Maine Civil Legal Services Fund Commission

Report to the Joint Standing Committee on the Judiciary

128th Legislature, First Regular Session

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Maine Civil Legal Services Fund Commission

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MAINE CIVIL LEGAL SERVICES FUND COMMISSION

January 31, 2017

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

RE: 2016 Report of the Maine Civil Legal Services Fund Commission

Dear Senator Keim and Representative Moonen:

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

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

Included in this report are the individual reports from each of the seven recipients of funds. In 2016, distributions were made according to the following formula and in the following amounts:

Organizations Receiving Funds from MCLSF	**% Share of Allocation**	**2016 Amount Received**
Cumberland Legal Aid Clinic	6.4350	$93,606.24
Disability Rights Maine	2.9800	$43,348.34
Immigrant Legal Advocacy Project	5.2025	$75,677.77
Legal Services for the Elderly	20.7355	$301,627.37
Maine Equal Justice Partners	10.8900	$158,410.56
Pine Tree Legal Assistance	47.7180	$694,126.25
Volunteer Lawyers Project	6.0390	$87,845.85
Total Allocations	**100.0000**	**$1,454,642.38**

Last year, we reported that there had been a decrease of $40,000 in MCLSF allocations from 2014 to 2015. This year, we are pleased to report that there was an increase of $118,614 from 2015 to 2016.

The Maine Civil Legal Services Fund continues to play a critical role in funding access to justice for Maine's vulnerable and needy low-income, elderly and disabled population. Each year the importance the Maine Civil Legal Services Fund plays in funding these needed services increases as other sources of funding decline or disappear.

We will continue to monitor the good work performed by the fund recipients 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 MRS 19-A. On behalf of all persons benefitted by this Fund, I thank you for your support.

If you or any members of the Committee have any questions, please feel free to contact me. I can be reached at 207-879-6054 or at mary@marytoole.com.

Respectfully submitted,

Mary C. Toole

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

Enclosure

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

MAINE LAW
UNIVERSITY OF MAINE SCHOOL OF LAW

Cumberland Legal Aid Clinic

2016 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 2016 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 54 students enrolled in Clinic courses during the spring and fall semesters in 2016. During the summer, the Clinic hired five law students to work as full-time interns, one student worked as a full-time fellow doing policy development work as well as direct representation of clients, and one student worked part-time on immigration and juvenile justice matters. 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 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 2016, the Prisoner Assistance Clinic provided legal information, advice, and, in some cases, full representation to 123 prisoners incarcerated in the Maine state prison system. The Prisoner Assistance Clinic students go to the Maine Correctional Center in Windham every week and the Southern Maine Re-Entry Center for Women in Alfred 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 minority contact with law enforcement, sealing of juvenile records, and alternatives to incarceration, all of which benefit children statewide.

The **Refugee and Human Rights Clinic (RHRC)** is a six-credit course that provides an opportunity for students to advocate on behalf of low-income immigrants in a broad range of cases and projects. The RHRC was developed as a collaboration with ILAP, which refers many of the RHRC's clients. RHRC students assisted 17 immigrants and refugees during 2016. 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 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 victims 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 205 victims in 2016 in protection from abuse or protection from harassments matters in Lewiston District Court. The Clinic provided

such representation in 2016 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 2016 and approximately 28% of external funds received, making it the Clinic's largest single source of external funding. Accordingly, the Clinic relies on money received from the Fund for nearly all of the programs described above, but especially for the work of the General Practice Clinic, Refugee & Human Rights Clinic, and Protection from Abuse Program.[2] In 2016, the Fund provided the resources by which the Clinic was able to retain two of our four full-time faculty supervisor and a part-time adjunct faculty member and to operate the Clinic on a year-round basis by hiring two of the five student interns this summer to cover the ongoing cases. Therefore, absent the support provided by the Fund the Clinic would be approximately two-thirds its present size and far more limited in the types of cases we could accept. These funds also enable us to purchase training and legal research materials for our Clinic library and to cover other important expenses (such as hiring interpreters and translators, travel to court, printing, telephone, and mail) directly related to providing legal services. Through the Clinic, the Fund has supported the training of new lawyers in Maine's strong pro bono tradition and enabled hundreds of Maine's poor to have access to justice.

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

Family law (not including Protection from Abuse proceedings) comprised approximately 54% of the Clinic's General Practice and Prisoner Assistance civil caseloads in 2016 (a total of 125 cases), and we also assisted 11 teens and young adults with family law matters through the Preble Street Law Program. The Clinic handled 232 Protection from Abuse/Harassment cases, including a Maine Supreme Judicial Court appeal in which the final order was affirmed, for a total of 370 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, and divorce, the Clinic has also taken on several cases involving minor guardianship.

Other areas of civil legal services in the General Practice Clinic 2016 caseload have included foreclosure, landlord/tenant, breach of fiduciary duty, recovery of personal property, administrative appeals, adult guardianship, protection from harassment, real estate, social security, wills/estates, tort defense (including insurance declaratory judgment defense), recovery of unpaid wages, tax liens, name change, and changing gender identity markers on legal documents (passport, license, birth certificate, court documents).

The Prisoner Assistance Clinic assists prisoners with the full range of family law questions, including adoption and paternity matters, and the faculty supervisor and students also consulted with Department of Corrections representatives about child-visitation policies for incarcerated parents. Prisoner Assistance Clinic students address a remarkable variety of other civil legal issues, including: adult guardianship; tort defense, including insurance coverage; trusts, wills, and

[2] The Clinic does some work in the areas of criminal and juvenile law, and those clients (a total of approximately 151cases) 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.

advanced health care directives; conversion of property; social security disability benefits; contract claims; attorney's fees disputes; real estate problems caused by breach of duties by trustee and personal representative; landlord/tenant; powers of attorney; taxes; recovery of professional/business license; business formation; and bankruptcy.

Juvenile Justice Clinic students provide information and advice to teens and young adult on civil matters such as: education rights; public benefits; immigration; housing; emancipation; disability benefits; Protection From Abuse; Special Immigrant Juvenile Status; employment; work authorization; wills; powers of attorney; name change; and changing gender identity markers on legal documents through the Street Law Program at the Preble Street Teen Center.

Refugee and Human Rights Clinic students assisted clients with affirmative and defensive asylum matters, marriage-based permanent residence, and Special Immigrant Juvenile Status, as well as advising clients on eligibility for naturalization.

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

In 2016, the Clinic provided civil legal assistance to a total of 437 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 218; Aroostook 1; Cumberland 155; Franklin 2; Hancock 1; Kennebec 11; Knox 1; Lincoln 3; Oxford 2; Penobscot 4; Sagadahoc 4; Somerset 2; Waldo 1; Washington 2; York County 25; Out of State 5.[4] The Clinic assisted a large number of clients with Limited English Proficiency or who were born outside of the United States. During 2016, our clients' countries of origin included: Angola, Burundi, Canada, Chad, the Democratic Republic of the Congo, El Salvador, Guatemala, Haiti, Honduras, Iraq, Jamaica, Panama, Rwanda, Somalia, Syria, Sudan, and Togo. 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

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[3] We have excluded from our calculations 21 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 1750, who contacted the Clinic for legal assistance last year by calling or walk-in and who were provide referrals to other agencies due to a lack of available openings or ineligibility for representation by the Clinic.

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

geographic coverage in full representation matters is generally limited to courts and agencies located in Cumberland, York, Androscoggin, and Sagadahoc counties, but we appear in courts in other parts of Maine on occasion. In 2016, we provided full representation to clients with cases in courts (including a tribal court) and agencies located in Portland (including the Maine Supreme Judicial Court, Federal District Court, and Department of Homeland Security), Biddeford, Springvale, Alfred, York, Lewiston, Auburn, South Paris, Farmington, Machias, Wiscasset, West Bath, Bath, and Boston, Massachusetts. Through the Prisoner Assistance Clinic, the Clinic serves on a more limited basis clients with legal matters arising anywhere in the state, covering nearly every District Court, many county probate courts, and some tribal courts.

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

The Clinic had 63 civil cases open at the start of 2016. During the year, the Clinic opened 401 new cases and closed 380. The Clinic has 84 civil cases open at this time. With the start of the new semester in January 2017, we expect to take on several new clients in the upcoming weeks.

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

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

7. *Outcomes measurements used to determine compliance.*

The Clinic tracks data regarding its cases through the same case management system (LegalFiles) used by many of the other legal services providers. With this software, the can review the type and volume of cases handled each year. The caseload size is usually a direct result of the complexity of the cases, as well as student enrollment, which can depend upon the number of Clinic faculty supervisors, student interest, and overall law school enrollment. During 2016, there was nearly full enrollment in all clinical courses. Faculty supervisor approval is required for every case acceptance to ensure that the case falls within the Clinic's case acceptance parameters, including those set to ensure that we are complying with our 2015 proposal to the Commission.

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

Each client served receives a questionnaire when his or her case is closed. Completed questionnaires are reviewed by the student attorney, faculty supervisor, and Clinic Director. While the response rate is not especially high, those who do respond nearly always have high praise for the students' work and express their deep appreciation for the assistance provided through the Clinic.

Also, all Clinic students are asked to complete detailed evaluations of the Clinic program. As an educational program, the Clinic is also part of the ongoing evaluations in the Law School and the University, including extensive evaluations of the members of the faculty. The Clinic regularly contacts those who work with our program (judges, clerks, and social service providers) to solicit feedback.

One measure of the program's success is our students' career choices after they graduate. Our recent graduates have taken positions with Disability Rights Maine, the Maine Legislature, Maine Community Law Center, KIDS Legal, Maine Legal Services for the Elderly, and Pine Tree Legal Assistance, U.S. Department of Homeland Security, as well as positions in 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. Other 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,

/s/ Deirdre M. Smith
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DISABILITY RIGHTS MAINE

DISABILITY RIGHTS MAINE
2016 ANNUAL REPORT TO THE
MAINE CIVIL LEGAL SERVICES FUND COMMISSION
JANUARY 16, 2017

Disability Rights Maine (DRM) is Maine's statewide protection and advocacy agency (P&A) for people with disabilities. Incorporated in 1977 as a private, nonprofit corporation, DRM's mission is to advance and enforce the rights of people with disabilities throughout the state. DRM currently employs 40 people, 13 of whom are attorneys.

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

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

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

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

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

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

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

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

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

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

Maine Civil Legal Services Funding

In 2015, DRM applied for funds to hire a full time attorney and was awarded 3.5 % of the Fund. In 2015, DRM received $39,813.63 from the Fund, and $33,120.08 in 2016.

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 37 case examples that provide a description of the types of cases DRM attorneys handled during 2016. Because the amount of the award did not allow DRM to hire a full time attorney, the Fund award is used to supplement the provision of legal services to low-income Maine citizens with disabilities subjected to abuse or neglect or other rights violations. For example, DRM uses the Fund award to represent low-income Maine citizens who either want to live in the community or who want to continue to live in the community, including those

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

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

- **The types of cases DRM attorneys handled in 2016 are listed below:**

Problem Area	
Abuse, Neglect and Other Rights Violations	603
Beneficiaries of Social Security	17
Community Integration/Integrated Settings	111
Due Process	32
Education	164
Employment	33
Government Services & Public Accommodations	68
Guardianship	38
Housing	35
Voting	1
Total	1,102

- **Number of people served;**

DRM Attorneys provided direct representation to 837 Maine citizens with disabilities, excluding citizens in state psychiatric hospitals. DRM advocacy staff provided representation to an additional 714 Maine citizens, including representation of Maine citizens in state psychiatric hospitals.

- **Demographic information about people served;**

Age:

Birth – 18.....247

19 – 30	199
31 – 40	104
41 – 50	110
51 – 60	109
61 – 70	47
71 & Over	21
Total	837

Gender:

Female	367
Male	470
Total	837

Disability:

ADD / ADHD	2
Autism	164
Blindness	3
Cerebral Palsy	24
Deafness	12
Epilepsy	1
Hard of Hearing (not Deaf)	4
Heart / Other Circulatory	1
Intellectual Disability	368
Mental Illness	187
Muscular Dystrophy	1
Muscular / Skeletal	2
Neurological Impairment	9
Orthopedic / Physical Impairment	29
Respiratory Disorders	3
Specific Learning Disability	11
Spina Bifida	1
Tourette Syndrome	2
Traumatic Brain Injuries	11
Visual Impairment (not Blind)	2
Total	837

County:

Androscoggin	107

Aroostook	28
Cumberland	199
Franklin	29
Hancock	9
Kennebec	88
Knox	23
Lincoln	17
Oxford	44
Penobscot	54
Piscataquis	2
Sagadahoc	27
Somerset	40
Waldo	32
Washington	10
York	123
Out-of-State	5
Total	837

Race:

American Indian / Alaskan Native	7
Asian	3
Black / African American	7
Somali	1
White	571
Two or More Races	12
Race Unknown	233
Declines to Respond	3
Total	837

Ethnicity:

Hispanic / Latino	7
Not Hispanic / Latino	351
Ethnicity Unknown	479
Total	837

- **Geographic area actually served;** Statewide
- **Status of matters handled, including whether they are complete or open**
  Active in 2016: 1,102

Opened in 2016: 753
Closed in 2016: 583

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

The state funded Developmental Services Advocates (formerly known as the Office of Advocacy) were incorporated into DRM's Developmental Disabilities Team. State

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

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. This year could be one that puts severe strain on DRM and other P&As. At best, our federal programs will be flat funded. DRM could face considerable cutbacks, while costs and demand continues to increase. Recipients of services under DRM's federal programs must meet strict eligibility criteria in order to receive services and the program dollars are relatively small and yet completely restricted. Fund monies allow DRM to serve needy Mainers legal needs who we would otherwise turn away.

Specific needs that DRM cannot adequately address currently include:

- The increasing number of youth being placed out of home and medicated, including in psychiatric hospitals and residential treatment, and including 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 seem to be 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. Residential providers then refuse to take those children back and they languish in juvenile detention facilities.

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

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

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

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

- In the past, DRM has done case after case for individuals with mental illness who were being evicted from their housing. The staff attorney who did those cases has now been pulled away to focus on other issues. DRM needs additional resources to represent individuals with disabilities who are being subject to discrimination in housing, including eviction, because of their disabilities.

- 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 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.

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

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

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

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[2] DSA employs five advocates, two of whom are attorneys. There are currently two vacancies. DSA recently hired an attorney to fill one of those vacancies.

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

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

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

Appendix B
Sample Closed Case Report 2016

DRM Vindicates Right to Vote for 3 Individuals with DD

After 3 individuals with intellectual disabilities were denied the right to vote, staff at the provider agency serving these individuals contacted DRM. The first resident was initially blocked from voting by a female town employee when he tried to vote with assistance from staff. The town employee said staff could not assist the voter in any way. The town employee attempted to assist the individual and declared he could not vote. Two additional residents came with staff to vote, and the same town employee said staff could not help either voter. The town employee said only she could help these voters, and she would not let them vote if she could not understand them or if they could not understand her. The second and third voters filled out absentee ballots, before leaving, and handed them to the town employee, who accepted them physically, but appeared to toss them aside. The town employee offered, "This isn't going to work" as the only reason for refusing the right to vote. When voters the second and third voters were leaving, the town employee asked loudly, so that everyone could hear, "Are you bringing more of these people?" DRM attorneys met with witnesses, several staff from the residence; met with the three voters (who were nonverbal and it was apparent that it was too difficult to ascertain their ability to make a choice without further investigation and evaluation from a communication expert); reviewed records, including guardianship orders to verify that their right to vote was not restricted. DRM retained a communications expert who concluded that two of the voters could make but was unable to confirm that the third voter was able to make a choice and was competent to vote, although his right to vote was not restricted. One year after the denial of the vote to the clients, staff at the residence brought the clients to vote on Election Day. Staff reported to DRM that the clients were welcomed into the town hall and they successfully voted, with the assistance from staff.

Intercontinental Bus Company Agrees to Change Polices after DRM Files Complaint; DOJ and Bus Company Agree to Consent Decree after Referral from DRM

A 24 year old woman with muscular dystrophy contacted DRM after an intercontinental bus company refused to provide her with reasonable modifications, including assistance with boarding and exiting from the bus, seating in the terminal, allowing her to stay on the bus during rest stops and transfers. During her trip, client was humiliated when she was forced to crawl on wet stairs on her hands and knees in

order to board the bus. The client's clothes became soiled after having to crawl on the bus because the bus was not accessible. DRM filed complaints with the Maine Human Rights Commission and the Department of Justice. The MHRC found reasonable grounds existed to believe that discrimination occurred. The bus company agreed to injunctive relief, including a new policy to ensure compliance with the MHRA and the ADA, training on the policy, and posting of the policy. DRM also worked with the DOJ, who had launched an investigation the bus company that resulted in a Consent Decree to ensure that the bus company is compliant with the ADA in its service to passengers with disabilities.

DRM Sues for Client's Due Process Rights

The provider agency of a 57 year old man with mental illness notified him that they were going to terminate services for him, including medication management. The client lived in his own apartment, in a building also owned by the agency. The Maine Department of Health and Human Services (DHHS) granted agencies the authority to terminate services with notice to the Department. The client did not have a right appeal the termination. There were no other mental health providers who could duplicate these services in his apartment. DRM filed suit in Federal District Court and the Department agreed to a stay put provision, allowing the client to remain in his apartment and to have an administrative hearing on the termination. The hearing officer issued a recommended decision that held that the client's rights had not been violated. The DHHS Commissioner's final decision remanded the decision back to the hearing officer in order to address key issues which had not been addressed in the original recommended decision. The hearing officer again made the same recommendations and returned the decision back to the Commissioner. Prior to the Commissioner making a final decision the client had been hospitalized for pneumonia and had neck surgery and later died in his apartment. The Chief Hearing Officer thereafter dismissed the grievance as moot and no final decision was rendered.

Client Avoids Eviction, Moves to Another Apartment and Keeps Subsidy

A 23 year old woman diagnosed with a mental illness contacted the P&A after receiving a notice to quit from her landlord, a social services agency. DRM filed a grievance against the social services agency citing that the client had a right under the consent decree to not have her residential housing discontinued without the State's authorization. Agency then offered to give the client several more weeks to move out of her apartment and client accepted the offer, and was able to secure another apartment with the assistance of her case manager. Since a complaint was never filed, this matter will not affect her eligibility for future subsidies.

DRM Intervention Saves Client Housing, Reduces Room & Board and Updates Treatment Plan

DRM prevented a 29 year old woman with mental illness from being evicted after she received an eviction notice for behaviors linked with her mental illness. DRM stopped the eviction, negotiated with the provider so the client to could stay in the facility and had the room and board rate for the individual lowered because her public benefits were less than the group home believed. DRM also worked with the provider, case manager, and individual to revise her treatment plan her mental health issues. In total DRM saved her housing, money for rent, and helped her to get further assistance for issues related to her mental illness.

Client Keeps Voucher Because of DRM Involvement

A 59 year old woman with mental illness, held in a geriatric psychiatric unit of a general hospital, received an eviction notice while being admitted and was at risk of losing her housing voucher. The client informed DRM that she wanted a higher level of care. DRM reached out to the state and was able to get the individual prioritized for a residential treatment facility. DRM then intervened with the property management company to stop the eviction from going forward. Once DRM confirmed there was no eviction pending, DRM confirmed with the local housing authority that the client still had her Section 8 voucher available and delivered that voucher to the individual.

DRM Intervention Results in Arrest Warrant and Charges Dropped

A 55 year old man with mental illness, who had been criminally then civilly committed to a state psychiatric facility for almost a year, was getting close to discharge. The client was concerned about a warrant that had been issued for his arrest in a neighboring state from before he had mental health treatment. The client asked DRM to assist in getting the warrant withdrawn. DRM coordinated a phone call with the District Attorney, hospital social worker, and the client that resulted in the original charges and the warrant being dropped.

DRM Contacts USPS and Clarifies Service Animals Obligations

- A 46 year old man with physical and orthopedic impairments called DRM after he was denied access to his local post office because of his service animal. While he was waiting in line to collect his mail, a USPS staff person told him that animals weren't allowed in the post office. When the client could not produce documentation of his dog's service animal status, the staff person told

him to leave the building with the animal at once. Since the law does not require service animals to be "certified" or to have documentation, DRM contacted the regional Postmaster's Office. DRM followed up with a letter, describing the non-discrimination obligations of the United States Postal Service, including ensuring access for individuals with service animals. The Postmaster's Office indicated that they were unaware that service animals did not need to be certified and agreed to clarify this policy with the local management team. The client was then able to access his local post office without incidence.

- A 40 year old woman who uses a wheelchair contacted DRM to complain that the post office told her several times that she was not supposed to have her service dog in the post office. DRM contacted the Postmaster's Office in Portland who indicated that they would distribute information about federal non-discrimination laws as they relate to service animals, including information that service animals are not required to be certified to their management staff at all locations. Client reported that she was now accessing the post office with her service animal.

DRM Works with Provider so Children with Autism Retain Services

A provider of services to children with Autism contacted DRM after five parents received notices that services were being terminated to their children because the DHHS' utilization review agent determined that the children should be served by a less intensive service because of the child's diagnosis. DRM successfully represented one family in an administrative hearing. The provider's director met with DHHS officials in an attempt to reverse the terminations. The director was told that DHHS would issue a guidance supporting the children to continue to receive the service. DRM entered its appearance in the other four cases, and in each case, services were continued and the hearings dismissed the day before the hearing. DRM contacted DHHS seeking a copy of the guidance, a draft of which was eventually provided to DRM. The guidance was never formally issued by DHHS.

Client Found Eligible After DRM Recommends New Assessment

The mother of an 18 year old boy with autism contacted DRM after DHHS denied services. At the time the mother contacted DRM, she had an assessment that indicated he was not eligible for the service. DRM advised the client's mother to seek a continuance for his hearing and obtain another assessment that included his family and service providers input to get more accurate results. According to the new

assessment, the boy was eligible for services. DRM sent those results to the Department's agent and advised the client's mother to seek another continuance in order to give the agent time to review the assessment. After reviewing the new assessment, DHHS sent a letter informing the client and his mother that he is eligible for the service, and that there is no longer a need to have a hearing.

Hearing Officer Agrees with DRM, Client Eligible for Waiver Because Nursing Home is an Institution

An adult male with an intellectual disability contacted DRM requesting assistance to move into the community from an institutional setting. The client had moved to the nursing home after a short stay at Pineland. The client was on the waiting list for the waiver services which would allow him the services and funding to move into a community home. DHHS maintained a list of reserved funding for the waiver for individuals living in institutions who wanted to move into the community. There was no rule or policy on how to apply for reserved funding. The client and his case manager had informally requested reserved funding and received no response. DRM filed a grievance requesting waiver services and documenting DHHS' lack of response to the previous requests. A med-level administrator responded to the client's grievance by stating that the client was on the waiting list and he was going to "hold on" to the grievance. DRM then assisted the client in filing an appeal based on DHHS' apparent denial of the client's request for services. DHHS responded to the client by refusing to process the appeal or refer it to hearing. DRM contacted the Office of Administrative Hearings requesting that they direct DHHS to process the appeal. The Administrative Hearings Office wrote a letter back directing DHHS to process the appeal and a hearing was scheduled. DRM argued that the client met the standard for reserved funding. DHHS argued that since the placement was licensed as a Private Non-Medical Institution (PNMI) and that PNMIs are not institutions. The Hearing Officer ruled for the client saying that the placement was an institution and that DHHS erred in not processing the client's request and not providing him with the HCBW found in the client's favor. The client moved into his own apartment.

DHHS Pays Client's Transportation Costs after DRM Files Grievance

The guardian of an adult female with a developmental disability contacted DRM because the client's non-emergency transportation (NET) services to her community supports program had been terminated without cause or notice. DRM contacted both the transportation provider and DHHS. The transportation provider stated that they were acting on DHHS' direction. DHHS identified that there was a policy

disagreement between two divisions of DHHS with one division saying that NET services were inappropriate in the client's case while another division stated that they were appropriate based on the funding source of the client's community supports program. The client's services had been terminated while the two divisions resolved their disagreement. DRM filed a grievance based on the denial and the lack of notice. DRM requested that services be reinstated immediately pending a hearing. DHHS initially refused to reinstate services and then eventually agreed to provide the services until a hearing could be scheduled. Approximately a year passed with no hearing scheduled. DHHS again terminated the client's services on the same basis. DRM resent copies of the pending appeal and sent a letter demanding that services be reinstated. DHHS did not reinstate services, but contacted the guardian directly and offered to pay directly for the client's transportation. The guardian accepted the offer.

No Recourse for Clients at VA Hospital; TV Station Airs the Story

- A 44 year old woman with mental illness filed a complaint with the head of the Veteran's Hospital regarding her treatment while a patient on their inpatient psychiatric unit. The client received a response denying her allegations. DRM determined that there was support for her allegations and drafted a new letter, with copies of her medical chart, to support these allegations and sent them again to the head of the VA hospital. The hospital responded by not addressing any of the supporting documentation and denied her complaint in summary fashion. Since the VA is not covered under state mental health licensing laws there was nothing more that could be done. Had this been a state or private hospital covered by such laws the client would have had the right to have an administrative hearing in which to appeal the hospital's decision. The client directed the DRM to send a letter on her behalf to Maine's Senators pointing out this disparity in treatment. This letter was sent, and local staff of the Senators' offices contacted the DRM and informed them that there was nothing that could be done, but that the client was welcome to contact them directly. The client was informed of this and the service request closed.

- A 52 year old man with mental illness alleged that he had been mistreated while a patient on the psychiatric unit of the Veteran's Administration Hospital. The man had filed a complaint while there but he received no response. The DRM was simultaneously representing another veteran regarding a similar issue in which it was determined that when the VA does not respond to a grievance by a patient there is not much that can be done, other than filing a medical malpractice lawsuit (DRM does not provide such service) as the VA is not

covered under state mental health licensing laws. After informing the client that in the other case the DRM had been directed to send a letter on her behalf to Maine's senators pointing out this disparity in treatment, DRM sent a letter on his behalf. Local Senate staff of the senator's offices contacted DRM and informed them that there was nothing that could be done, but that the client was welcome to contact them directly. The client went directly down to one of the senate offices but was again informed that there was nothing that could be done for him. This issue was later reported on throughout the state on a local television station. This client along with DRM attorney, and another DRM client, was interviewed for the story.

DRM Request for RA Granted and Client Able to Move Into Apartment
A 53 year old woman with mental illness had been awarded a federally funded Section 8 voucher, which would subsidize approximately two-thirds of her monthly rent. The client was homeless and without this voucher, would remain homeless. Her voucher had to be used within 180 days of it being awarded. If the client did not use the voucher within that time frame, the voucher would be terminated. The client had been hospitalized due to her mental illness during this 180 day period. She was therefore unable to conduct an apartment search in the allotted time. The Housing Authority that was administering her voucher informed her that because she had not used it they were terminating her voucher. DRM filed a reasonable modification request with the Housing Authority asking them to extend the time frame for her to use her voucher due to her hospitalizations. The Housing Authority agreed. The client was discharged from the hospital and within the extended time frame that was granted was able to locate and move into an apartment using her voucher

After DRM Files Suit, Dental Practice Accommodates Child with Autism
The mother of a child with autism contacted DRM after a Maine dental practice refused to schedule her son's appointments in the afternoons, rather than the mornings. Child received services in the morning at school for his autism, and any change in schedule would cause him to miss necessary therapies, exacerbate the symptoms of his disability and cause him distress. The practice's manager told her that the practice did not see our autistic children in the afternoon" because it's a lot of trouble for the staff, they would be too tired to deal with him". After child's mother requested reconsideration and was again denied, she contacted DRM. The practice refused to modify its policy advocate even after DRM called and indicated that continued refusal would be in violation of state and federal law. DRM filed a charge of discrimination with the MHRC, which unanimously concluded that there are

reasonable grounds to believe discrimination occurred. When conciliation failed, DRM filed a lawsuit. After the discovery process started, the practice contacted DRM and agreed to settle the matter.

Client Get Access to Mall After 7 Year Ban

The guardian of a man with intellectual disability and autism contacted DRM because the manager of a county mall continued to refuse the client access. Client had been banned from the mall 7 years prior because he broke a display case in a public area of the mall. DRM obtained an opinion from client's psychiatrist confirming that client did not pose a direct threat to himself or others. The client's caregivers confirmed that the client has been in the community every day for years with his 1:1 support, had done very well, enjoyed being in the community and did not pose a direct threat. The manager was hostile to allowing client to return and requested that client be required to meet with her, look her in the eye and communicate her, and express remorse for the damage he caused years ago (and for which he had paid restitution). DRM explained that due to client's disability, he has limitations in communication and requested that this practice and policy of the mall be waived for client. Mall Manager refused and also said inappropriate, baseless things about client based on his disability. DRM wrote a letter requesting a reasonable modification and access, and informed mall manager that her continued refusal to allow access was a violation law. After DRM offered to have client's caregivers meet with Mall Manager and provided the psychiatrist's opinion to the Mall Manager, the Mall Manager relented.

Client's Hours Restored After DRM Files Exhibits for Hearing

DRM represented an 11 year old boy with multiple severe medical diagnoses including downs syndrome, uncontrollable seizure disorder and intellectual disability after he denied approval for Private Duty Nursing (PDN) hours in the amount requested and had his hours instead reduced by 40%. DRM filed an appeal of the determination and prepared for hearing. After gathering, compiling, and submitting the documents for the hearing to the Department, DRM was notified by MaineCare attorney that all hours requested would be approved based on the documentation submitted.

Client Determined Eligible After DRM Obtains Evidence

The guardian of an adult female with a developmental disability contacted DRM because the state found that the ward was not eligible for developmental services. DRM determined that the client was denied services because the state failed to update their regulations to match new diagnostic criteria. DRM obtained a letter from the client's treating psychologist identifying this issue and incorporated it as part of an

argument to the State to provide the client with services. The State then overturned its decision and found the client eligible.

Provider's Closure Leads to Community Placement with DRM Assistance
The guardian of an adult female with an intellectual disability contacted DRM because the client's service provider was closing with no plan for transition of services. DRM filed a grievance advocated with the DHHS OADS to continue providing services until an appropriate community placement could be found. DRM also met with local legislators and members of the community to educate the community about developmental services and the effect of losing those services for individuals who receive them. DHHS agreed to provide interim services and assist individuals in transitioning to a new and appropriate service provider within their community.

DRM Files Lawsuit For Failure to Accommodate
DRM filed a complaint in Superior Court against a landlord who denied a 48 year old woman with mental illness the use of a service animal. Client had submitted appropriate paperwork for certification to allow the use of one dog as a service animal. Her landlord denied the request, and client subsequently moved to a different apartment where she was allowed to keep a service animal. The parties participated in court ordered alternative dispute resolution after the filing of the claim which resulted in a financial settlement for the client.

DRM Unsuccessfully Attempts to Expand Client Rights: Court Rules Against Client
DRM filed a complaint in state Superior Court against an Assisted Living Facility (ALF) on behalf of a 53 year old woman with mental illness who was not allowed to return to the facility after she had been hospitalized at a local emergency room. The client had gone to the emergency room from the ALF after experiencing symptoms related to her mental illness. The ALF removed her belongings to storage and admitted another individual into her room. They asserted that the client had abandoned her room. The DRM filed a motion for a temporary restraining order (TRO) simultaneously with the complaint. The court granted the TRO. The court conducted a bench trial. After the trial the court issued a ruling in favor the ALF that the contract between the parties left out material terms regarding the issue of abandonment. The court therefore supplied its own terms and found that the client had abandoned her residence.

Hospital Complaint Leads to Apology and Policy Changes
DRM determined that a hospital violated the rights of a 46 year old woman with mental illness, who had been restrained and forcibly medicated while a patient at the emergency room. After DRM got involved, the hospital agreed to meet with DRM and the client in order to listen to the client about how she was treated. At the meeting hospital management apologized to the client and acknowledged that she should have been treated differently. As a result of the client raising these issues, the hospital changed how they trained their staff and implemented a new training system that now focuses more on skills around de-escalation rather than physical intervention.

DRM Successfully Appeals Subsidy Termination
A 41 year old man with mental illness faced the loss of his apartment and potential homelessness after being admitted into a psychiatric hospital. The client had been receiving a rental subsidy from a local municipality. The municipality terminated this subsidy upon the client's admission to the hospital based upon his no longer being at risk of homelessness. DRM filed an appeal citing laws that exempted such hospitalizations as being considered as housing. The municipality agreed and reversed its decision at the appeal hearing. Client kept his apartment and was subsequently discharged back to his home.

Client Avoids Involuntary Discharge After DRM Intervenes
A 46 year-old woman with mental illness avoided being involuntarily discharged from a group home after DRM intervened. Client contacted DRM after receiving a discharge notice from the group home. DRM filed an administrative appeal and then engaging in negotiations with the provider, as a result of which, the group home withdrew the notice, and the client was subsequently able to voluntary move out of the group home at the time of her choice.

Clients Receives Apology From Hospital After DRM Intervenes
A 73-year old woman with a mental health diagnosis received an apology from a private hospital after she was forced to undergo an invasive catheterization procedure without giving informed consent. After the Client contacted DRM, DRM arranged for a meeting with hospital management staff, client, her daughter, and her case manager to discuss the way she was treated by the hospital. Hospital provided an apology, expressed a commitment to ensuring that appropriate staff would face consequences, and provided client with their contact information in order to be able

to proactively address any areas of concern that could arise upon her next admission to this hospital, the only one in the area.

Restaurant Installs Elevator Following DRM Demand
An 81 year old woman with physical disabilities contacted DRM after she and her husband discovered that they could not dine at a restaurant that they had a gift certificate for because it was not wheelchair accessible. The restaurant refused client's request to refund the gift certificate. DRM demanded that the restaurant become accessible. After negotiations, the facility agreed to become accessible.

Movie Theaters Becomes Accessible Because of DRM
A 79-year old Deaf man and a 50 year old Deaf man contacted DRM after movie theaters each sought to attend lacked closed captioning. DRM wrote a formal letters to the theaters' management demanding the theaters become accessible. DRM negotiated with theater owners, who agreed to install closed caption technology. All the equipment was working well upon testing.

Summer Camp Accommodates Boy With CP After DRM files Discrimination Charge
The mother of a boy with autism and heart and circulatory impairment contacted DRM after a camp refused to allow him to attend the camp. When he applied to the camp, he requested a reasonable accommodation to have his medication refrigerated and for the staff to ensure he takes his medication. The camp refused to allow him to attend citing medical issues. When his mother asked for reconsideration, providing medical documentation which showed that the boy was qualified to attend the camp with reasonable accommodation, the camp refused. The boy spent the week he thought would be outside at camp with new friends and experiences sitting at home alone. DRM filed a charge of discrimination with the MHRC. The camp hired counsel who demanded that the charge of discrimination be dismissed, alleging that the camp is not subject to the provisions of the MHRA. DRM filed an objection. The MHRC issued a decision that the camp is subject to the MHRA. The Commission placed the case on the investigation track and scheduled an issues and resolutions conference, which provided the parties an opportunity to resolve the case. DRM negotiated a settlement on behalf of the boy, which included monetary compensation for the boy, attorneys' fees for DRM, and injunctive relief including ADA training and education to ensure that the camp does not discriminate in the future.

Ramp Installed for Client After DRM Threatens Suit
A man with a brain injury and mobility impairments who had no independent access into and out of his own home contacted DRM after his housing provider notified him that it would not install a ramp due to lack of funds. The man was unable to leave his apartment quickly in event of an emergency. The housing provider had initially approved the request, but then informed the man two months later (during which time the man was trapped in his apartment) that they would not install a ramp after all. DRM immediately contacted the housing provider and advised that because the property was developed and operated with Federal housing financing, they must install a ramp for the man. DRM requested that the matter be immediately resolved or DRM would file a formal complaint to enforce his rights and ensure his safety. The housing provider then agreed to install a ramp as soon as possible. Four days after DRM's call, a ramp was installed.

DRM Intervention Means Homeless Man Gets Housing Despite Criminal Record
A homeless 47 year old man with mental illness was denied admission into a housing complex due to a prior criminal history. The client's criminal history was over 10 years old. DRM worked with his community providers and successfully advocated for a reversal of this decision. As a result, the property management company operating the complex agreed to reverse its decision. The client then successfully moved into the housing complex.

After DRM Files Hearing Request, Students Gets AT Support & Restraints Decrease
The parent of a 17 year old student with an intellectual disability contacted DRM because he was being secluded and restrained and was not being provided access to effective communication. The Student was being restrained on a daily basis and was largely segregated from all of his peers in his own "work space" where he was confined using movable dividers. DRM initiated a due process hearing raising issues related to the failure to provide an education in the least restrictive environment and a denial of a free and appropriate public education due to the overuse of restraint and seclusion and the failure to provide consistent access to assistive technology to support his communication. A settlement agreement was reached where the parent agreed to withdraw her hearing request while the District contracted with two independent experts to conduct comprehensive evaluations of the student's communication needs, including his need for assistive technology, and a comprehensive behavioral assessment and program review. As a result of the

ongoing expert consultation, the use of restraint was essentially eliminated through the use of a comprehensive behavior intervention plan and staff training. The student began to spend the majority of his day in social settings with peers and engaging in pre-vocational tasks in the community, and he obtained a new communication device with training for his mother and all school staff to ensure that he had consistent access to and support using the device across settings. Over the course of the year, the student's communication skills improved significantly and as they did, incidents of difficult behaviors decreased sharply.

DRM Successfully Advocates for Student to Move Out of Life Skills Program Into Mainstream

The Parent of a 17 year old with an intellectual disability contacted DRM because for the past 3 years, the student was being educated in the Life Skills with little to no access to the mainstream classroom-not the least restrictive environment. DRM requested an IEP team meeting. Prior to the meeting, the Parent pulled the student out of school and into homeschooling unbeknownst to DRM. At the IEP team meeting, the parties agreed to a re-entry plan into school, transition planning in line with the student's interests, mainstream classes added to her schedule, and greater access to the community.

DRM Advocacy Results in Client Having No Gap for Med Management Services

DRM received notice that a 46 year old male with mental illness who was inpatient in a state psychiatric facility was being discharged and would be placed on a waiting list for medication management services in the community. Client would be looking at two months before he could get Medication management. A two month wait for medication management would most likely result in client being re-hospitalized or possibly ending up in jail or prison. DRM contacted DHHS office and asked that since client was already an established consumer of the services, they enforce their contract with the provider and insist that the provider prioritize client for medication management services immediately. DRM's intervention was successful and client was scheduled with an appointment so there would be no gap in medication management services.

Student Suspended by School for 45 Days Returns After 10 Days Due to DRM

The parent of a 15 year old student with a mental illness contacted DRM because her daughter was out of school pending a risk assessment. The school had informed the parent that it had the right to remove her for 45 school days. DRM explained the

Student's right to return to school after her 10 day suspension because the alleged behavior did not give rise to the right to a 45 day removal to the parent. When the parent contacted the school and informed them that she had spoken with an attorney and that she objected to the removal, the school let the Student return. (Atlee-EA MI-Rights Violation-1731867)

Student Remains at Neighborhood School on Island Due to DRM

The parent of a 7 year old student with Autism who lived on an island off the coast that operates a one room schoolhouse contacted DRM because she wanted the student to remain on the island with his peers. The school wanted to send the student and his parent to the mainland during the school week to a segregated day treatment program. DRM drafted a complaint and represented the parent in a mediation. The school insisted that it could not provide a free and appropriate public education on the island and offered room and board for the parent and the student on the mainland when school was in session. The parent did not want to leave the island for her child to access an education and did not want to file for a due process because of the tight knit nature of the community. So, DRM assisted the parent in obtaining a program evaluation through the University of Maine, which indicated that the Student could be safely educated on the island with reasonable accommodations and supports. On the basis of this evaluation, the DRM assisted the family in withdrawing consent for special education services under the IDEA and, at the same time, requested reasonable accommodations pursuant to the ADA. The student was returned to school on the island with his peers and fully integrated into the classroom where he has continued to enjoy success.

IMMIGRANT LEGAL ADVOCACY PROJECT

FY 2016 Annual Report (January 1, 2016 – December 31, 2016)

The Immigrant Legal Advocacy Project (ILAP) is pleased to present the Maine Civil Legal Services Fund Commission with its 2016 Annual Report.

1. Introduction

ILAP serves indigent and low-income noncitizens and their US citizen family members as well as service providers who need immigration information and legal assistance. ILAP offers the following services: 1) Full legal representation for persons with complicated immigration issues. Full representation is provided by our *Pro Bono Asylum Project* and by ILAP staff through our *Full Representation Program*. 2) our *Immigration Clinic* offering attorney consultations, group legal informational workshops with eligibility screenings, and consultations for Maine's criminal defense attorneys on the potential immigration consequences of criminal convictions; 3) *pro se* immigration application assistance and brief interventions for persons with slight immigration complications; and 4) *Education and Outreach* to immigrant communities and to service providers.

ILAP serves clients with incomes up to 200% of the annual federal poverty guidelines. Those who are within 150 – 200% of poverty are charged low fees for ILAP's services. Clients with incomes below 150% of poverty are not charged legal fees. In 2016, 95% of our clients were not charged fees for the legal aid provided to them by ILAP.

The grant from Maine Civil Legal Services Fund (MCLSF) helps sustain ILAP's free legal services across all of our legal programs. **Funds received from MCLSF for 2016 were critical to our ability to offer legal assistance to benefit a total of 3,612 individuals in 1,695 households**. Of those impacted by ILAP's services, 1,523 were children.

During 2016, ILAP provided direct legal services to 2,102 individuals. Of those, 1,997 were provided services at no fee (95% of our clients) and 105 individuals at low-fee, residing in fifteen of Maine's counties. An additional 1,510 household family members were impacted when ILAP assisted their family member in gaining or improving legal status. The MCLSF grant was applied in the manner that ILAP proposed in its request for funding. MCLSF funds were only used to support cases in which the client was not charged a fee.

2. Types of Cases Handled by ILAP

ILAP specializes in Immigration and Nationality Law matters, representing clients in civil proceedings before the Department of Homeland Security's Citizenship and Immigration Services, Immigration and Customs Enforcement, and Customs and Border Protection bureaus; 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, cases involving family reunification, and cases of individuals in removal proceedings who would be separated from their U.S. citizen or permanent resident immediate family members if they were to be deported. ILAP also handles applications for citizenship, "Temporary Protected Status," work permits, replacement documents, and other immigration matters as our capacity allows. We do not handle any employment-based immigration matters, referring those cases to private attorneys.

3. Number and Demographics of People Served under the Grant

In 2016, the MSCLF grant supported direct legal aid provided at no fee to 1,997 individuals,[1] 1,533 of whom received various services through ILAP's *Immigration Clinic*. Other clients received full representation, including those whose cases were opened in 2016 and those whose cases were opened in prior years and were still ongoing in 2016.

In 2016, ILAP's clients came 15 of Maine's counties. The following demographics were represented: Males: 51%; Females: 49%; under 18: 11%; ages 18-60: 83%; over 60: 6%.

Additional demographics include the number of clients in categories of citizenship and ethnicity: U.S citizens by birth: 1%; U.S citizens by naturalization: 3%; noncitizens: 96%; Africans: 62%; Latinos: 24%; Caucasians: 12%; Asians: 2%.

ILAP also collaborated in 2016 with dozens of entities statewide, including the Refugee and Human Rights Clinic at the University of Maine School of Law, domestic violence prevention programs from York to Aroostook counties, city governments, hospitals, schools, Maine's Congressional delegation, adult education centers, churches, counseling centers, homelessness prevention programs, Immigration authorities and the Immigration Court of Boston.

4. Status of Matters Handled Under the Grant

In FY 2016, ILAP's **6.4 FTE legal staff**, augmented by **over 200 volunteers**, provided the following free legal services:

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

[1] 95% of ILAP's clients received free services in 2016. Those who attend our education and outreach events, all provided without charge, are not included in the "direct services" number.

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

All *Clinic* Services: 1,370[2] matters, directly benefiting 1,533 individuals. Services included:

- 571 attorney consultations for 425 individuals, including 86 consultations with criminal attorneys on the immigration consequences of their indigent clients' criminal charges or with the indigent clients directly;
- 271 individuals received brief legal advice during intake screenings (in addition, 39 individuals were referred during intake, and are not counted as matters);
- 39 persons received brief interventions (without an ILAP attorney entering her appearance as the person's attorney);
- 895* *pro se* immigration forms assists were completed (and an additional 78 were in progress at year's end) including:
    - 111 permanent residency applications;
    - 47 citizenship (naturalization) applications (10 in preparation at year's end);
    - 10 asylum seekers in Lewiston were assisted in filing a *pro se* asylum application;
    - 29 family-based visa petitions (2 in preparation at year's end);
    - 46 work authorization applications completed (2 in preparation at year's end);
    - Temporary Protected Status application completed for 33 clients;
    - 9 Applications under President Obama's Deferred Action for Childhood Arrivals (DACA) program completed;
    - 175 other types of applications or assists (including applications for replacement permanent resident cards, refugee travel documents, and humanitarian parole, among others), 64 in prep at year's end.
    - 435 individuals received self-help packets for asylum work permit applications, and received individualized advice on completing the application.

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

Full Legal Representation: In 2016, ILAP's staff and *Pro bono Immigration Panel* attorneys provided full representation services in **254 cases, benefiting 300 clients with complicated immigration issues** (including cases still open from prior years). This includes **170 asylum seekers** who were represented through our ***Pro Bono* Asylum Project** (149 represented by *pro bono* attorneys and 21 represented by staff attorneys). Case activity under the grant included[3]:

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

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

- Cases opened: 32
- Cases closed: 48
- Cases open at year-end: 206

Individual Outcomes: 403 full representation services were provided to ILAP clients.

- Asylum applications granted: 23 (7 were affirmative, 16 were defensive cases in immigration court). No asylum applications were denied;
- Asylum applications pending or in preparation: 158 (note: the asylum office and immigration court have years' long backlogs);
- Initial stage of residency granted: 39 (including 7 domestic violence survivors' cases and 5 unaccompanied minors).
- Initial stage of residency applications pending or in preparation: 29 (including 12 domestic violence or trafficking survivors' cases and 7 unaccompanied minors);
- Permanent residency (final stage) granted: 19 (including 7 domestic violence victims and 2 unaccompanied minors);
- Permanent residency (final stage) applications pending or in preparation: 30 (including 10 domestic violence survivors' cases and 8 unaccompanied minors);
- Employment authorization applications granted: 12;
- Employment authorization applications pending or in preparation: 18;
- Naturalization to U.S. citizenship applications granted: 1, and one in preparation;
- Removal proceedings successfully terminated (to allow applications to be pursued affirmatively before USCIS), or closed (because relief granted): 22;
- Cases finally denied (including after appeals): 0;
- Other applications approved: 27.

ILAP measures the quality of its full representation work by tracking the outcomes of all intermediate or final decisions received. In 2016, ILAP had a 100% approval rate for full representation cases that received a final decision. Immigration cases can take years in the ordinary course to receive final decisions; three to five years is common.

Education and Outreach: During 2016, ILAP conducted **41 education and outreach events** throughout the state attended by **1,310 immigrant community members and service providers**, regarding relevant Constitutional and immigration laws. Outreach events included monthly workshops for asylum seekers who are applying for asylum without a lawyer, domestic violence service providers, and outreach to migrant workers employed in Maine's agricultural harvests. Additionally, ILAP was quoted and interviewed in the media (radio, TV and print) around various immigration issues.

Impact Project: ILAP continued to address issues that affect high numbers of noncitizens in Maine, in an effort both to improve the quality of their lives here, and also to reduce the numbers of persons who need to seek individual legal representation due to certain systemic issues. Highlights of ILAP's impact work in 2016 include:

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

Advocacy on General Assistance Benefits for Asylum Seekers:

ILAP continued to work with our partners, including Maine Equal Justice Partners, to ensure that asylum seekers have the emergency benefits that they need while awaiting work authorization from federal authorities. Through this advocacy, ILAP provides immigration legal expertise and education to legislators, city officials, advocates, members of the immigrant community, the media, and the public, to provide accurate information on relevant immigration laws and immigration statuses, and to explain the impact that those laws have on general assistance rules and policies.

In 2015, the Maine Legislature passed a law that provided continued general assistance benefits for certain immigrants, including asylum seekers. In May of 2016, DHHS issued a final rule implementing Public Law Chapter 324 (PL 324), which provided a narrow interpretation of the rule, leaving out vulnerable groups of asylum seekers who are still within the one year filing date for their asylum cases, but whose visas have expired. ILAP, MEJP, and other advocates have continued to work with local municipalities, including Portland and Lewiston, to advocate for an expanded interpretation. As a result of advocacy in Portland, the City of Portland has created a special fund that to provide benefits for vulnerable individuals who were left out of the DHHS rule and need assistance while preparing their asylum applications.

Leadership Role on the Maine Immigrants' Rights Coalition

ILAP is serving on the governance committee of the Maine Immigrants' Rights Coalition (MIRC), which is tasked with the role of helping the coalition become a stand-alone 501(c)(3) organization. ILAP founded MIRC in 2005, with the goal of bringing together organizations interested in improving the lives of Maine's immigrant communities through advocacy on local, state, and national levels. MIRC now has over 50 members, including many immigrant-led groups, and is at the stage of becoming a more structured organization that will work collectively improve the lives of Maine's immigrants so that they can integrate into our communities and economy.

5. Unmet or Underserved Needs:

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

In 2016, ILAP turned away 282 individuals who were eligible for our services and needed legal assistance, but we lacked the capacity to serve them. This includes 110 asylum seekers. We know that there are many more who do not come to ILAP because they have heard that we are unable to serve everyone. For example we know from data provided by the Cities of Portland and Lewiston that **there are over 1,000 low-income asylum seekers** in those cities. But **we were only able to represent 170 asylum seekers in 2016.** Therefore, we

have continued to expand our *pro se* education and outreach, including monthly asylum seeker workshops.

We continued to take steps in 2016 to expand *Pro Bono* Panel capacity, but we continue to be outpaced by the demand for Immigration legal services in general and asylum representation in particular. **In 2016, over 140 *pro bono* attorneys donated 2,475 hours of their time, valued at $589,661, representing asylum seekers.**

Expanded Services to Address Unmet Need in Lewiston and Milbridge

In 2016, ILAP expanded services in Lewiston and Milbridge in response to an unmet need for vulnerable individuals in need of immigration legal assistance. During our 2016 strategic planning process, we conducted immigrant community meetings to obtain feedback on our services. Our meetings in Lewiston informed us that there were hundreds of asylum seekers in Lewiston who were not accessing ILAP's services. The information we heard through these meetings was corroborated by reports from our colleagues and community partners in Lewiston. Clearly ILAP's services needed to be expanded in Lewiston, so we raised $5,000 from Lewiston area businesses and donors, Androscoggin Bank among them, to fund an attorney position for one day per week from September through December. The Adult Learning Center partnered by offering free space for the consultations, which occur weekly on Thursdays. Bates College is collaborating on this project to provide French students to interpret, through the work study program. The project has been successful, and we have found that there is a demand for additional hours. We are in the process of fundraising to expand that position.

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

6. Conclusion

The MCLS Fund was a critical partner in ILAP's mission in 2016, as we successfully provided information and advice to thousands of Maine's low-income residents. ILAP helped hundreds of low-income immigrants pursue their dreams of permanent residency and citizenship or attain safe haven from persecution or domestic violence, reunite with immediate family members or defeat removal proceedings and remain with their families here in the U.S.

The MCLSF grant was an essential component of our funding mix, helping to sustain all of our free legal services, education and outreach, and systemic advocacy efforts. As Maine's <u>only</u>

non-profit legal aid agency offering statewide comprehensive immigration law assistance, ILAP offers a vital service to low-income individuals throughout the State who have nowhere else to turn. With the support of the Maine Civil Legal Services Fund, in 2016 ILAP changed the lives of many of our newest Mainers. ILAP is extremely grateful for the MCLS Fund's support.

Legal Services for the Elderly
Annual Report to the Maine Civil Legal Services Fund Commission
Calendar Year 2016

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 2016. The financial support provided to LSE by the Maine Civil Legal Services Fund ("MCLSF" or the "Fund") is used to provide free legal help to disadvantaged seniors when their basic human needs are at stake. This includes things like shelter, sustenance, income, safety, health care and self-determination.

In 2016, 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 22% 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 2016, LSE provided free legal help to 4,532 Maine seniors in 5,425 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 revocation; and
- Financial and health care powers of attorney.

This reflects a 9% increase over the prior year. 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 2016 included: .80 full time equivalent (FTE) Litigation Director; 1.0 FTE Intake Paralegal; 2.0 FTE Helpline Attorneys; 1.0 FTE Consumer Debt/Intake/Referral Paralegal; 1.00 FTE Elder Abuse Paralegal; and 6.60 FTE Staff Attorneys. This is a total of only 12.4 FTEs of direct legal services staff (including supervisory staff).

LSE's attorneys are handling about 600 matters per year on average, with the Helpline Attorneys handling over 2,000 matters per year (entirely by phone) and the Staff Attorneys, who are doing full representation/litigation, handling a much lower case volume (approximately 120 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 2016 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 (1,259)	23%
Consumer/Finance (1,192)	22%
Housing (1,217)	22%
Health Care (736)	14%
Income Maintenance (260)	5%
Individual Rights (includes elder abuse and exploitation) (279)	5%
Miscellaneous (220)	4%
Family (222)	4%
Employment (40)	1%
Total Cases (5,425)	**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, powers of attorney, advance directives, will referrals), consumer issues (debt collection, consumer fraud, creditor harassment), housing (public and private housing, foreclosures, evictions), and access to health care (Medicare and MaineCare).

Status of Matters Handled

The reported matters were all opened during 2016 and are reported regardless of whether or not they were closed in 2016 (only 187 remained open at the end of the year). LSE consistently reports matters opened for the reporting period in question to all funders unless specifically asked for other data. This ensures the data provided by LSE may be compared from year to year and does not include any duplicate information.

The level of service provided in these 5,425 matters breaks down as follows (from most to least intensive): 7% extended representation services; 4% limited action taken/brief services provided; 61% counsel and advice; 22% information only and referral; and 6% clients who no longer desired services after making initial contact with LSE or who could not be reached again after making initial contact.

Demographic Information

The clients served were 35% male and 65% female. All clients served were sixty years of age or older and 39% were 75 years of age or older. While LSE serves both socially and economically needy seniors, 84% of LSE's clients were below 200% of the federal poverty level and 40% were below 100% of the federal poverty level. Those callers who are not below 200% of the poverty level typically receive only basic information and a referral with the rare exception of a financial exploitation case that may be handled by LSE when a referral to the private bar is not possible due to the time sensitive nature of the case.

Geographic Distribution of Cases

The chart provided as **Attachment D** provides data regarding the geographic distribution of LSE's clients in 2016.

DESCRIPTION OF LSE'S SERVICES

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

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

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

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

Statewide Helpline Services

LSE operates a statewide Helpline that provides all Maine seniors regardless of where they live in the state with direct and free access to an attorney toll-free over the telephone. The Helpline is the centralized point of intake for the vast majority of the legal services provided by LSE. LSE's Helpline is located in Augusta and accepts calls Monday through Friday during regular business hours. Calls are answered in person by an intake paralegal. Those calling after hours are able to leave a message and calls are returned by the intake paralegal the next business day. Once an intake is complete, all eligible callers with legal problems, except those calling about an emergency situation, receive a call back from a Helpline Attorney in the order the calls were received. Emergency calls are handled immediately. **LSE's intake system is set up to ensure that anyone trying to reach LSE to ask for help 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 80% 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 LSE's funding continues to shrink.** Only a small subset of case types are referred on to the nearest LSE Area Office for in person representation. Because Helpline services are much less expensive to deliver than the Area Office services, this overall approach stretches LSE's limited resources as far as possible.

The Helpline received in excess of 12,000 calls for help in 2016 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 256 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. In addition to making full fee referrals to panel members, LSE made 49 *pro bono* and 245 reduced fee referrals to referral panel members in 2016.

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 20% of those seeking help from LSE. These more resource intensive services are provided by seven Staff Attorneys (one is very part-time) who each have assigned geographic areas of the state. These attorneys work out of local Area Offices. With the exception of the administrative office in Augusta, the Area Offices are located within the local Area Agency on Aging or local Community Action Program. This unique co-location relationship is very important for Maine's elderly and cost effective. Elderly Mainers are able to address many of their problems in one location – a type of one-stop shopping – which removes what is often another barrier to needed services.

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

Special Regional Projects

In addition to providing services on a statewide basis through the Helpline and Area Offices, LSE conducts special projects that operate on a regional basis and target specific substantive areas of unmet need. These projects are all supported in large part by local funding sources such as United Way or private foundations. The **eleven special regional projects in 2016** included the following:

York County Long Term Care Project;

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

Cumberland County Long Term Care Project;

Cumberland County Elder Abuse Law Project;

Cumberland County Senior Helpline;

Androscoggin County Elder Abuse Law Project;

Androscoggin County Senior Helpline;

Kennebec County Elder Abuse Law Project;

Eastern Maine Long Term Care Project (targeting Piscataquis, Penobscot, Washington, and Hancock Counties);

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

Elder Abuse Prevention Project (statewide).

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

Outreach and Education

LSE provides legal information to the public through public presentations, print material and its website. LSE materials are distributed directly to homebound residents through the Meals on Wheels program and by direct mail to all town offices, assisted living facilities, home health agencies, hospice programs, and nursing facilities. LSE information is also posted at the courts, Community Action Programs, Social Security offices, senior meal sites, DHHS offices and Area Agencies on Aging. LSE distributed over 5,100 LSE brochures in 2016. In addition to the distribution of print materials, LSE's staff made 104 outreach presentations in 2016 that reached over 4,000 people across the state. LSE focuses these presentations on professionals that are potential referral sources rather than trying to reach individual seniors.

The LSE website was expanded in 2014 to include an extensive online elder rights handbook. It includes information on elder abuse, powers of attorney, advance directives, housing rights, consumer debt problems, MaineCare estate recovery, MaineCare eligibility for nursing home coverage, Medicare Part D, and many other topics. The website provides a valuable resource not just to Maine's seniors, but also to their family members and caregivers. The design of the online handbook meets all national standards for on line materials for seniors and is accessible on a wide range of devices. In addition, over 650 print copies of the handbook were distributed in 2016.

With generous private foundation support, LSE is continuing to conduct a major public awareness campaign focused on the financial exploitation of seniors by family members. It includes television, radio and newspaper. This unprecedented and highly successful campaign was developed and conducted in close collaboration with the Office of Adult Protective Services and the Maine Council for Elder Abuse Prevention. It has led to a nearly 50% increase in the numbers of victims seeking help from LSE and Adult Protective Services.

LEADERS IN THE FIGHT AGAINST ELDER ABUSE

LSE's reputation as an expert in the area of elder abuse continues to grow. In 2016, LSE was asked by the National Consumer Law Center to conduct a national webinar on the topic that drew over 1,800 participants from across the country. In

November, 2016, LSE's Executive Director was invited to testify before the United States Senate Committee on Aging on the issue of abuse by guardians, conservators, and agents under Powers of Attorney. The Administration for Community Living has identified Maine, and the work of LSE, as a model statewide approach to providing high quality and cost effective services to seniors, in particular victims of elder abuse. On a state level, LSE staff play critical leadership roles in seven local Elder Abuse Task Forces and on the Maine Council for Elder Abuse Prevention. These interdisciplinary and collaborative efforts are making a real difference in the fight against elder abuse in Maine.

OUTCOMES MEASUREMENT

Using the Legal Files case management software that is shared by several of the legal services providers and Crystal Reports to run reports, LSE is able to collect, maintain, and analyze comprehensive data regarding the scope and nature of its services. This includes things like the location of the individual served, the type of case, and the outcomes achieved. Information from this database is used to monitor compliance with all funder requirements and commitments, including the MCLSF. In 2016, LSE also began to collect information about the economic impact of its services.

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

UNMET AND UNDERSERVED NEEDS

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

Maine's Growing Elderly Population. Maine is already the oldest state in the nation when measured by median age and Maine's elderly population is growing at a rapid rate. Between 2000 and 2030, Maine's elderly population is expected to more than double, with the bulk of that growth taking place between 2011 and 2025. By 2030, it is projected that 32.9% of Maine's population, or 464,692, will be over 60.[1] Maine is also the most rural state in the nation and most of Maine's elderly live in isolated rural areas.

[1] U.S. Census Bureau, Population Division, Interim State Population Projections, 2008.

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

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

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

SUMMARY

LSE remains committed to working on behalf of Maine seniors to protect their safety, shelter, income, health, autonomy, independence, and dignity. The accomplishments by LSE in 2016 were many but these successes mask what is actually a very dire situation as the number of seniors needing help steadily climbs and the secure and predictable public sources of funding to support LSE's services steadily decline. The support provided by the Fund has never been more important to LSE as LSE struggles to meet the legal needs of Maine's growing and vulnerable elderly population.

Prepared by: Jaye L. Martin, Executive Director

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

ATTACHMENT A
LEGAL SERVICES FOR THE ELDERLY

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

Services Complementary to LSE's Core Legal Service

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

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

Systemic Work and Public Policy Advocacy

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

ATTACHMENT B
LEGAL SERVICES FOR THE ELDERLY

Client Services Summary—All Direct, Individualized Services

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

ATTACHMENT C
LEGAL SERVICES FOR THE ELDERLY
Detailed Case Type Report

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

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

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

ATTACHMENT D
LEGAL SERVICES FOR THE ELDELRY

Geographic Distribution of Services

	LSE 2015 STATISTICS		LSE 2016 STATISTICS	
	Total Clients Served	**% of Total LSE Clients Served by County**	**Total Clients Served**	**% of Total LSE Clients Served by County**
Androscoggin	381	9%	419	9%
Aroostook	217	5%	224	5%
Cumberland	690	17%	801	19%
Franklin	78	2%	90	2%
Hancock	214	5%	237	5%
Kennebec	367	9%	496	11%
Knox	91	2%	105	2%
Lincoln	103	2%	106	2%
Oxford	155	4%	195	4%
Penobscot	590	14%	637	14%
Piscataquis	82	2%	81	2%
Sagadahoc	109	3%	112	2%
Somerset	177	4%	173	4%
Waldo	145	4%	148	3%
Washington	162	4%	152	3%
York	592	14%	556	13%
Total	**4,153**	**100%**	**4,532**	**100%**

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2016 Annual Report to the Maine Civil Legal Services Fund Commission January 2017

Maine Equal Justice Partners (MEJP) is pleased to provide the Maine Civil Legal Services Fund Commission with its annual report for 2016. Funding from the Maine Civil Legal Services Fund (MCLSF) enabled MEJP to continue to provide statewide legal representation, administrative advocacy, and outreach and training for Maine people with low incomes.

During this reporting period, the MCLSF provided 54% of the funding required to provide the legal services described in this report. The MCLSF is MEJP's single largest source of funding and provides critical support that allows MEJP to provide statewide services.

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 income in class action litigation, "welfare reform litigation," and legislative advocacy. Recognizing that systemic legal advocacy was often the most cost-effective way to protect and advance the interests of low income persons, lawyers and judges in Maine fostered the creation of Maine Equal Justice Partners to continue this work

MEJP strives to find solutions to poverty and improve the lives of people with low income in Maine. We accomplish our mission through: (1) public policy advocacy in the legislature[1] and with governmental agencies; (2) legal representation and impact litigation on systemic issues; and (3) statewide outreach and training on issues affecting people with low income and the supports that can help them prevent or move out of poverty. MEJP employs an array of tools not only to advocate directly for its clients but to imagine and pursue innovative solutions to the problems facing persons with low income. MEJP focuses its work on issues that affect people's daily lives – access to adequate health care, food, housing, employment opportunities, and higher education and training opportunities.

MEJP's legal work in 2016 was on behalf of and informed by people with low income and those groups that represent them. MEJP believes that people with low income are uniquely qualified to identify what is needed to address systemic barriers to economic security. This belief is central in shaping our work and defining MEJP's priorities. In 2016, MEJP formed the *Equal Justice Partners Circle*, a group of people

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

living in poverty from across the state who engaged in a series of leadership and advocacy trainings during the summer. Twenty Mainers from diverse backgrounds came together to inform and collaborate with MEJP staff and board members. MEJP's work and priorities are informed by the real experience of people who are experiencing poverty directly, both by our low-income *Partners* and by our clients.

INFORMATION REQUESTED by the COMMISSION

MEJP relies upon 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 2016, MEJP handled the following types of legal cases in the form of advice and referrals, limited and full representation to clients located throughout the state:

Case Type	# of Cases
Consumer	5
Education	1
Employment (UI)	6
Family	6
Health Care	195
Housing	19
Income Maintenance (i.e. TANF, FS, LIHEAP, SSI)	224
Total	460

In 2015, MEJP handled the following types of administrative advocacy cases:

Case Type	# of Cases
Health	16
Housing	1
Income Maintenance (i.e. TANF, FS, LIHEAP, SSI)	8
Total	25

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

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

In providing direct legal representation, we seek to determine whether a particular issue raised by a client has systemic impact, (i.e. an impact on more than the single individual). Where MEJP identifies a systemic issue, MEJP staff works with those responsible for the administration of these programs to make the changes necessary so that the same legal issues do not reoccur. In the rare instances where this representation is not sufficient to resolve a case, MEJP works with other civil legal aid providers and/or *pro bono* attorneys to provide more extensive legal representation.

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

In 2016, MEJP handled a total of 460 cases (this number does not include MEJP's administrative advocacy cases).

Starting on January 1, 2016, MEJP implemented a client satisfaction survey. To date, 100% of survey respondents reported a quick response when they contacted MEJP, respectful treatment by MEJP staff, and an overall good experience. Notably, the vast majority of client satisfaction survey respondents (90%) reported that MEJP was able to solve their problem.

In the words of some MEJP clients who completed the survey:

> *"Without your firm, my family would have starved. Karen (MEJP paralegal) is a godsend to our family. We have never needed anything. Then our world crashed. Karen saved us. She is someone we will never forget. Please know that there is a family in Maine that you saved. . .you saved my family. We will never forget what you did."*
>
> *"If everyone that works there is as passionate, helpful, and friendly as Karen I can't imagine a better service! I cannot speak enough regarding how positive my experience w/ MEJP has been...Please keep doing what you're doing!"*
>
> *"My parents lost part B [Medicare] & had to pay for Part B. Jack (MEJP Litigation Director) got their money back. MEJP's services were great. Jack was very responsive, kept me informed and was willing to push for retroactive payment of the automatic Social Security deductions that occurred over 9 months. My parents and I are exceedingly grateful for his assistance."*
>
> *"When I called back I was put right through to Jack Comart. As a cancer survivor I got my MaineCare back. This service saved my health insurance when cancer was a priority."*

<u>Impact litigation in 2016:</u>

Food Assistance for Unemployed Lawfully Present Immigrants - In 2013, the Maine Legislature passed a law to allow asylum seekers with work authorization who are seeking employment to get Food

Assistance. DHHS improperly discontinued this assistance. Working with attorneys at the firm of Drummond Woodsum, MEJP filed a class action lawsuit to challenge DHHS' denial of benefits and restore assistance to this group of people. On June 7, 2016 the Superior Court in Kennebec County heard arguments in the case. We are still awaiting a decision.

2. Administrative Advocacy

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

MEJP conducts administrative advocacy at the federal and state level in all of its focus areas. Federal and state agencies often define and operationalize law in regulations and rules and these details can have a significant impact on our clients. MEJP strives to ensure fairness and due process at the administrative level. We also aim to resolve grey areas in the applicable governing statutes or regulations. 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 2016, MEJP either advocated or submitted rulemaking comments at the state and federal level on a wide range of issues. The following provide several examples of some of our activities in this area.

Ensuring Access and Affordability for Public Utilities:

- MEJP has been one of the leading organizations to work on implementation of the Arrearage Management Program (AMP) that provides arrearage forgiveness to electric utility consumers who are low income and who owe at least $500 in arrearages. That program has helped hundreds of people with forgiveness of their arrearages.

- MEJP has worked with the Office of Public Advocate (OPA) and others to ensure that the programs run through Maine Efficiency Trust are accessible to people with low income and result in lower overall utility costs.

- MEJP is working with OPA to ensure that the Low Income Assistance Program (LIAP), which provides utility assistance to people with low income, is working to make electricity costs affordable by limiting costs to no more than a certain percentage of income.

Improving Access to Public Assistance Programs:

MEJP is working to improve the process for applying for and receiving public assistance. We are taking steps to ensure that the Maine Department of Health and Human Services (DHHS) client notices are understandable and received timely. As part of this effort, MEJP staff modified and improved the MaineCare eligibility application that DHHS has adopted. MEJP staff is now working to improve the integrated application for programs including Temporary Assistance for Needy Families, Food

Assistance, State SSI, MaineCare, and the Child Care Subsidy Program. MEJP is also assisting DHHS to make hundreds of its eligibility notices more understandable.

Protecting Children's Access to Behavioral Health Services:

MEJP has long been a leader in ensuring that low-income children have access to behavioral health services through the MaineCare program. In 2002, MEJP brought the case of Risinger, et. al. v. Concannon that ultimately led to significant changes in the system. Recently, MEJP has identified unacceptable delays and bottlenecks in the continuum of care for children. MEJP is working with Disability Rights of Maine and others in meeting with DHHS to see if agreeable changes can be made in this system of care.

Maine Hospital Free Care Limits:

DHHS proposed lowering the free care eligibility limits for Maine hospitals and hospital owned facilities from 150% to 100% of the federal poverty level. This would have impacted an estimated 117,000 people in Maine who would no longer qualify for free care from the hospitals. Free care provides for the cost of medical care for people who are unable to access or afford private or public health insurance. MEJP collaborated with Consumers for Affordable Health Care to submit comments on the proposed rule asserting that the proposal would violate state law. Subsequently, DHHS dropped the proposed rule change and it did not go forward.

Increasing Access to Affordable Housing:

MEJP organized and held two focus groups for MaineHousing where 50 people attended. Tenants, as well as representatives from housing organizations in Maine, participated in the groups. They provided input to MaineHousing as the agency developed proposals for the use of three million dollars coming to Maine for the first time from the National Housing Trust Fund (NHTF). This money is specifically intended to increase access to housing for people with the lowest incomes. As a result of MEJP's advocacy, the final plan for this money was improved and MaineHousing agreed to several of our recommendations. These include increasing the duration of NHTF funded rental units' affordability from 30 years to 45 years and increasing MaineHousing's emphasis on serving homeless people by giving additional points in the bidding process to applicants making the commitment to serve this population.

3. Training, Education and Outreach

MEJP provides outreach and training for people with low income and the agencies and providers who assist them. We impart critical information on Maine's public benefit programs and how they work and, at the same time, learn about potential barriers and issues for people in accessing benefits, and systemic problems that may need to be addressed. In 2016, MEJP has conducted 28 separate training events throughout the state this year, reaching more than 585 individuals, including staff from CAP agencies, Head Start programs, health centers, homeless shelters, and hospitals as well as individuals living with low income themselves such as residents of senior housing and New Mainers who are impacted by proposed reductions to assistance.

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

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

In 2016, MEJP opened a total of 460 cases (includes full intakes, counsel & advice and referral cases *only*). The services impacted approximately 953 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 2016.

Activity	**Total # of Cases Opened and closed/ People served (pending and withdrawn cases not included)**
Full intakes – includes limited and full representation	159/329
Counsel & Advice and/or Referred	177/366
Administrative Advocacy	15/245,925 served (this is a conservative estimate based on available data; exact numbers are unknown)
Activity	**Total # of Trainings/# of People Participating**
Training, Education & Outreach	28 separate trainings and workshops/585 people served

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

MEJP represents the interests of all Maine residents living in or near poverty, which is defined as less than 200% of the federal poverty level (FPL) or $40,320 in annual income for a family of three in 2016. According to state data on the Kaiser Family Foundation website, there are 401.500 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 public assistance in 2016:

- Families receiving Temporary Assistance for Needy Families (TANF): 4,567 households, representing 7,784 children[3];
- Individuals and families receiving Food Assistance (SNAP) benefits: 97,404 households,

[2] http://kff.org/other/state-indicator/population-up-to-200-fpl/?dataView=1&currentTimeframe=0&selectedRows=%7B%22nested%22:%7B%22maine%22:%7B%7D%7D%7D

[3] http://www.maine.gov/dhhs/ofi/reports/2016/GeoDistrib_Dec16.pdf

representing 187,041 individuals of which 58,758 were children under 18[4]; and

- Individuals covered by MaineCare or the Medicare Savings Program (health insurance or limited assistance with drugs and out-of-pocket costs): 266,288 individuals[5].

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

In 2016, Maine Equal Justice provided legal services to individuals residing in all sixteen Maine counties.

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

In 2016, MEJP opened a total of 460 cases. Of the 460 cases opened, MEJP closed 394; 66 are pending. In addition, MEJP opened 25 administrative cases with 15 completed during 2016.

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

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

Outcomes measurements used to determine compliance

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

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

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

- Training, Outreach and Education: MEJP measures its success by the extent of its outreach and training activities throughout the state, the number of individuals trained during the year, and the feedback received on training evaluations. MEJP receives more requests for trainings than it can provide in any given year. MEJP's training and education sessions are requested and or attended by a diverse number of organizations, including but not limited to, social service providers, family practice residency programs, provider associations, homeless shelters, tenants'

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[4] http://www.maine.gov/dhhs/ofi/reports/2016/SummaryCountsByCounty_Dec.pdf

[5] Overflow A for 2016 Reports– December, accessed at http://www.maine.gov/dhhs/ofi/reports/2016/GeoDistribOverflow_Dec.pdf

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 2016 were favorable and underscored the value of MEJP's expertise and knowledge for direct service organizations and legal aid providers throughout the state.

Information particular to each recipient organization regarding unmet and underserved needs

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

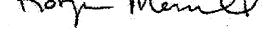
While MEJP's funding from IOLTA funds has significantly decreased, the demand for our services has increased, as Mainers face steadily rising costs while stable jobs that can support a family have dwindled. Further, as changes are made to eligibility criteria and scope of benefits for the state's public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

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

CONCLUSION

Maine Equal Justice Partners receives critical support from the MCLSF that enables us to pursue systemic solutions on behalf of Maine people living in poverty. Without the MCLSF the level and breadth of legal services MEJP currently provides would be severely diminished. We would like to extend our gratitude to the MCLSF Commission for making this work possible. The Board, staff and our clients thank you for your continued support.

Respectfully submitted:



Robyn Merrill
Executive Director

Maine Volunteer Lawyers Project
Report to the Maine Civil Legal Services Fund Commission
January 2017

Overview

The Maine Volunteer Lawyers Project (VLP) is pleased to submit this year-end narrative report on its operations and services provided to Maine people with low incomes during 2016. Funding from the Maine Civil Legal Services Fund (MCLSF) enabled the VLP to continue to provide a wide range of legal services to thousands of clients and further develop access to services despite a continuing decrease in overall funding levels.
The VLP was formed in 1983 as a joint project of the Maine Bar Foundation and Pine Tree Legal Assistance for the purpose of organizing, encouraging, and coordinating the *pro bono* efforts of private attorneys on behalf of Maine people with low incomes facing civil legal problems. VLP services have generally been limited to Mainers whose gross household incomes are at or below 200% of the federal poverty guidelines and whose net incomes following the deduction of certain basic living expenses fall at or below 125% of the federal poverty guidelines. Clients are also subject to asset limitations based on household size.

The VLP has been a recipient of MCLSF funding since the Fund's inception in 1998. In addition to supporting the Project's overall provision of client services, MCLSF funding is also used to support *pro bono* representation for a number of clients with particularly compelling cases who do not meet the restrictive criteria imposed by other funding sources. These clients, for example, may have incomes minimally above federal poverty and deduction guidelines or may be victims of domestic violence without meaningful access to family assets. MCLSF funding also may be used when a private attorney contacts VLP requesting permission to provide *pro bono* representation to a particular client who falls within VLP's service priorities but again does not meet the letter of VLP's traditional eligibility requirements.

In 2016, MCLSF funds represented 17 % of VLP's total funding.

Services

Initial requests for assistance are made through a statewide telephone intake line staffed by non-attorney volunteers and supervised by VLP staff in its main Portland office. Intake volunteers screen all prospective clients for eligibility and provide every caller with legal information relevant to their problem together with referrals to other organizations where appropriate. Many callers also receive written legal education materials developed by Pine Tree Legal Assistance for people living in Maine as well as being directed to the PTLA website for access to this information.

Participating *pro bono* attorneys provide limited representation through several special VLP initiatives: the Family Law Helpline, the Domestic Violence *Pro Bono* Panel, the

Court House Assistance Project (CHAP), and the Penobscot Clinic. Clients for the Helpline and Penobscot Clinic are referred by VLP phone intake volunteers; the 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.

Additionally, 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 Advisory Committee and staff. In general, these priorities are designed to meet the most pressing needs, ensure that the VLP's services complement the assistance provided by Maine's other legal service providers, and maximize the impact of donated legal services.

Cases Handled in 2016

In 201, VLP staff or volunteers provided service in **3,220** cases:

Hotline volunteers provided **legal information**:	425 cases
Pro bono attorneys provided **limited representation** through clinic programs:	1946 cases
Pro bono attorneys provided **full representation** through domestic violence panels:	113 cases
Pro bono attorneys provided **representation** in fully referred matters:	736 cases
Total:	**3220**

While MCLSF funds help to support all of the VLP's work, service was provided in 877 of the above cases using specially designated MCLSF funds only.

Additionally, in 2016, the VLP provided administrative assistance and technical support for a *pro bono* homeless clinic in Portland. This clinic is staffed by lawyers from fourteen Portland law firms (and UNUM), and is held weekly at the Preble Street Resource Center. Preble Street provides intake and case management support for the clinic, and the VLP does not count the cases as "VLP" cases. However, in 2016, 83 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.

Without including the homeless clinic cases, the VLP opened 2,407 cases in 2016, and closed 3,041 cases, but many VLP cases that are fully referred to a volunteer lawyer are not opened and closed in the same calendar year, and at the end of 2016, 321 cases, opened in 2016 or before, remained open.

The VLP cases opened in 2016 fell into the following case types:

Case Type	Total Cases OPENED
Consumer	114
Education	4
Employment	28
Family	1934
Juvenile	53
Health	3
Housing	63
Income Maintenance	133
Individual Rights	0
Miscellaneous (Torts, licenses, wills & estates, etc.)	73
TOTAL	**2,407**

Demographics of Clients Served in 2016

- VLP's direct services benefited **3,220** Maine households and benefited an estimated 10,000 individuals. The average annual household income was $23,625.79, and the average household size was three people. Just over 50% of households had income from employment or employment based benefits.
- The average age of a client at intake was 40 years, but the largest group of clients were between 25 and 34 (29%).
- 15% of clients were 55 or older.
- 86.5% of clients identified as White, 4.7% as Black, 2.7% as Native American 1.6% as Asian, and 2.2% as Hispanic.
- 39.8% of households had at least one person with a disability.
- 66% of clients were female and 34% were male.
- 151 or 5.2% of clients did not speak English as a first language.
- 1650 households included children, and 1005 of those households were headed by a single parent.

Geographic Areas Served in 2016

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

County	
Androscoggin	16.2%
Aroostook	2.1%
Cumberland	23%
Franklin	1.7%
Hancock	3.5%
Kennebec	10.2%
Knox	1.4%
Lincoln	1.4%
Oxford	3.5%
Penobscot	7.9%
Piscataquis	.6%
Sagadahoc	2.1%
Somerset	2.6%
Waldo	2.3%
Washington	2.9%
York	16.6%

(Out of state / Unknown 2%)

Unmet Need

Most qualifying clients who receive an intake would benefit from full representation, but of the 3,220 cases the VLP worked on in 2016 only 25% were referred fully to a *pro bono* attorney. Of the other cases worked on in 2016, 60% received limited representation from a *pro bono* attorney through a clinic program, and 13% received legal information only.

Most of the VLP clinics serve clients with family law cases, and family law is consistently the most requested service need across the state. Currently, only clients referred to the VLP through statewide domestic violence organizations are able to access the VLP phone based family law clinic, leaving some rural clients unable to easily access a *pro bono* family law attorney. To mitigate some of this problem, the VLP has continued to develop limited representation family law courthouse clinics. We know this helps meet more need, because client numbers rise in every county where a family law courthouse clinic is opened. Most recently (fall 2016) the VLP opened a family law courthouse in Bangor.

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

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

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

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

Compliance of Services Delivered to Services Proposed
In its application to the Maine Civil Legal Services Fund for 2016/2017, the VLP proposed using its MCLSF Funding to support general legal services to clients from around the state, in all areas of 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 2016, the VLP provided unbundled and full representation, as well as legal information and referrals, to clients across Maine (including service out of the Bangor office) in a wide variety of substantive legal areas. Additionally, actual cost per case for the VLP continues to be low because of the donated service of volunteers, and in 2016 the average cost per case was under $200.

In 2016, however, the number of clients served by the VLP dropped by about 12% due to a transition to a smaller staff, and ultimately to a different organizational structure. In 2016, in response to a funding crisis that has been building over the last few years (due mostly to the declining IOLTA funds), the VLP went through an intensive strategic planning process that included stake holders from Pine Tree Legal Assistance and the Maine Justice Foundation.

Ultimately the choice was between becoming the *pro bono* arm of Pine Tree Legal Assistance, (organizing *pro bono* services in response to the needs of that organization), or stepping out of the existing structure and continuing as a provider that coordinates *pro bono* opportunities for the Maine Bar outside of the specific priorities of another legal aid

organization. The decision was made for the VLP to become a free standing non-profit organization whose mission continues to be to increase equal access to justice for low income and vulnerable Maine people by engaging Maine lawyers in *pro bono* service.

The new VLP organization remains a legal service provider under M.R.S. Title 4, Chapter 1, subchapter 1-B, section 18-A 1(B)(3), as a "Program(s) whose primary mission is to coordinate *pro bono* legal services for low-income people in this State." And as such continues to be eligible for money disbursed by the MCLSF.

The new VLP is now quickly reestablishing itself, with a smaller staff but with less overhead costs and more efficient internal procedures, and with its own Board that is committed to the mission of increasing *pro bono* service. It is anticipated, therefore, that the new VLP will increase the number of clients served through both the Portland and Bangor offices, and will, in fact, expand services throughout the state over the next twelve months.

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 2016, the value of services donated to clients with low incomes under the auspices of VLP exceeded $2 million, providing almost $2.5 of service for every $1 in funding actually received. MCLSF funding was critical to supporting VLP in 2016 in its efforts to maintain and improve the delivery of legal services through the work of volunteers and to expand limited representation projects that efficiently help a greater number of Maine people with low incomes. With the continued support of MCLSF funding, the new VLP will be able to maintain and expand these services in 2017 and beyond.

Respectfully submitted,

Juliet Holmes-Smith

Juliet Holmes-Smith
Director
Maine Volunteer Lawyers Project

Pine Tree Legal Assistance
Report to the Maine Civil Legal Services Commission
January 2017

Pine Tree Legal Assistance is pleased to submit this report on program and Commission-funded accomplishments in 2016.

Program Overview

We believe that there should be fairness, justice and equality for all, not just for the few who can afford it, and, that if we 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 Maine families with low incomes who are coping with serious civil legal needs. Ever since Pine Tree opened its doors in 1967, we have helped Maine's most vulnerable residents overcome pressing problems of everyday life – domestic and sexual violence, homelessness, economic insecurity, financial exploitations, employment issues, and others.

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 one's ability to meet one's basic human needs or in enforcing one's basic human rights. Pine Tree is committed to making the justice system more accessible for all Mainers, regardless of income, using three effective strategies:

1. Provide all Mainers with access to information: Pine Tree maintains a comprehensive library of self-help tools, legal information, and resources which are available to everyone online at no charge. These resources are viewed and downloaded more than 2 million times each year.
2. Provide community legal education: Pine Tree presents on relevant legal topics to thousands of Maine residents, social service providers, members of the private bar, court personnel, landlords, and others.
3. Provide legal advocacy for individuals and families: The majority of Pine Tree's work focuses on providing direct legal advocacy to individuals and families who are unable to afford private counsel. Advocacy ranges from simple advice and brief service to negotiations and full representation in the most serious cases.

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

In 2017, Pine Tree is celebrating our 50th anniversary and the significant impact we've had in the state. Through our work, we have been able to address many underlying causes of persistent social problems. The abolition of debtors' prison, the right to due process and a fair hearing, the first successful employment discrimination lawsuits, improved housing codes and accessibility for people with disabilities, are legacies of Pine Tree's work. Recent achievements include new state laws to protect victims of domestic violence, groundbreaking work in foreclosure prevention, and the development of a nationally acclaimed website military and veteran families.

Information Requested by the Commission

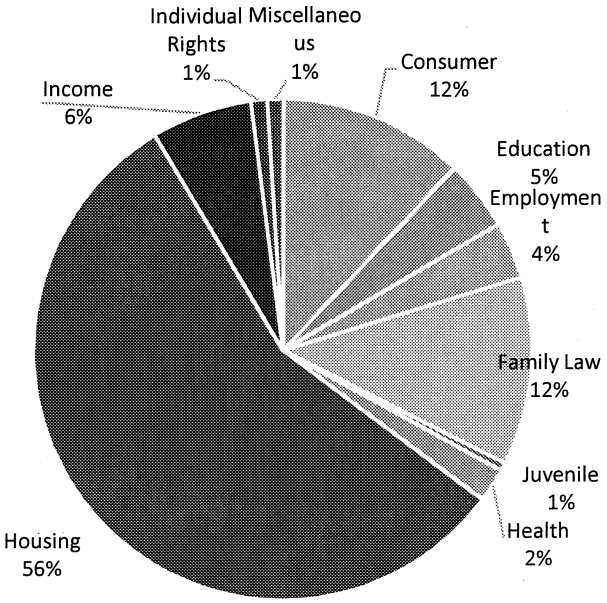
1. *Types of cases handled*

In 2016, Pine Tree Legal Assistance worked on 7,359 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.

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

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



MCLSF provided partial funding support for all of these cases, because it is general funding and is used to augment the more limited support from other funders. In addition, Pine Tree used a small portion of its MCLSF award 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	30	888
Education	13	334
Employment (including tax)	11	271
Family Law (including PFAs)	9	894
Juvenile	0	39
Health	16	162
Housing	185	4,135
Income	31	480
Individual Rights	14	78
Miscellaneous (including tribal law)	1	78
Total	**310**	**7,359**

2. *Number of people served*

Pine Tree served more than 2 million people in 2016 through direct legal aid, outreach, and its websites.

- Pine Tree served 18,303 people through individual cases, including 10,944 adults and 7,359 children.

- Pine Tree served 3,269 people through community education activities including consultations, meetings, presentations, and trainings.
- Pine Tree's websites were utilized by 2,845,896 users in 2016 (accessing Pine Tree's websites for a total of 3,415,054 sessions).

MCLSF funding is crucial for the maintenance and development of website resources and self-help tools. Pine Tree maintains four websites: www.ptla.org, www.kidslegal.org, www.statesidelegal.org, and www.helpMElaw.org. Ptla.org alone recorded 2,452,600 total sessions, 4,067,888 pageviews, and 2,053,086 users in 2016. The table below highlights the most frequently viewed pages on ptla.org.

Rank	Page	2016 Pageviews
1	Rights of Tenants: Evictions	438,991
2	Find Legal Help Tool (ME Triage)	176,385
3	Rights of Tenants: Security Deposits	175,245
4	What Can I Do If My Landlord is Trying to Evict Me?	156,091
5	Rights of Tenants: Unsafe or Unfit Housing	151,558
6	Rights of Tenants: Evictions (Spanish)	138,406
7	Homepage/Welcome	131,071
8	Rights of Tenants: Landlord Entering Your Home	103,871
9	How To Get Your Security Deposit Back (New classroom)	94,865
10	Rights of Tenants: Mobile Home Parks	93,536

In 2016, Pine Tree developed new interactive versions of some of our most popular client educational materials. We took our existing materials and created "online classrooms" by breaking the content down into smaller, more digestible segments or modules. The new classrooms include interactive features, embedded videos, and collapsible text. Pine Tree developed 6 new classrooms this year and an analysis of website statistics shows that the new classroom style is more engaging. For example, one of the classrooms took our existing divorce and parental rights materials, which were about 20 pages long printed, and revamped it into 15 discrete modules. Users are spending an average of 15-20 minutes in the new classroom, compared to an average of 4 minutes on the old format.

All of Pine Tree's website materials are available for free to everyone with access to the internet. They are an important way of increasing access to the justice system, especially for *pro se* litigants.

3. *Demographic information about people served*

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

- Two out of three are women;
- Almost half have a disability;
- Almost half live in rural areas;
- One in five is a single parent;
- One in eight is a minority;
- One in ten is a veteran; and
- One in fourteen is over the age of 65.

To make the most of our 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 2016 by poverty level.

Below 100% poverty	58%
100% – 199% poverty	34%
Over 200% poverty	8%
Unknown	<1%

4. Geographic area actually served

With six neighborhood offices strategically located throughout Maine, services are accessible to Mainers throughout the state. The chart below shows the geographical distribution of Pine Tree's cases.

County	Clients Served	All People Served
Androscoggin	903	3,409
Aroostook	416	1,074
Cumberland	1,419	4,069
Franklin	81	241
Hancock	172	434
Kennebec	578	1,649
Knox	81	216
Lincoln	55	159
Oxford	220	714
Penobscot	642	1,704
Piscataquis	33	89
Sagadahoc	109	364
Somerset	179	486
Waldo	92	247
Washington	284	686
York	716	2,177
Out of State	97	373
Unknown	40	189
Total	**6,117**	**18,280**

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

In 2016, Pine Tree staff and volunteers worked on 7,359 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. Thirty percent (2,248) of Pine Tree's cases involved full legal representation and of those, all but 75 were resolved in favor of our client.

Status	# of Cases	% of Cases
Resolved in favor of the client after full legal representation	2,173	29%
Resolved in favor of the opposing party after full legal representation	75	1%
Resolved after providing information, advice or limited assistance	3,504	48%
Cases open as of 12/31/2016	1,607	22%
Total cases handles in 2016	7,359	100%

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

The activities supported with MCLSF funding in 2016 are consistent with the activities proposed Pine Tree's 2016-17 application to the Commission. In the application, Pine Tree sought funding to support its three key strategies: direct legal advocacy for individuals and families who are unable to afford private counsel; maintenance and development of program website resources and self-help tools; and training

events and presentations to client groups, social service providers, members of the private bar, and others. As described above, Pine Tree served more than 2 million people in 2016 through direct legal aid, community legal education, and websites.

7. *Outcome measurements used to determine compliance*

Using case management software, Pine Tree tracks both the number of cases opened and closed within a given period and the extent to which the client's objectives were achieved. Specific case closing codes are used to track the results of closed cases and to distinguish between successful and unsuccessful outcomes. Pine Tree records outcome information for more than 50 potential case outcomes. With Pine Tree's unique emphasis on full legal representation throughout Maine, the outcomes of its 2016 advocacy was extensive. The following data and stories highlight some of Pine Tree's most significant outcomes in 2016.

Pine Tree saved Maine consumers $1,028,226 in unlawful and excessive debt by enforcing consumer projections. In one case, we represented a single mother who was served with a small claims complaint by Discover alleging that she owed a credit card debt. Our client had only ever had one credit card in her life and it was through a local bank and the card was paid off in full in 1999. When she got her small claims court date in the mail, she dutifully took a day off from work and went to court. The lawyer representing Discover told her he would agree to continue the case to give her a chance to contact Discover and file a fraud affidavit. She agreed and tried to make several phone calls to obtain a fraud affidavit. However, Discover wouldn't talk to her because she couldn't confirm the address, phone number, and e-mail associated with the account, since it wasn't hers. So, she took another day off from work and went back to Court for the continuance date. The lawyer for Discover again wanted to continue the case and promised this time that he would get the fraud affidavit and get it to her. She was worried about whether the attorney would follow through and about having to miss more work for a debt that wasn't hers. Luckily, she met a Pine Tree "lawyer of the day" in court that day who agreed to represent her. We took the case to hearing and the lawyer for Discover did not have evidence that our client owed the debt. Pine Tree argued for the Court to enter judgment for Defendant and the judge agreed. Our client was able to leave with legal certainty that she did not owe Discover the debt and that she would not have to continue to take off of work for court.

Our KIDS LEGAL project, which provides direct representation to children, youth, and parents on their behalf, obtained the following ***outcomes in education cases*** in 2016:

- 90 students received needed educational services, after KIDS LEGAL obtained an IEP, 504 plan, or compulsory educational services;
- 33 students were readmitted to school after KIDS LEGAL resolved issues related to expulsion, truancy, or other barriers keeping students out of school;
- 31 students were kept in school after KIDS LEGAL prevented a suspension or expulsion; and
- 4 homeless students were enrolled in school after KIDS LEGAL enforced the McKinney–Vento Homeless Assistance Act.

Pine Tree obtained 266 new protection orders for victims of domestic violence, sexual assault, stalking, and dating violence. Collectively, the orders provide for 5,275 months of protection for victims. Pine Tree's advocacy for victims of interpersonal violence helps people like "Eliza," who had suffered severe physical abuse at the hands of her ex-husband during their marriage. Even the smallest disagreements had resulted in violent retaliation; he had previously broken her finger, pointed a knife at her, and threatened to kill her. Criminal charges had never been brought against him and Eliza never filed for a protection order because she was too afraid to face her husband alone in court. Then Eliza's son told her

that he had been sexually abused by her ex-husband (her son's former stepfather) during the marriage. Eliza sought help from one of our partner agencies because she was afraid that the criminal investigation related to her son's sexual abuse would result in her ex-husband's violent retaliation. She was referred to Pine Tree Legal Assistance for help. Caroline Jova was Eliza's attorney at Pine Tree Legal. Attorney Jova is a staff attorney in our Lewiston office who works exclusively with victims of domestic violence and sexual abuse in Androscoggin County and western Maine. Attorney Jova helped Eliza file for a Protection from Abuse Order (PFA) for herself and on behalf of her son and represented her at the PFA hearing. Eliza's ex-husband had the resources to hire an aggressive criminal defense lawyer who made the path to the PFA long and contentious. The court held an unusually long six-hour hearing, which included oral argument on a motion to block certain evidence from being used in the hearing, extensive and aggressive cross-examination by the defense attorney, and testimony from an expert witness. In the end, the judge granted a final PFA for Eliza and her son. After the hearing, Eliza sent Caroline the following note:

> *Finding myself in need of a lawyer was not a good feeling. It was scary facing the unknown. I had no clue what I was doing but that was okay because Caroline Jova was my lawyer. She knows her job and she does it well. She is confident and intelligent. More importantly, she is compassionate. While her job consists of her going to court and talking with other lawyers and judges, she never lost sight of the fact that it was all new to me. She told me when I got nervous or scared just look at her because she was there for support. It wasn't just words. She was there, offering a smile at times when I wanted to cry. When it was all said and done, she told me how proud she was of me.*

In 2016, Pine Tree prevented homelessness for 290 families though eviction dismissals alone. Forty-four percent of those involved subsidized housing, an important stabilizer for many low income and vulnerable families. If a tenant with a housing subsidy is evicted the tenant may become ineligible for other subsidized housing programs for up to five years. Losing access to this subsidy can drastically affect a tenant's ability to afford housing in the future, and poses particular hardships for families with children and the elderly. Pine Tree preserved $52,209 in monthly housing subsidies by having evictions dismissed. ***The annualized value of this savings for low income Mainers is $626,508.***

8. Information regarding unmet and underserved needs

Pine Tree participated in an eight-week study with other Maine legal aid providers in early 2016 researching the unmet and underserved legal needs of Maine's low income population. The data collected by Pine Tree alone shows that ***56% of legal needs are unmet or underserved***. The chart below illustrates Pine Tree's capacity to respond to legal issues broken down by area of law.

	Unable to Serve	Unable to serve fully	Fully Served	% unmet or undeserved
Consumer	122	35	150	51%
Education	14	9	44	34%
Employment	49	12	28	69%
Family	152	26	107	62%
Juvenile	2	2	8	33%
Health	18	7	10	71%
Housing	113	221	396	46%
Income	60	32	32	74%
Indiv. Right	47	4	3	94%
MISC	85	4	3	97%

TOTAL	**662**	**352**	**781**	**56%**

This study does not include data about individuals with legal needs who were unaware of Pine Tree Legal Assistance and/or did not seek legal assistance. From experience and previous research, we know that many individuals who are eligible for civil legal aid do not seek assistance. A 2013 study of unserved and underserved veterans in Maine conducted by Pine Tree found that 70% of respondents experienced a legal issue within Pine Tree's priorities in the last 12 months but only 8% had sought legal assistance from Pine Tree.

Conclusion

Every Pine Tree office (Presque Isle, Bangor, Machias, Augusta, Lewiston, and Portland) has been supported with MCLSF funding in the past year. Because of Pine Tree's ongoing investment of MCLSF resources in Internet-based services, individuals all over the state can get easy-to-use information about legal rights and responsibilities.

It is impossible to overstate the importance of MCLSF funding. The Maine Civil Legal Services Fund is Pine Tree's second largest source of funding. It supports work in all 16 counties and enables Pine Tree to serve individuals and families who would otherwise be unserved.

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

Respectfully submitted,

Nan Heald
Executive Director