Maine a good place to grow old for all seniors.

Prepared by: Jaye L. Martin, Executive Director

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[8] Maine Department of Health and Human Services, Office of Aging and Disability Services, State Plan on Aging, October 1, 2012 to September 30, 2016, page 6.

[9] Office of Justice Programs, Elder Abuse Fact Sheet, November 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 of non-legal services that are complementary to LSE's core legal services.

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

	2013	2014	2015	2016	2017	2018
Total Legal Matters Opened (these are the only LSE services supported by the Fund)	**4,661 (14% increase, return to 2011 levels, accomplished by adding grant funding)**	**5,401 (16% increase, 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, historic high)**	**5,121 (11% decrease likely due to expiration of grant funding for a public awareness campaign and slight decrease in staffing)**
Medicare Part D Appeals (not supported by the Fund)	911	1,360	1,463	1,296	1, 429	1,358
Total direct services	5,572	6,761	6,461	6,721	7,216	6,479

ATTACHMENT C
LEGAL SERVICES FOR THE ELDERLY
Detailed Case Type Report

CASE TYPE	CY 13	CY 14	CY 15	CY 16	CY 17	CY 18
CONSUMER/FINANCE						
Bankruptcy/Debtor Relief	26	22	40	72	72	76
Collection/including Repossession	492	535	582	451	322	121
Collection Practices/Creditor Harassment	98	74	61	116	228	334
Contracts/Warranties	48	83	71	76	64	51
Funeral/Burial Arrangements	14	6	5	6	3	7
Loans/Installment Purchase (Other than Collection)	43	44	31	60	78	44
Other Consumer/Finance	220	270	248	286	276	283
Public Utilities	122	85	56	47	44	66
Small Claims				43	59	52
Unfair & Deceptive Sales & Practices	56	53	36	35	53	37
TOTAL	**1119**	**1172**	**1130**	**1192**	**1199**	**1071**
EMPLOYMENT						
Employee Rights	3	6	3	6	9	6
Job Discrimination	10	4	4	5	7	3
Other Employment	35	45	53	29	30	28
Taxes	36	59	41	0	0	0
TOTAL	**84**	**114**	**101**	**40**	**46**	**37**
FAMILY						
Adoption	1	2	1	0	2	3
Child Support	10	5	9	4	4	7
Divorce/Separation/Annulment	100	104	93	101	130	90
Name Change	1	1	0	0	0	0
Other Family	132	130	175	117	110	101
TOTAL	**244**	**242**	**278**	**222**	**246**	**201**

CASE TYPE	CY 13	CY 14	CY 15	CY 16	CY 17	CY 18
HEALTH						
Home & Community Based Care	26	32	31	30	29	9
Long Term Health Care Facilities & Services	42	58	68	65	101	130
Medical Malpractice	21	15	15	5	4	3
Medicare	68	71	58	59	40	43
Maine Care	402	489	405	403	361	351
Private Health Insurance	19	19	26	16	20	12
Other Health Care				158	202	74
TOTAL	**578**	**684**	**603**	**736**	**757**	**622**
HOUSING						
Federally Subsidized Housing	169	264	214	185	172	237
Homeownership/Real Property (Not Foreclosure)	311	409	400	468	433	403
Mobile Homes	62	45	47	37	38	45
Mortgage Foreclosures (Not Predatory Lending/Practices)	175	163	112	136	128	111
Other Housing	29	38	35	50	58	89
Private Landlord/Tenant	157	208	214	269	288	232
Public Housing	36	35	24	72	94	41
TOTAL	**939**	**1162**	**1046**	**1217**	**1212**	**1158**
INCOME MAINTENANCE						
Food Stamps	27	48	68	80	53	43
Other Income Maintenance	17	31	40	33	32	41
Social Security (Not SSDI)	74	74	61	44	79	69
SSDI	21	22	21	31	38	37
SSI	30	32	37	33	34	44
State & Local Income Maintenance	25	17	13	19	34	26
Unemployment Compensation	5	9	6	10	3	5
Veterans Benefits	8	16	21	10	11	7
TOTAL	**207**	**249**	**267**	**260**	**284**	**272**

CASE TYPE	CY 13	CY 14	CY 15	CY 16	CY 17	CY 18
INDIVIDUAL RIGHTS						
Civil Rights	0	2	2	6	5	4
Disability Rights	3	1	3	1	3	4
Elder Neglect, Abuse, & Financial Exploitation (see also domestic violence)	137	194	142	245	260	213
Immigration/Naturalization	2	0	1	1	4	0
Mental Health	3	2	6	4	3	3
Other Individual Rights	35	42	35	22	27	43
TOTAL	**180**	**241**	**189**	**279**	**302**	**267**
MISCELLANEOUS						
Indian/Tribal Law	0	0	0	0	62	0
License (Auto, Occupational, & Others)	21	14	18	19	16	0
Municipal Legal Needs	2	2	1	9	26	10
Other Miscellaneous	230	225	229	145	86	173
Torts	22	40	31	47	33	0
TOTAL	**275**	**281**	**279**	**220**	**223**	**183**
SELF DETERMINATION						
Adult Guardian/Conservatorship	34	42	40	72	55	47
Advance Directives/Powers of Attorney	394	443	351	407	495	413
Wills/Estates	607	771	704	780	953	842
Guardianship of minor					14	8
TOTAL	**1035**	**1256**	**1095**	**1259**	**1,517**	**1310**
GRAND TOTAL	**4661**	**5401**	**4988**	**5425**	**5787**	**5121**

ATTACHMENT D
LEGAL SERVICES FOR THE ELDELRY

Geographic Distribution of Services

	LSE 2017 STATISTICS		LSE 2018 STATISTICS	
	Total Clients Served	**% of Total LSE Clients Served by County**	**Total Clients Served**	**% of Total LSE Clients Served by County**
Androscoggin	410	9%	387	9%
Aroostook	249	5%	217	5%
Cumberland	873	18%	812	19%
Franklin	96	2%	91	2%
Hancock	186	4%	192	4%
Kennebec	490	10%	466	11%
Knox	128	3%	120	3%
Lincoln	113	2%	96	2%
Oxford	216	5%	177	4%
Penobscot	633	13%	602	14%
Piscataquis	103	2%	95	2%
Sagadahoc	116	2%	104	2%
Somerset	159	3%	156	4%
Waldo	150	3%	142	3%
Washington	187	4%	126	3%
York	620	13%	494	12%
Total	**4,729**	**100%**	**4,277**	**100%**

Maine Equal Justice
People Policy Solutions

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2018 Annual Report to the Maine Civil Legal Services Fund Commission
January 2019

Maine Equal Justice (MEJ) is pleased to provide the Maine Civil Legal Services Fund Commission with its annual report for 2018. Funding from the Maine Civil Legal Services Fund (MCLSF) enabled MEJ 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 MEJ's single largest source of funding and provides critical support that allows MEJ 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.

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

Maine Equal Justice provided legal support and advocacy on behalf of people with low incomes throughout the state in 2018. People living poverty are uniquely qualified to identify what is needed to address systemic barriers and create more economic security and opportunity in their lives and this core belief informs the way in which we approach legal representation and advocacy. In 2018, MEJ 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 MEJ staff. As part of this effort we have helped to develop and train 57 low-income leaders in Maine. Mainers from diverse backgrounds come together to inform and collaborate with MEJ staff

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

and board members. MEJ's work and priorities are informed by the real experience of people experiencing poverty directly, both by our low-income Partners and by our clients.

In 2019, Maine Equal Justice dropped the Partners from our name and adopted a new logo. While Maine Equal Justice has a new name and logo, our commitment to people and fair laws and policies remains the same. We continue to advocate for fair public policies, provide direct legal services and representation through impact litigation on systematic issues, and partner with diverse low-income communities and agencies through outreach, organizing and education.

INFORMATION REQUESTED by the COMMISSION

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

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

In 2018, MEJ 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	9
Education	2
Employment	5
Family	28
Juvenile	2
Health	275
Housing	33
Income Maintenance (i.e. TANF, SNAP, LIHEAP, SSI)	241
Individual Rights	8
Miscellaneous	16
TOTAL	619

In 2018, MEJ handled the following types of administrative advocacy cases:

Case Type	# of Cases
Education	2
Employment	2
Health Care	4
Income Maintenance (i.e. TANF, SNAP, LIHEAP, SSI)	8
TOTAL	16

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

Maine Equal Justice provides direct legal representation through its toll-free telephone intake system on issues involving the denial, termination, or reduction of anti-poverty programs, public health insurance, and training and educational programs. These services require a thorough understanding of state and federal statutes and rules governing the various programs as well as an on-the-ground working knowledge of the programs and how they are implemented. In addition to providing direct representation to income-eligible clients, MEJ serves as a legal resource regarding anti-poverty 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 MEJ identifies a systemic issue, staff works with those responsible for the administration of the program to make the changes necessary, so the same legal issue does not reoccur.

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

In 2018, MEJ handled a total of 619 cases (this number does not include MEJ's administrative advocacy cases).

Impact litigation in 2018:

MEJP, et. al. v. Commissioner DHHS, BCD-AP-18-02

MEJP, along with several health care providers and individuals who would benefit from Medicaid expansion, filed suit to challenge the DHHS Commissioner's failure to submit a State Plan Amendment (SPA) to the federal Centers for Medicare and Medicaid Services (CMS) to receive federal funding to help pay for the expansion of Medicaid as approved by Maine voters in November 2017. Under the law, the Commissioner was required to submit the SPA by April 3, 2017 and to have the program in operation by July 2, 2018. The Commissioner refused to take any of the required steps to implement the law.

On June 4, 2018, the Superior Court ruled in favor of the Petitioners. The Law Court then granted a temporary stay until hearing oral arguments on the stay question on July 18, 2018. On August 23, the Court found that the Superior Court's decision below was interlocutory and sent the case back to the Superior Court. The Court also directed the Commissioner to file the SPA. The Superior Court then held a two-day hearing and ultimately issued a decision on November 21, 2018 in favor of the Petitioners. The Commissioner filed an appeal. Since then, newly elected Governor Mills has implemented the law and people who are eligible for health care are now enrolling in the program.

Jamie Kilbreth and David Kallin of Drummond Woodsum and Charlie Dingman of Preti Flaherty are serving as pro bono counsel on the case.

2. Administrative Advocacy

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

MEJ conducts administrative advocacy at the federal and state level in all its focus areas. Federal and state agencies often define and operationalize law in regulations and rules and these details can have a significant impact on our clients. MEJ strives to ensure fairness and due process at the administrative level. We also aim to resolve grey areas in the applicable governing statutes. By so doing we clarify eligibility and services covered, which, 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 2018, MEJ 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.

- **New HOPE for Parents Looking for Pathway out of Poverty:** In 2018, MEJ successfully advocated at the Legislature for the creation of the Higher Opportunity for Pathways to Employment (HOPE) program. HOPE will provide post-secondary opportunity for 500 parents with low incomes. Maine Department of Health and Human Services (DHHS) convened a group of stakeholders later in the year including Maine Equal Justice, the Community College System, and the University system to discuss and plan for program implementation. To date, the group has focused on the design and placement of "navigators" who will provide personalized professional guidance and support to program participants to promote program completion and student success. The working group was also consulted on the model that DHHS will use to administer the program, determine eligibility, and provide program support services. It is anticipated that the program will first open to new students in the fall of 2019.

- **Community Partners:** Maine Equal Justice continues to serve as a liaison between clients, community and social service groups, and DHHS to resolve problems in the administration of Maine's anti-poverty programs.

- **Notices and applications:** Maine Equal Justice has been engaged in a two-year project with DHHS to re-write hundreds of the notices sent to recipients of TANF, MaineCare, SNAP and other assistance programs. Notices are now readable at close to a 6th grade reading level. This will impact approximately 400,000 people. In addition, MEJP has worked with DHHS to improve the applications for these programs to make them more understandable and streamlined. Now, MEJ is engaged in a longer-term, intensive project to revise the OFI Notice of Decision, which all recipients of public assistance get at least once per year.

- **Rulemaking:** During 2018, Maine Equal Justice submitted rule making comments related to numerous anti-poverty programs, including General Assistance, MaineCare, SNAP and TANF/ASPIRE.

- **Removed Barriers to Health Care:** Maine Equal Justice worked with DHHS to remove roadblocks in the implementation of the Limited Family Planning Benefit Eligibility group for MaineCare, which was plagued by backlogs.

- **Maintained protection for people waiting for a decision:** Maine Equal Justice helped to reinstate Temporary MaineCare benefits for people whose applications take more than 45 days to process. Although this is a requirement under state law, DHHS was not adhering to this requirement.

- **Opposed Requirements that Would Reduce Access to Health Coverage:** Maine Equal Justice drafted comments and provided technical support to others submitting comments regarding Maine's proposed Section 1115 waiver submitted to the Centers for Medicare and Medicaid Services (CMS), which would impose a number of changes to the Medicaid program including: asset tests; elimination of retroactive eligibility; imposition of co-payments for use of the emergency department based on the ultimate diagnosis and not on a reasonable person standard; work requirements; and a requirement that very low-income parents pay premiums.

- **Improved Access to Transportation:** MEJ collaborated with the Office for MaineCare Services (OMS) to address problems with the MaineCare transportation benefit with respect to the provision of escorts and attendants. OMS has now instituted proposed rule changes for which we have submitted comments.

3. Training, Education and Outreach

Maine Equal Justice provides outreach and training for people with low incomes and the agencies and providers who assist them. We impart critical information on Maine's anti-poverty 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 2018, MEJP conducted 40 separate training events throughout the state, reaching more than 1420 individuals, including staff from CAP agencies, Head Start programs, health centers, homeless shelters, and hospitals as well as individuals living with low incomes themselves.

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

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

In 2018, Maine Equal Justice opened a total of 619 cases (includes full intakes, counsel & advice and referral cases *only*). The services impacted approximately 885 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 2018.

Activity	Total # of Cases Opened and closed/ People served (pending and withdrawn cases not included)
Full intakes – includes limited and full representation	190/307
Counsel & Advice and/or Referred	422/535
Administrative Advocacy	16/141,355 served (this is a conservative estimate based on available data; exact numbers are unknown)
Activity	**Total # of Trainings/# of People Participating**
Training, Education & Outreach	40 separate trainings and workshops/ 1420 people served

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

Maine Equal Justice represents the interests of all Maine residents living in or near poverty, which is defined as less than 200% of the federal poverty level (FPL) or $41,560 in annual income for a family of three in 2018. According to state data on the Kaiser Family Foundation website, there are 322,100 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 2018:

- Families receiving Temporary Assistance for Needy Families (TANF): 3,943 households, representing 7,014 children;[3]
- Individuals and families receiving Food Assistance (SNAP) benefits: 88,502 households, representing 167,595 individuals[4] of which 60,210 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): 256,519 individuals.[6]

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

In 2018, Maine Equal Justice provided legal services to individuals residing in all sixteen Maine counties.

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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] https://www.maine.gov/dhhs/ofi/reports/2018/geo-distribution-dec.pdf

[4] https://www.maine.gov/dhhs/ofi/reports/2018/geo-distribution-dec.pdf

[5] https://www.maine.gov/dhhs/ofi/reports/2018/SummaryCountsByCounty-Dec.pdf

[6] https://www.maine.gov/dhhs/ofi/reports/2018/overflow-a-dec.pdf

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

In 2018, Maine Equal Justice opened a total of 619 cases. Of the 619 cases opened, MEJ closed 541; 78 are pending. In addition, MEJ opened sixteen administrative cases with seven completed during 2018.

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

Maine Equal Justice complied in all respects with the 2018-2019 proposal submitted in the fall of 2017. MEJ 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 2018-2019 is based upon the core legal representation and substantive work that MEJ pursues; therefore, we evaluate our work using outcome measurements that reflect our ability to achieve systemic reform.

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

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

- **Training, Outreach and Education:** MEJ measures its success by the extent of its outreach and training activities throughout the state, the number of individuals trained during the year, and the feedback received on training evaluations. MEJ receives more requests for trainings than it can provide in any given year. MEJ'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 2018 were favorable and underscored the value of MEJ's expertise and knowledge for direct service organizations and legal aid providers throughout the state.

Information particular to each recipient organization regarding unmet and underserved needs

Maine Equal Justice supports its operating budget through funding from the MCLSF, the Maine Justice Foundation, the Campaign for Justice, Maine-based and national foundations, and individual

donors. 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.

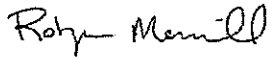
While MEJ's funding from IOLTA funds significantly decreased, the demand for our services remains high, as Mainers face steadily rising costs while stable jobs that can support a family have dwindled. Further, as changes are made to eligibility criteria and scope of benefits for the state's public assistance programs, individuals and families and their caseworkers increasingly turn to MEJ 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, MEJ does not have the staffing capacity or resources to address all the areas of concern to people with low incomes in Maine. We receive requests from clients and organizations that represent them for assistance with housing, family law issues, and employment issues and we are unable to address all these needs. With additional capacity, we could take on issues that currently exceed our capabilities on a systemic level and increase the scope and amount of legal aid support we currently provide to better meet unmet legal needs in Maine.

CONCLUSION

Maine Equal Justice 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 are deeply grateful to the MCLSF Commission for making this work possible. The Board, staff and our clients thank you for your continued support.

Respectfully submitted:



Robyn Merrill
Executive Director

Maine Volunteer Lawyers Project
Report to the Maine Civil Legal Services Fund Commission
January 2019

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).

Since January 2017, the VLP has operated as a separate 501 (c) (3) organization (with an exemption date of September 30th, 2016). While continuing its long standing programs and services, the VLP has developed its own board and continued to widen its impact throughout the State.

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 while serving low income and vulnerable Maine people.

We do this with a small staff who provide administrative and technical assistance to support and engage 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 if they 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.

Services

Initial requests for assistance are made in a variety of ways, including through a statewide telephone intake line staffed by non-attorney volunteers and supervised by VLP staff in the Portland and Bangor offices. 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.

Participating *pro bono* attorneys provide limited representation through several special VLP initiatives: the Family Law Helpline, the Domestic Violence *Pro Bono* Panels, and the Court House Assistance Project (family law clinics). 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.

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 of clients, to ensure that VLP services complement the assistance provided by Maine's other legal aid providers, and to maximize the impact of donated legal services.

Additionally, in 2018, 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, all recruited and trained by the VLP, 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 2018, 72 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.

Further, The VLP continues to administer the Maine website of Free Legal Answers, which is an ABA project. Maine *pro bono* lawyers, recruited by the VLP, answered the civil legal questions of 527 Mainers on this site in 2018

Cases Handled in 2018
In 2018, VLP staff or volunteers provided service in **3875 cases**:

- Intake line volunteers provided legal information: 451
- Limited representation through clinic programs: 2020
- Full representation through domestic violence panels: 98
- Legal representation in fully referred matters: 576
- Open as of 12/31/18, but waiting for referral or service: 131
- Homeless Clinic 72
- Free Legal Answers, Maine (FLAME) 527

Total: **3875 cases**

MCLSF funded 21% of all VLP services in 2018. Without MCLSF, the VLP would have served more than 800 fewer clients across the State of Maine.

Not including the homeless clinic or the web based legal questions because they do not have direct VLP intake, the VLP opened 2,837 cases in 2018, and closed 2,747 cases. Many VLP cases, however, that are fully referred to a volunteer lawyer are not opened and

closed in the same calendar year, and at the end of 2018, 515 cases, opened in 2018 or earlier, remained open.

The 2837 VLP cases opened in 2018, fell into the following case types and client county of residence:

Case Type	Total Cases OPENED
Benefits	98
Consumer	140
Employment	60
End of Life	130
Family	2274
Housing	56
Miscellaneous	79
TOTAL	**2,837**

County of Residence	
Androscoggin	**420**
Aroostook	**31**
Cumberland	**581**
Franklin	**26**
Hancock	**105**
Kennebec	**310**
Knox	**39**
Lincoln	**46**
Oxford	**66**
Penobscot	**461**
Piscataquis	**20**
Sagadahoc	**110**
Somerset	**49**
Waldo	**101**
Washington	**37**
York	**361**
Out of State	**31**
N/A	**43**
Total:	**2,837**

Demographics of Clients whose cases were opened in 2018

- VLP opened cases serving 2,837 Maine households with an average size of 2.63 people, benefiting an estimated 7461 individuals.
- The average annual household income was $18,600, and more than 50% of households had income from employment or employment based benefits.
- The average age of a client at intake was 41 years, but the largest group of clients were between 25 and 34 (38%). 237 clients were 60 or older.
- 2467 clients identified as White, 129 as Black, 47 as Hispanic, 35 as Native American, 28 as Asian and 98 as other. (33 n/a)
- 4.8% of clients did not speak English as a first language.
- 30% of households had at least one person with a disability.
- 1839 clients were female, 946 were male and 22 identified differently. (30 n/a)
- 56% households included children, and about half of those households were headed by a single parent.

Unmet Need
Most qualifying clients who receive an intake would benefit from full representation, but The VLP is able to refer less than 20% for full representation by a *pro bono* attorney.

Most of the VLP courthouse clinics serve clients with family law cases, and family law is consistently the most requested service across the state. Clients referred to the VLP through statewide domestic violence organizations are able to access VLP phone based family law clinic. This still leaves many rural clients unable to easily access a *pro bono* family law attorney. Limited representation through clinic based services is meaningful for many clients, but more than 80% of these clients would have benefited from full representation.

In 2018, almost 500 clients who qualified for our services received only legal information because needed pro bono resources did not exist in their county or substantive area of law.

To mitigate some of the access issues, the VLP administers the Free Legal Answers service in Maine. Clients can access this service from anywhere in Maine where there is an internet connection. Some of these clients now have access to extended representation.

The VLP actively recruits *pro bono* attorneys with the goal of meeting need through the expansion of volunteer resources, increased programing is, however, dependent on increased funding.

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 new online case management system, Legal Server. (This new CMS is avaible as part of the 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 up to 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 are open with volunteer attorneys.

Compliance of Services Delivered to Services Proposed

In its application to the Maine Civil Legal Services Fund for 2018/2019, 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 2018, the VLP provided unbundled and full representation, as well as legal information and referrals, to clients across Maine (including service out of our 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 2018 the average cost per case continued to be 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 2018, the value of services donated under the auspices of VLP again exceeded $2 million, providing almost $2.5 of service for every $1 in funding actually received. MCLSF funding was critical to supporting the VLP in 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 VLP will be able to maintain and expand these services in 2018 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 2019

On behalf of the Board of Directors and staff of Pine Tree Legal Assistance, I would like to thank the Commission for their continued support of Maine's civil legal aid community. We are pleased to submit this report on Pine Tree Legal Assistance's accomplishments in 2018.

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 uses three effective strategies to perform its mission:

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, regardless of income, via ptla.org, statesidelegal.org and kidslegal.org. Millions of people rely on these 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 regularly on relevant legal topics to thousands of Maine residents, social service providers, members of the private bar, court personnel, landlords, and others. Pine Tree staff are active participants of statewide and local commissions, taskforces, and coalitions that represent the needs of struggling Mainers.
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. This 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.

Types of cases handled

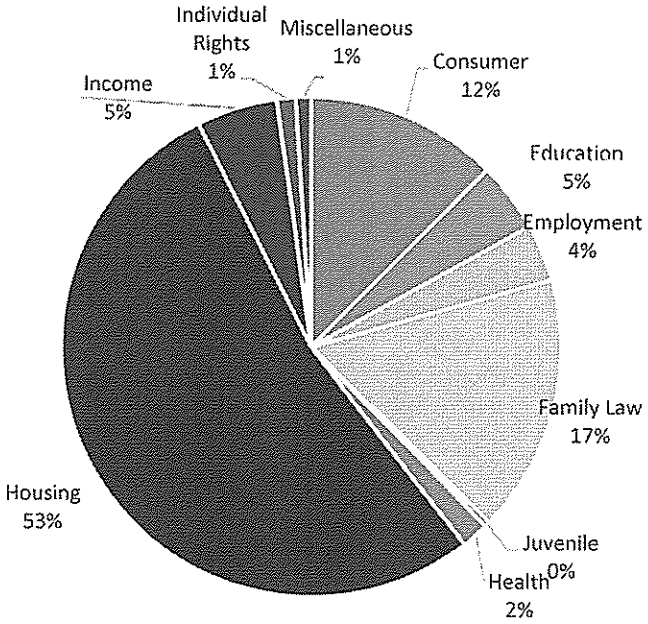
In 2018, Pine Tree Legal Assistance worked on **7,223 cases**, providing direct legal assistance on a wide range of legal issues.

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

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

Twelve 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, problems with public utilities, unfair trade practices, bankruptcy, auto purchase and repair issues, and more.

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



Law Category	Cases exclusively funded through MCLSF	Cases funded through MCLSF and other sources
Consumer	44	898
Education	7	326
Employment (including tax)	9	267
Family Law (including PFAs)	4	1,209
Juvenile	0	23
Health	8	128
Housing	226	3,835
Income	12	378
Individual Rights	12	87
Miscellaneous (including tribal law)	2	72
Total	**324**	**7,223**

Number of people served

Pine Tree served more than two million people in 2018 through direct legal aid, outreach, and its websites.

- Pine Tree served 17,905 people through individual cases, including 11,013 adults and 6,892 children.
- Pine Tree served more than 600 people through community education activities including consultations, meetings, presentations, and trainings.
- Pine Tree's websites were utilized by 2,081,911 users in 2018, accessing Pine Tree's websites for a total of 3,648,476 page views.

MCLSF funding is crucial for the maintenance and development of website resources and self-help tools. Pine Tree maintains four websites: ptla.org, kidslegal.org, statesidelegal.org, and helpMElaw.org. All of the program websites are freely available to any individual and remain an important way of increasing access to the justice system, especially for unrepresented individuals. In 2018, ptla.org alone recorded almost 1.4 million users and about 2.4 million total page views.

The table below highlights the most frequently viewed pages on ptla.org.

Rank	Page	2018 Page Views
1	Rights of Maine Renters: Eviction	233,199
2	What can I do if my landlord is trying to evict me?	209,556
3	Rights of Tenants (Evictions) in Spanish	122,650
4	How to Get Your Security Deposit Back in Spanish	112,162
5	Homepage	100,605
6	What is a Guardian ad Litem?	76,862
7	Guardianship of a Minor	73,689
8	Wabanaki Legal News: Students have rights when searched or questioned at school	61,635
9	Contact Us	56,381
10	Calculating Your Child Support	46,053

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;
- One in five has a disability;
- One in six represents an ethnic minority;
- One in six is age 60 or older; and
- One in twelve is a veteran.

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 2018 by poverty level.

Below 100% poverty	57%
100% – 199% poverty	34%
Over 200% poverty	9%

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 2018, some of whom received help with more than one legal problems during the year.

County	Clients Served	All People Served
Androscoggin	1,013	2,875
Aroostook	442	1,034
Cumberland	1,554	3,489
Franklin	118	304

Hancock	219	527
Kennebec	752	1,713
Knox	94	217
Lincoln	141	343
Oxford	256	670
Penobscot	705	1,609
Piscataquis	64	156
Sagadahoc	175	443
Somerset	196	491
Waldo	111	288
Washington	273	624
York	880	2,252
Out of State	143	618
Unknown	87	252
Total	**7,223**	**17,905**

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

In 2018, Pine Tree staff and volunteers worked on 7,223 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-three percent (2,582) 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, 95% 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	2,450
Resolved in favor of the opposing party after full legal representation	132
Resolved after providing information, advice or limited assistance	3,212
Closed for other reason	162
Cases open as of 12/31/2018	1,267
Total cases handled in 2018	**7,223**

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

The activities supported with MCLSF funding in 2018 are consistent with the activities proposed in Pine Tree's 2018-19 application to the Commission. In the application, Pine Tree sought funding to support its three key strategies of 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 2018 through direct legal aid, community legal education, and online resources.

Outcome measurements used to determine compliance

Using case management software, Pine Tree tracks both the number of cases opened and closed within a given period and the extent to which the client's objectives were achieved. Specific case closing codes are used to track the results of closed cases and to distinguish between successful and unsuccessful outcomes. 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 2018

advocacy are extensive. The following data and stories highlight some of Pine Tree's most significant outcomes. In 2018, Pine Tree's advocacy:

- *Saved **Maine consumers $1,922,065** in unlawful and excessive debt by enforcing consumer protections.*
- ***Prevented homelessness for 268 families*** though eviction dismissals alone. More than one third 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 the elderly and families with children. Pine Tree preserved $41,642 in monthly housing subsidies by having evictions dismissed. ***The annual value of these subsidies are $499,704.***
- *Resulted in **354 new protection orders for victims of domestic violence, sexual assault, stalking, and dating violence.***

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. The following are examples of cases in which legal representation was particularly vital:

- Our medical/legal project with the Department of Veteran Affairs at Togus received a request for help from a 72-year old veteran who faced the loss of his home to a property tax foreclosure by the town where he lived. The town was preparing to sell the home when Pine Tree became involved. Staff attorney Dylan Maeby persuaded them to 'quit-claim' the home back to the rightful owner, rather than go through a court proceeding where the town's failure to comply with the current property tax foreclosure statute would be evident.

- Tax attorney Helen Hall helped a chronically depressed and often suicidal taxpayer submit an Offer in Compromise for an IRS tax debt. The client's brother/power of attorney wrote to Helen to thank her for her work *"Again on behalf of E---, we are most grateful for your care, persistence, and expertise in preparing this time consuming, complex, and lengthy document. Your assistance has provided a measure of reduced anxiety and worry for her. While her severe depression is a constant challenge, her overall living situation/demeanor is the most stable that I have observed in the last six months. Your support has been key to her current wellbeing. Thank you."*

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 2018, 2,884 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:

- 241 Consumer law questions
- 17 Education law questions
- 171 Employment law questions
- 560 Family law questions
- 76 Juvenile law questions
- 117 Health law questions
- 588 Housing law questions

- 97 Foreclosure law questions
- 224 Income Maintenance law questions
- 237 Individual Rights law questions
- 556 Miscellaneous/other 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 the 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.

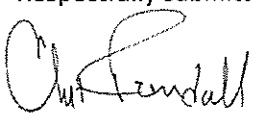
Conclusion

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 2018, 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, now, as federal funding from the Legal Services Corporation remains at risk of reduction, 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 support of the Maine Civil Legal Services Fund.

Respectfully submitted,



Chet Randall
Acting Executive Director

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