Maine Civil Legal Services Fund Commission

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Maine Civil Legal Services Fund Commission

Report to the Joint Standing Committee on the Judiciary

129th Legislature, Second Regular Session

February 3, 2020

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MAINE CIVIL LEGAL SERVICES FUND COMMISSION

January 31, 2020

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

RE: 2019 Report of the Maine Civil Legal Services Fund Commission

Dear Senator Carpenter and Representative Bailey:

I am pleased to submit the 2019 Annual Report of the Maine Civil Legal Services Fund Commission to the Joint Standing Committee on Judiciary, as required by 4 MRSA §18-A.

John P. Foster, Sara A. Murphy, and I were the three Commissioners who oversaw the Maine Civil Legal Services Fund during this period. Mr. Foster's term has ended after many years of much appreciated service, and he has been replaced by Paul R. Dumas, Jr., effective January 1, 2020.

The Annual Report includes information about the amounts and uses of the funds allocated from the Fund. This compilation includes a report from each of the seven organizations receiving these funds. The total amount distributed in 2019 was $1,266,510. This was $184,975 less than the amount distributed in 2018. The distributions in 2019 were made according to the following formula and in the following amounts:

Organizations Receiving Funds from Maine Civil Legal Services Fund	**% Share of Allocation**	**Amount Received ($)**
Cumberland Legal Aid Clinic	6.4350	81,499.90
Disability Rights Maine	2.9800	37,741.99
Immigrant Legal Advocacy Project	5.2025	65,890.17
Legal Services for the Elderly	20.7355	262,617.12
Maine Equal Justice Partners	10.8900	137,922.91
Pine Tree Legal Assistance	47.7180	604,353.11
Volunteer Lawyers Project	6.0390	76,484.52
Total	**100.0000**	**1,266,509.72**

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

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

Respectfully submitted,

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

Enclosure

cc: John P. Foster, Esq., Immediate Past Commissioner
Sara A. Murphy, Esq., Commissioner
Paul R. Dumas, Esq., Commissioner

MAINE LAW | Cumberland Legal Aid Clinic

2019 ANNUAL REPORT TO THE MAINE CIVIL LEGAL SERVICES FUND COMMISSION AND THE JOINT STANDING COMMITTEE ON THE JUDICIARY

The Cumberland Legal Aid Clinic of the University of Maine School of Law ("the Clinic") is pleased to submit this report on its use of the funds it received in 2019 from the Maine Civil Legal Services Fund ("the Fund" or "MCLSF").

A. Overview of the Clinic's Programs And Activities

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

The Clinic serves clients with a range of legal matters pending in state, probate, and federal courts and agencies throughout Maine. Services are provided through five distinct MCLSF-supported clinical programs: General Practice; Prisoner Assistance; Juvenile Justice; Refugee and Human Rights, and Protection From Abuse. As described in more detail below, each of these programs has a target population. Eligibility requirements for clients are somewhat different in each program, but all serve indigent clients almost exclusively.[1] Most individuals qualify for our services when (a) their household gross income falls within our financial guidelines, (b) the court or agency is within our geographic service area, and (c) we have openings for new clients.

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

A total of fifty-one students enrolled in Clinic courses during the spring and fall semesters in 2019. During the summer, the Clinic hired seven law students as full-time interns, one student as a full-time fellow doing policy development work in the area of juvenile justice as well as direct representation of clients, and one student as a part-time policy fellow. As a result, the Clinic was able to provide much-needed representation to individuals on a year-round basis.

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

The **General Practice Clinic** is a six-credit course and enrolls up to twelve law students, each of whom represents between four to eight clients over the course of a semester. This program provides full representation to low-income Mainers in a broad range of litigation-related matters at both the trial and appellate levels. The majority of cases involve family law and domestic matters, but student attorneys also work on state and federal cases involving consumer, criminal, juvenile, probate, administrative, and miscellaneous civil issues. Priority for representation by the General Practice Clinic is given to (a) clients with whom we have worked in the Protection from Abuse Project and other limited-representation programs of the Clinic, (b) referrals from other legal aid providers who are unable to provide assistance, and (c) referrals from area courts and agencies who have identified litigants as having a particularly acute need for quality legal representation in their legal matters.

Through its **Prisoner Assistance Clinic**, the Clinic provides civil legal services to persons incarcerated in the Maine state prison system. This program includes a three- or six-credit course during the school year that enrolls up to five Maine Law students each semester. The program emphasizes the development of interviewing and counseling skills by delivering "unbundled" legal services (i.e., limited representation) on a wide range of issues. To meet with prisoners having civil legal matters, students in the program visit the Maine Correctional Center in Windham every week and the Southern Maine Re-Entry Center for Women, also located in Windham, as needed. The Prisoner Assistance Clinic also serves a small number of prisoners in other facilities through correspondence and telephone calls. In 2019, this clinic provided over one hundred prisoners with legal information, advice, and, in some cases, full representation.

The **Juvenile Justice Clinic,** also a three- or six-credit course, enrolls up to five Maine Law students each semester. Practicing under the supervision of a Clinic faculty member, student attorneys in this program have the opportunity to work with youth in several different contexts. As well as representing children with matters pending in the Maine Juvenile Courts, they provide information and advice on a wide range of legal matters to homeless teens and young adults through an outreach program at the Preble Street Teen Center. Law students in the Juvenile Justice Clinic also benefit Maine children and youth statewide through their work on policy development with regard to such issues as the sealing of juvenile records and alternatives to incarceration.

The **Refugee and Human Rights Clinic** (RHRC), a six-credit course, provides an opportunity for Maine Law students to advocate on behalf of low-income immigrants in a broad range of cases and projects. The RHRC was developed as a collaboration with the Immigrant Legal Advocacy Project (ILAP), which refers many of the RHRC's clients. Those served include (a) asylum applicants who have fled human rights abuses in their home countries and are seeking refuge in the United States, (b) immigrant survivors of domestic violence, (c) immigrant victims of certain crimes, and (d) abandoned or abused children seeking legal status in the United States. In 2019, RHRC students assisted eighteen such immigrants and refugees and also participated in public education and outreach initiatives that reached dozens of other Maine residents. Among these initiatives were monthly training sessions with ILAP staff on how to apply for asylum, conducted by RHRC students using a *pro se* manual developed in collaboration with ILAP.

Maine Law students enrolled in all of the above Clinic courses or covering Clinic cases as summer interns participate in the **Protection From Abuse Project**, which receives top marks from students, courts, and clients alike. Student attorneys attend the weekly protection-from-abuse docket calls in Lewiston District Court and represent any victim-survivor of domestic or dating violence, sexual abuse, or stalking who needs representation. In 2019, through support from the Fund and the United

States Department of Justice Office of Violence Against Women, the program provided such representation to over two hundred Maine victim-survivors.

B. Specific Information Requested by the Fund Commission

The Maine Civil Legal Services Fund is a critical source of external funding for the Cumberland Legal Aid Clinic. In 2019, the Fund provided approximately 13.3% of the external funds received by the Clinic and nearly 7.7% percent of the total funds we used for our programs. While the Clinic relies on money received from the Fund for nearly all the programs described above, it depends on that funding especially for the work of the Summer Intern Program, the Prisoner Assistance Clinic, the General Practice Clinic, and the Protection from Abuse Project.[2] Thus, in 2019, resources provided by the Fund enabled the Clinic to retain two of its four full-time faculty supervisors and a part-time adjunct faculty member, provide administrative coordination for the Prisoner Assistance Clinic, and hire two of the five summer interns whose coverage of ongoing cases made it possible for us to operate throughout the year. MCLSF funds also enabled us to purchase training and research materials for our Clinic library and to cover expenses directly related to providing legal services, such as travel to court, hiring interpreters and translators, and printing, telephone, and mail. Through its funding of the Clinic, the MCLSF has supported the training of a significant cohort of new lawyers in Maine's strong pro bono tradition and enabled hundreds of Maine's poor to have access to justice.

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

Family law (not including Protection from Abuse proceedings) comprised approximately 60% of the Clinic's General Practice and Prisoner Assistance civil caseloads, or 105 cases. In addition, the Clinic handled 221 Protection from Abuse/Harassment cases for a total of 376 family-related cases last year. The family law caseload is varied. While the majority of such cases in the General Practice Clinic, for example, involve disputes regarding parental rights and responsibilities, child support, spousal support, parentage, or divorce, the Clinic also handled several cases this year involving minor guardianship. We also assisted teens and young adults with family law matters through the Preble Street Law Program.

Other areas of civil legal services handled in the General Practice Clinic in 2019 include foreclosure, landlord/tenant, administrative appeals, adult guardianship, protection from harassment, real estate, recovery of unpaid wages, breach of fiduciary duty, tax liens, name change, education, power of attorney, and changing gender identity markers on passport, license, birth certificate, and court documents.

The Prisoner Assistance Clinic assisted prisoners with a full range of family law questions, including adoption, child protection, de facto parents, child protection, delegation of parental rights, child support, minor guardianship, and parentage matters. One such case involved the intersection of state and tribal family law. Student attorneys in this clinic addressed a wide variety of other civil legal issues, among them federal civil rights; tort defense, including insurance coverage; adult guardianship; trusts, wills, and advanced health care directives; foreclosure; conversion of property; social security disability benefits; contract claims; attorney's fees disputes; powers of attorney; tax issues; recovery of professional/business license; business formation; and bankruptcy.

[2] The Clinic does some work in the areas of criminal and juvenile law. While those clients (a total of approximately 126 cases) have not been included in the client totals for this report, some of them, particularly the juvenile clients, also had civil legal matters for which we provided assistance.

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

In the Refugee and Human Rights Clinic, student attorneys assisted clients with affirmative and defensive asylum, marriage-based permanent residence, bond/detention, visa extension, work permit renewal, and Special Immigrant Juvenile Status.

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

In 2019, the Clinic provided civil legal assistance to a total of 412 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 in 2019 is as follows: Androscoggin 227; Aroostook 0; Cumberland 146; Franklin 0; Hancock 0; Kennebec 3; Knox 1; Lincoln 1; Oxford 2; Penobscot 7; Sagadahoc 3; Somerset 0; Waldo 1; Washington 1; York County 16; Out of State 4.[4] The Prisoner Assistance Clinic also assisted clients from Maine's tribes.

The Clinic assisted a large number of clients with Limited English Proficiency or who were born outside of the United States. During 2019, our clients' countries of origin included Angola, Brazil, Burundi, the Democratic Republic of the Congo, the Dominican Republic, El Salvador, Guatemala, Honduras, Iraq, Mexico, the Philippines, the Republic of Congo, Russia, Rwanda, Somalia, South Sudan, Sudan, and Vietnam.

The Clinic also regularly represents a large number of people with disabilities, particularly those with serious mental and cognitive illnesses.

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

The Clinic serves clients with matters pending throughout Maine. Because the legal work is performed entirely by law students enrolled in other courses in Maine Law School, the Clinic's geographic coverage in full representation matters is primarily in federal, state, and probate courts and agencies located in Cumberland, York, Androscoggin, and Sagadahoc counties. We do, however, appear in courts in other parts of Maine as well. In 2019, we provided full representation to clients

[3] An additional 1,745 individuals contacted the Clinic for legal assistance last year by phone or walk-in and were provided referrals to other agencies due to their ineligibility for our assistance or a lack of available openings at the Clinic. We have excluded from our calculations three prisoners with whom the Clinic had some contact but for whom services were not provided for some reason: e.g., they were not eligible due to their case type, or they did not follow up after an initial contact, or we had to decline representation due to a conflict of interest.

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

with cases in courts and agencies located in Alfred, Auburn, Bath, Biddeford, Bridgton, Ellsworth, Farmington, Lewiston, Portland (including the Maine Supreme Judicial Court and Department of Homeland Security), Skowhegan, Springvale, South Paris, Kennebunk, York, Wiscasset, West Bath, and Boston, Massachusetts. In addition, through the Prisoner Assistance Clinic, we served, on a more limited basis, clients with legal matters arising anywhere in the state, covering nearly every 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 78 civil cases open at the start of 2019. During the year, it opened 369 new cases and closed 408. Currently, at the end of the year, the Clinic has 46 civil cases open. With the start of the new semester in January 2020, we expect to close many of these cases in the opening weeks of the year as well as take on new clients.

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

The Clinic has complied in all respects with the proposal submitted in September 2017. As indicated in the Overview provided in this report, the Clinic has maintained all the programs described in that proposal. Our central focus, providing high-quality full representation to low-income individuals, has remained unchanged, and we continue to develop innovative ways to serve an even larger group of individuals, such as through the delivery of unbundled services.

7. *Outcomes measurements used to determine compliance.*

The Clinic tracks data regarding its cases through the same case management system (previously Legal Files and now Legal Server) used by many other legal services providers. This software enables us to review the type and volume of cases handled each year. Caseload volume usually depends on the complexity of the individual cases being handled as well as student enrollment. The latter can depend in turn on the number of Clinic faculty supervisors available, the degree of student interest, and overall enrollment in the Law School. Faculty supervisor approval is required for every case acceptance, ensuring that the case falls within the Clinic's relevant parameters, which include measurements set to ensure compliance with our 2017 proposal to the Commission.

The Clinic employs specific evaluation mechanisms to ensure both the high quality of the representation we provide to our clients and also the benefit that students receive from their experience working in the Clinic. Faculty supervisors accompany students to every court appearance. All incoming mail and every phone message is routed to the student's faculty supervisor, and no text (e.g., letter, e-mail, or court filing) can be printed, faxed, or mailed without the supervisor's written approval. Since the students are participating in an academic program for which they receive a final grade, every aspect of their work is subject to evaluation as well as supervision by faculty.

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

appreciation for the assistance they received from the Clinic. Also, all students enrolled in Clinic courses are asked to complete detailed evaluations of the Clinic and of their experiences working there.

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

8. Information regarding unmet and underserved needs.

The Clinic receives a few thousand calls from individuals seeking legal assistance every year and also receives many referrals from courts and agencies. Because the number of low-income Maine residents who need our help greatly exceeds our program's capacity, the Clinic designates certain priorities for case acceptance. Thus, in assessing eligibility, we give priority to those potential clients who would otherwise have particular difficulty representing themselves due, for example, to language barriers, immigration status, mental illness or other disability, a history of domestic violence, youth, sexual orientation, or geographic isolation. We also provide legal representation in those areas of the law where there is a particularly acute need, such as complex family law matters with issues of family violence, substance abuse, mental illness, or conflicting jurisdiction. The Clinic makes every effort to accommodate referrals from courts and other organizations that have identified specific individuals who would benefit from our assistance, particularly where this is due to the limitations of other legal aid programs. Because a number of our programs provide a broad range of assistance to many people, for example, at the Preble Street Law Project, through the Protection from Abuse Program, and through the Prisoner Assistance Clinic, we are able to identify individuals with a particular need for extensive legal assistance, thus ensuring that our resources are allocated to those for whom the need for such assistance is most acute.

C. Conclusion

Because state funding for higher education in Maine is limited, the Clinic must rely on external sources of funding to continue its work. The faculty, staff, and students of the Cumberland Legal Aid Clinic join me in expressing our appreciation of the Maine Civil Legal Services Fund for its continued support of our programs. Without that support, we would be severely restricted in our ability to pursue the Clinic's double mission of providing much-needed legal services to chronically underserved populations in Maine while educating the next generation of attorneys. The Fund is an especially valuable source of support in enabling the Clinic not only to continue its legal aid work at current levels but to explore and develop ways to pursue that mission even more effectively and extensively.

We would be happy to answer any questions or supply any additional information that is requested.

Respectfully submitted,

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DISABILITY RIGHTS MAINE

DISABILITY RIGHTS MAINE
2019 ANNUAL REPORT TO THE
MAINE CIVIL LEGAL SERVICES FUND COMMISSION
JANUARY 15, 2020

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, 15 of whom are attorneys.[1]

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

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

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

[1] DRM has one attorney/advocate vacancy in the Developmental Services Advocacy program

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

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

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

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

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

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

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

Maine Civil Legal Services Funding

In 2019, DRM applied for funds to hire a full time attorney and was awarded 3 % of the Fund. In 2019, DRM received $27,525.70 from the Fund. In 2018, DRM received $42,945.00 from the Fund.[2]

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.

[2] DRM received five payments from the Fund in 2018 and three in 2019. DRM recognizes revenue in the year in which it is received.

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

Appendix B includes a number of case examples that provide a sampling of the types of cases DRM attorneys handled during 2019 for indigent Mainers. Because the amount of the award did not allow DRM to hire a full time attorney, the Fund award was used to supplement the provision of legal services to low-income Maine citizens with disabilities subjected to abuse or neglect or other rights violations. For example, DRM uses the Fund award to represent low-income Maine citizens who either want to live in the community or who want to continue to live in the community, including those who are involved with the long term care system through MaineCare, such as individuals with personal support services (PSS) who are challenging service reductions, terminations or suspensions that might lead to their placement in an institution.

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

- **The types of cases DRM attorneys handled in 2019 are listed below:**

Case Problem Area[3] (Based on Total # of Active SRs[4]):

Abuse, Neglect and Other Rights Violations	374
Beneficiaries of Social Security	16
Community Integration/Integrated Settings	184
Due Process	22
Education	182
Employment	25
Government Services & Public Accommodations	74

[3] The number of cases does not include cases handled under our state mental health grant for people in the state hospitals

[4] SR stands for Service Request or case

Guardianship	53
Housing	15
Voting	2
Total	**947**[5]

- **Number of people served;**

DRM Attorneys provided direct representation to 947 Maine citizens with disabilities, excluding citizens in state psychiatric hospitals. DRM advocacy staff provided representation to an additional 503 Maine citizens, including representation of Maine citizens in psychiatric hospitals.

Client Demographics - Based on the Total # of Unique Clients with Active SRs

Age:

Birth – 18	244
19 – 30	186
31 – 40	122
41 – 50	86
51 – 60	92
61 – 70	50
71 & Over	22
Total	**802**

Gender:

Female	332
Male	469
Declined to Respond	1
Total	**802**

Race:

American Indian / Alaskan Native	5
Asian	4
Black / African American	14
Somali	2
White	492

[5] Some clients had more than one SR or case

Two or More Races	17
Race Unknown	262
Declined to Respond	6
Total	**802**

Ethnicity:

Hispanic / Latino	7
Not Hispanic / Latino	318
Ethnicity Unknown	477
Total	**802**

County:

Androscoggin	67
Aroostook	29
Cumberland	192
Franklin	21
Hancock	11
Kennebec	113
Knox	30
Lincoln	18
Oxford	20
Penobscot	59
Piscataquis	5
Sagadahoc	35
Somerset	53
Waldo	30
Washington	9
York	102
Out-of-State	8
Total	**802**

Disability:

Absence of Extremities	2
ADD / ADHD	2
Autism	136
Auto-Immune	1

Blindness	5
Cancer	1
Cerebral Palsy	20
Deaf-Blind	1
Deafness	14
Diabetes	3
Epilepsy	3
Hard of Hearing (not Deaf)	5
Intellectual Disability	323
Mental Illness	176
Multiple Sclerosis	1
Muscular Dystrophy	5
Neurological Impairment	9
Orthopedic / Physical Impairment	33
Respiratory Disorders	1
Specific Learning Disability	4
Spina Bifida	1
Tourette Syndrome	1
Traumatic Brain Injuries	52
Visual Impairment (not Blind)	3
Total	**802**

Income:

FPL	493
125% FPL	30
N/A FPL	115
Unknown	164
Total	**802**

- **Geographic area actually served;** Statewide

- **Status of matters handled, including whether they are complete or open**
  Active in 2019: 947
  Opened in 2019: 621
  Closed in 2019: 514

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

The state funded Developmental Services Advocates (formerly known as the Office of Advocacy) were incorporated into DRM's Developmental Disabilities Team. State contracted advocates who are housed in the two state psychiatric institutions are part

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

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 monthly 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.

DRM reports to the two state hospitals and one private free standing hospital quarterly. The hospital advocates report on cases handled and discuss issues trends and issues they had noticed and include suggestions. The Riverview Psychiatric Center advocates meet monthly with the Superintendent. The Dorothea Dix Psychiatric Center advocate meets at least quarterly with the Superintendent, and more frequently, if needed. The Acadia Hospital advocate also meets quarterly with the Administration and more frequently, if needed.

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

- **Unmet and underserved needs**

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

Specific needs that DRM cannot adequately address currently include:

- The Children's Advocacy Program has brought to public attention the state of the children's behavioral health system. DRM participated in, with DHHS, an assessment of the children's behavioral health system that documented how many children throughout the state were waiting for in-home services or not receiving the correct service. Receiving services would prevent many children from being placed out of state. DRM is concerned about the increasing number of youth being placed out of home and medicated, including in psychiatric hospitals and residential treatment, and out of state. *Olmstead* claims need to be filed on behalf of these kids. Residential providers seem to have adopted a technique long used by providers of adult services of criminalizing behavior that is a manifestation of the child's disability. Residential providers are calling law enforcement more and more, resulting in more children with disabilities being ensnarled in the criminal justice system and being placed in juvenile detention facilities.[7] Residential providers then refuse to take those children back and they languish in juvenile detention facilities.

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

- The biggest category of cases that our developmental services team currently turns away is guardianship cases. These cases are vitally important to improving the lot for people with disabilities because they deal squarely with the prevention (or restoration) of the full and utter deprivation of almost all civil rights. They are also cases that become very involved and time consuming. We can only take the cases where exploitation, fraud, abuse or neglect are involved, but we see guardians, with

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

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

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

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

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

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

- Maine needs much, much more legal work in the juvenile justice system. This includes Long Creek as well as "pre-adjudicated" youth in jails. We need to do conditions cases and we need to focus on the problem of children remaining in detention for months, ensuring transition from detention/commitment is done with adequate supports, etc. We also need to bring schools to account when the only reason a child is involved in the system is for school based "offenses" -the strategy here would be to bring due process hearings when there were special education violations, then go to the juvenile court with the settlement or the favorable decision and ask that the matter be dismissed because the student is now getting the services they need). DRM is now a member of the Juvenile Justice Advisory Group and is working with other stakeholders on this issue.

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

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

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

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

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

- The crisis system in Maine is itself, in crisis. Crisis is the safety net for people with disabilities. Maine citizens with intellectual disabilities and autism who need a

crisis bed often can't find one. Adults with mental illness are told to go to emergency departments when in crisis. Children are sent to hospital where they can languish for months. DRM is looking at ways to address this issue.

Appendix A
DRM's Federal and State Programs

Federal Programs

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

In order to receive federal funding under the DD Act, states were required to create and designate a P&A agency. In 1977, the Maine Legislature had the foresight to create Maine's P&A agency independent of state government. Later that year, then Governor James Longley designated the Advocates for the Developmentally Disabled (ADD) as the state's P&A agency. ADD later changed its name to Maine Advocacy Services, and then to Disability Rights Center (DRC). DRC became DRM in 2015. The state statute, 5 M.R.S.A. §19501 et seq., is modeled on the DD and PAIMI Acts, is 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.[8] In 2015, the DSA contract was amended adding two advocates that focus on children's behavioral health services.

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

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

MCD had a long-time contract with Maine Department of Labor (MDOL) for the Telecommunications Equipment Program (TEP) which distributes adaptive specialized telecommunications equipment to individuals who are unable to use the

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

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 in Maine. MCD had contracts with the Federal Communications Commission to distribute equipment to Deaf/Blind Mainers. Under a separate contract with Hamilton Relay, MCD provided outreach regarding relay services, Captel and other telecommunications equipment. The Maine Department of Health and Human Services contracted with MCD to provide peer support for adults who are Deaf and have an intellectual disability.

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 2020

Voting

Hospitalized Client Votes Because of DRM

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

Supported Decision Making/Guardianship

Using SDM, DRM Successfully Argues for Court to Terminate Guardianship

A woman with an intellectual disability who wanted to challenge her guardianship contacted DRM. The woman was placed under plenary state guardianship 14 years ago after a series of decisions that were considered unsafe. In the ensuing years, the woman had stabilized her life and returned to school. Her state assigned guardian representative withheld support. DRM worked with the client to advocate with DHHS to have a community case manager assigned, since her state guardian had a conflict as the guardian was also her case manager. DRM also worked with the woman and her team to create a supported decision-making agreement and to identify clinical support. DRM secured letters of support and when the client was ready, DRM filed the petition to terminate the guardianship. DRM represented the client in court and ensured that witnesses could testify to the woman's ability to conduct her own affairs. After a hearing, the probate court terminated the guardianship.

DRM represented a number of individuals to terminate their guardianship:

- DRM represented a young woman with autism seeking to terminate her guardianship. The client's mother had a limited guardianship that had never been used. The client was making all of her own decisions and had the support of her service providers in terminating the guardianship. The client also had the

support of her mother/guardian. DRM filed termination paperwork with the court and represented the client at the hearing, where the judge signed the unopposed termination order.

- A 32 year old woman with mental illness was working with her mother/legal guardian to find a lesser restrictive alternative to guardianship. She contacted DRM seeking representation in her guardianship termination. DRM worked with her guardian, her mental health providers, and created an advanced directive. DRM then represented the client in probate court and the woman's 15 year old guardianship was terminated.

- An individual with an intellectual disability and her case manager contacted DRM to explore terminating her guardianship. Initially, the guardian agreed to DRM's representation so DRM drafted the paperwork, obtained a fee waiver for the client, and filed the petition to terminate the guardianship in probate court. When the parties appeared before the court in a hearing, the guardian expressed reservations about terminating the guardianship. DRM presented a prima facie case for termination which the guardian was unable to rebut, and the court terminated the guardianship.

Housing

State Grants RA Request for MH Client's Voucher After Property Management Company Refuses Accommodation Request

A homeless 56 year old man with mental illness application for an apartment was rejected by a property management company, because he was using a state voucher that required him to pay 51% of his monthly income towards rent and the owners of the property had a policy of only accepting tenants whose vouchers required them to pay 40% or less of their monthly income towards rent. DRM submitted a reasonable accommodation request to the property management company on the basis of he was using a state housing voucher limited to individuals with severe and persistent mental illness. After the property management company refused the requested accommodation, DRM successfully submitted a reasonable accommodation request to the State of Maine to modify its policy. Although the apartment the client had originally been accepted for had been rented out, his name was placed back on the list for all apartments managed by that company.

Mental Health Client Avoids Homelessness Due to DRM intervention.
The Client was in a mental health crisis unit when he received a notice that he was going to be discharged without any services and homeless. The client called DRM hours before he was scheduled to be discharged and DRM determined that there had been a delay in the client being assigned a community case manager and that the crisis unit had not provided him with interim case management services while he was at the unit. As a result, adequate discharge services were not in place for the client to avoid homelessness. DRM immediately filed a request for a reasonable accommodation that the crisis unit not discharge the client until he had time to work with his new case manager in the community in order to obtain the necessary services for him to be discharged in a safe and appropriate manner. The crisis unit agreed and the man's discharge was rescinded and he was allowed to work with his case manager to develop a more appropriate discharge plan.

DRM Intervention Prevents Illegal Eviction.
A 66-year-old woman with mental illness who was living in a transitional boarding house for individuals with mental illness was told that she needed to vacate within 7 days unless she agreed to move to a more restrictive mental health group home. The client wanted to move to her own apartment in a much less restrictive setting and therefore contacted DRM. The agency asserted that it was not covered under landlord-tenant law and therefore could remove the client on such short notice. DRM determined that since the home was organized under Maine's condominium association laws, the client needed to be afforded all of her rights under the landlord-tenant laws. Although the agency did not agree with this assessment they rescinded their notice to vacate and allowed the client to continue to live in her room at the home.

Services

Widespread Changes to Mental Health Agencies Assertive Community Treatment Program Due to DRM
The client was receiving mental health services from an assertive community treatment or ACT team under the terms of a state contact. According to the contract, these services are available 24 hour a day 7 days a week. As part of a treatment decision, the client's ACT team informed her that she would not be able to use the 24 hour service and other associated services that the State was paying for under the contract. DRM filed a licensing complaint a complaint was lodged with the State's contract enforcement agency. Licensing found this ACT team in violation of a number of regulations and ordered compliance. The state's contract agency also found the ACT team not in compliance and ordered them to provide the client with

services. The client's services were thereafter restored and she was able to access the 24 hour crisis line and the rest of her services. DRM discovered this was a systemic problem, as the agency had been using this sort of service denial as a treatment modality for other clients. The agency was ordered to cease such actions as it was in violation of both licensing and their state contracts.

DRM represented a number of clients to successfully appeal the initial determination that they were not eligible for services. For example:

- **Client Determined Eligible After DRM Demonstrates Due Process Violations**

The Adult Protective Services Director of one of Maine's federally recognized tribes contacted DRM on behalf of a young woman with an intellectual disability who had been denied developmental services and whom she represented as guardian. DRM requested records from the Department of Health and Human Services multiple times, as each time only a portion of the young woman's file was produced. Once DRM received all the records, DRM determined that the department had failed to provide the young woman with proper notification of her right to appeal the initial decision two years ago. On the basis of this denial of due process, DRM requested that the application be re-opened and filed an appeal of the eligibility determination. Since the department could produce no evidence that proper notice had been given, a hearing was scheduled. DRM prepared for hearing and to argue that the department's eligibility standards for developmental services were outdated, in opposition to current best practices in the field, and not in accordance with the standards identified in statute. The week prior to the hearing the hearing officer notified the department that the application should be considered as a first application, since they had no proof of notification of appeal rights. Based on DRM's advocacy, the Office of Aging and Disability Services overturned their earlier decision and found her eligible for services.

- **Client Found Eligible for Developmental Services Due to DRM Representation**

DRM represented a 17-year-old client in appealing a denial of eligibility for adult Developmental Services. Even though the client had a diagnosis of an intellectual disability and an IQ score that rendered him eligible for adult services, his score on his adaptive functioning test was, in the opinion of Department of Health and Human Services, slightly too high to qualify for him services he needed. DRM represented the client at an appeal hearing and the hearing office affirmed the denial. DRM

appealed to the Commissioner. DRM also worked with the client to have updated testing done, which was more extensive than the original testing, and showed that the client's scores fell within the range the Department considered eligible. Once the new testing was submitted, the Department reconsidered and determined the client to be eligible for adult Developmental Services, and the appeal was withdrawn.

- **Client Found Eligible After DRM Appeals Developmental Services Denial**

The family of a 19 year old woman contacted DRM to appeal her Developmental Services' denial. The woman's prior assessments were conducted in school, by school personnel, and were not reflective of her adaptive functioning and need for support in the community. DRM advised the woman to have an assessment done by an independent psychologist. DRM submitted the new evaluation to the Office of Aging and Disability Services, explaining that DRM would be representing the woman in an upcoming hearing to appeal the denial, but would like to provide the department with an opportunity to reconsider and reverse their decision in light of the new assessment. DHHS reviewed the assessment and reversed the prior decision and found the young woman eligible for Developmental Services.

- **Client Determined Eligible for DS Due to DRM Advocacy**

An individual who had applied for and been denied eligibility for Developmental Services contacted DRM for assistance appealing the denial. Because the individual had a visual impairment, it was not possible to get a Full Scale IQ (FSIQ) as there is no standardized IQ testing for individuals with visual impairments. Because a FSIQ could not be obtained, the client could not be found eligible under DHHS's regulations. The client had received no accommodations in his cognitive testing, the evaluator had merely skipped the visual portions of the testing and then concluded he was not eligible. DRM worked with the client and his team to obtain further testing by an evaluator with vast experience working with individuals who are blind. That evaluator opined that even though a FSIQ was not attainable, there was a vast amount of other evidence that indicated the individual did have an intellectual disability. DRM drafted a reasonable accommodation request that DHHS's "IQ" requirement be waived because his visual impairment made it impossible to comply, and that he be found eligible for DS. During the time the accommodation request was pending, the DRM requested numerous continuances of the administrative hearing, all of which were granted. About 3 months after the accommodation request was filed, DHHS approved the request and eligibility was retroactive to the date of the original denial,

almost a year and a half prior. DRM advised the client and his mother of the approval, and subsequently withdrew the appeal, as the matter was resolved.

DRM Successfully Requested Modification to MaineCare Rules so Hospitalized Client Can be Discharged to Community

A 42 year old woman with mental illness placed at a state psychiatric hospitalization, who had been eligible for brain injury waiver services, but who had not received them for a couple of years, received a modification of the rule requiring an up to date neuropsychiatric evaluation in order to again be eligible for BI waiver services because of DRM. DRM requested, and Mainecare granted, a modification to MaineCare rule prohibiting use of a neuropsychiatric evaluation more than 3 years old. Within days of the request, Mainecare substituted the older neuropsychiatric evaluation and set up an assessment with the client, her treatment team, and its managed care provider to further assess her eligibility for services, thus expediting the agency's decision-making process by 4-6 months and allowing the client to timely develop a safe discharge plan from the hospital to the community

Arrest Warrant for a 69 Year Old Woman with Mental Illness Withdrawn Due to DRM

A bench warrant was issued for a 69 year old woman who failed to appeal at her arraignment on an assault charge after a psychiatric hospital and crisis unit had logged the wrong date for her arraignment date causing her to fail to appear. DRM successfully made a reasonable accommodation request to revoke the arrest warrant and reschedule her court date. The court rescheduled the client's court date.

DHHS Amends Waiver Rules, Client Determined Eligible, Due to DRM Advocacy

DRM represented a 56 year old woman with brain injury who was denied a waiver slot because the state deemed her condition, Wernicke-Kosakoff syndrome (alcohol-induced brain injury), as not being eligible for the brain injury waiver. DRM appealed the denial after the client's medical team provided clinical support that Wernicke-Kosakoff was a brain injury. DRM continued to negotiate with state and just before the hearing, DHHS agreed to amend the waiver rules and allowed someone with Wernicke-Kosakoff to be eligible for brain injury waiver services.

Client Placed Out of State Returns to Maine Due to DRM Advocacy

The guardian of a man whose provider had given him discharge notice because they felt they were unable to meet his behavioral needs contacted DRM. The provider

went on to discharge the individual. Unable to find a provider within the state to work with him, DHHS sent the client to an out-of-state facility where he remained for over a year. During this time, DRM continued to advocate for the client's return home and supported his team in filing a reasonable modification request for the client to live without a roommate. An in-state provider was located, the client's reasonable modification request was granted, and the client returned to Maine.

Hospitals

DRM was successful in getting hospitals to change their some of their policies. For example:

DRM Advocacy Forces Hospital to Change Policies

DRM protected the rights of psychiatric patient to make and receive confidential phone calls and submit written grievances to the hospital. No patient at a behavioral health unit had been able to make confidential phone calls, been able to communicate confidentially with DRM and had not been able receive a written grievance form and a written explanation of the grievance process. DRM contacted the Director of the Behavioral Health Unit, and other hospital staff, and explaining the legal requirements. The client said that before he left he and other patients were able to use cordless phones to make confidential calls. The hospital informed DRM that they would create grievance forms and otherwise comply with grievance procedure requirements.

Hospital Released Man With Mental Illness Held in ED After DRM Goes to Hospital

A man with mental illness being held against his will in the emergency department of a community hospital contacted DRM. DRM called the hospital to inform them that an attorney would be arriving "as soon as possible" to meet with the man. The man was then suddenly and unexpectedly discharged within 25 minutes of the call. DRM then followed up with the man, his mother, and his wife to help them advocate for the man's right to receive appropriate services in the community.

Transportation

During 12019, DRM did quite a few administrative hearings where transportation brokers, under the Sec. 113 Non-Emergency Transportation (NET) Waiver, impermissibly required Medicaid recipients to have an escort accompany the recipient. For example:

- A client with an intellectual disability and his case manager contacted DRM after the client had been denied transportation by the regional broker, who insisted that the client find an escort on rides. This is an impossible requirement, as an "escort" is unfunded and is not entitled to a return trip. It is also clearly not permitted by the Non-Emergency Transportation (NET) regulations. Previously, DRM obtained a favorable judgment on this exact issue in 2017, but the transportation brokers and the Department have continued to make this burdensome requirement notwithstanding. It has become a chronic and repeated issue for clients who are entitled to transportation, and often results in disruption of schedules and lack of access to services, particularly to community support services. DRM represented the client at an administrative hearing where the hearing officer agreed with the client and found that the regulations do not permit transportation brokers to deny transportation by requiring escorts.

- The guardian of an individual with an intellectual disability contacted DRM after a transportation broker informed the individual that he could only be transported if he could provide an escort to ride with him. This is not allowed under regulation but the transportation broker continued to require this. DRM filed an administrative appeal of the transportation broker's decision, and a hearing was scheduled. When a client in another matter won on the very same issue, DHHS reached out and offered to do a "trial" period to see if the individual could be transported alone safely. Once transportation began, the broker and DHHS found there were no issues in providing the transportation. With the issue resolved, the attorney withdrew the appeal and the matter was dismissed.

There are also many other issues that users of the NET system must deal with.

Client's Transportation Needs Met Due to DRM

The guardian of an individual with an intellectual disability contacted DRM seeking assistance with an administrative hearing on a grievance regarding transportation. The issue was the chronically inadequate and unreliable transportation provided by the broker. The broker claimed that the remoteness of the client's home (it was about an hour each way to his community support program) and the inability of the broker to provide transportation that could accommodate the client's wheelchair reasoning was as the reason or the poor transportation. Providing reliable transportation regardless of location and accommodating individuals who use wheelchairs are in fact exactly

what the brokers are responsible for under state regulation and the broker's contract. When DRM began working on the case, the client's mother was transporting her son 50% of the time under a temporary agreement so that he could get to his service while the grievance was pending. This required his mother to drive 2 hours each day, 5 days a week, and to be reimbursed only for the time the client was in the car (50% of the time). DRM filed a grievance. Eventually, the broker was transporting all of the time and the grievance was withdrawn.

Transportation Broker Changes Policy Due to DRM Advocacy

DRM received a reportable event that the client was not able to attend their day program due to a scheduling error on behalf of the transportation provider. The transportation provider had called a program in error then cancelled the transport for 7 individuals after being told that the program was closed that day. Once notified of their mistake, they were unable to reinstate the ride and all 7 individuals were left without access to program. After DRM contacted the broker, the transportation broker enacted new polices to perform a double check prior to canceling any rides. They also reached out and personally apologized to each affected individual. Moving forward, they will maintain a calendar of scheduled closings and only allow individuals themselves or authorized personnel to cancel rides.

Employment

Client Keeps Job Because of DRM Advocacy

The case manager for a 41 year old woman who receives developmental services contacted DRM because the woman was having trouble with transportation to work. Because the broker had not been providing scheduled rides, the woman had missed multiple days of work and her job at a large retail store was in jeopardy. She had received a write up did not want to lose her job. DRM reached out to the transportation broker and requested that the broker assign a driver to the woman's route. The woman was assigned a driver, which ended the inconsistencies in attendance and preserved her employment.

Woman with Job Coach Hired After DRM Files MHRC Complaint

A young woman with a developmental disability is now successfully employed after large Maine employer refused to hire her because of her disability. The woman contacted DRM after her job interview in which a manager told her that they would not hire her if she had a job coach. The manager said that none of their employees have job coaches, and she cannot have one either. DRM filed a Maine Human Rights Commission complaint asserting that the store violated state and federal disability

discrimination laws when they refused to hire her because of her disability. Following the filing of the complaint and answers, DRM negotiated the resolution the client sought, employment with the reasonable accommodation she needs, a paid for job coach.

Public Accommodations

Client's Pool Membership Reinstated After DRM Sends Letter

The guardian of an adult with autism contacted DRM after her son, who communicates non-traditionally, was told that he could no longer access the pool of a public accommodation because he was "dangerous," despite having used that pool almost daily for over a decade with no incident or altercation. When DRM spoke with the manager who made the decision to discontinue the individual's membership, the manager said the decision was because other pool guests' generalized complaints and discomforts regarding the individual. DRM obtained letters of support from the individual's current doctor and community supports provider to show the pool manager that the individual did not constitute a direct threat and subsequently included those letters of support in a demand letter to the public accommodation educating it about its duties under the Americans with Disabilities Act and the Maine Human Rights Act. After receiving the letter, the pool manager contacted DRM saying that he would be reinstating the individual's pool membership, effective immediately.

Grocery Becomes Accessible Due to DRM

An inaccessible discount food retail outlet installed a ramp, designated handicap parking spaces and became wheelchair accessible because of DRM. A man on a fixed income who uses a wheelchair contacted DRM after he went to the discount food retail outlet in his community and he could not get in the door. DRM confirmed that building a small ramp to the front door and creating handicap parking spaces would be readily achievable and would not constitute an undue burden. After DRM wrote a letter the store promised to fix the problems in the spring when concrete could be poured. Several months later the store was still not accessible. DRM then prepared a complaint for filing, and contacted the outlet's registered agent. Within a very short time after contacting the registered agent, a ramp was installed and handicap parking was designated.

Hospital Diabetes Class Becomes Accessible Due to DRM

A woman with diabetes, who wanted to take a health class in a hospital contacted DRM when she learned that the class was being held in an inaccessible part of the hospital. When the client arrived at the hospital to take the class, she discovered that

the outside entrance had stairs and that the class was on the second floor with no elevator so she was forced to walk long, circuitous path in order to avoid using the stairs. After the class was over, she told the instructor that she could not go down the stairs and a staff member unlocked a door which allowed access to the entire facility and she was escorted to the opposite end of the building to an elevator. The distance was too far for her to do and she had to drop the class. She contacted the CEO's to request an accommodation that the class be provided in an accessible location of the building and she was told that there is no other available location in the building. After DRM filed a complaint with the Maine Human Rights Commission, the parties successfully negotiated a resolution, and had architects tour the space to ensure that the space was accessible. DRM, and the client toured the space with an architect confirming that the space was wheelchair accessible.

Youth/Education

DRM Files For, and Court Grants, TRO to Prevent Services Cessation

DRM filed a petition for a temporary restraining order, which the Superior Court granted ex parte, preventing the premature discontinuation of in home and community services on behalf of a 4-year-old boy with Autism. Prior to contacting DRM, the parent filed a grievance pursuant to the Rights of Recipients of Mental Health Services for Children following verbal notification by the provider that the client's services were being terminated immediately. The parent invoked stay put and the provider agreed to participate in mediation. When the issues were not resolved, the parent requested an administrative hearing. The provider then refused to honor stay put and intended to end services before the grievance was resolved. DRM attempted to resolve this issue by requesting the Department of Health and Human Services (Department) to intervene and direct it's provider to abide by the rules set forth in the Rights of Recipients. The Department refused and stated that the stay put provision only applied to the termination or reduction of services by the State. DRM then filed a petition in Superior Court challenging the state's decision not to force the provider to honor stay put. The Court granted DRM a temporary restraining order that prevented the premature termination of services. Ultimately, the case settled after the Department identified an alternative provider.

Student Returns to School Because of DRM

The parent of a 15 year old student with autism contacted DRM because he had been inappropriately removed from school and placed on tutoring. DRM filed a due process hearing, resulting in his immediate return to school. DRM also represented the Student at an IEP team meeting where the District agreed to consult with the

Student's outside psychologist and service providers, increased BCBA consultation to the Team, use of positive behavior interventions, and communication with the parent. The district agreed to convene to make additional changes after the evaluations were completed. Based on the positive response and agreements made at the meeting, the family withdrew the due process hearing without prejudice. After a second IEP where additional positive changes were made, the parents decided not to refile the hearing and to continue working collaboratively with the school.

Kindergartener Returned to School After DRM Files Expedited Hearing Request

The parent of a Kindergarten Student with a mental illness contacted DRM when the student was unilaterally removed from school without due process to a 45 day placement and then faced a move to a fully segregated program in a separate school setting. DRM filed an expedited due process hearing and negotiated an interim agreement where evaluations would take place, including observations and consultation from the Student's therapist, interim services were agreed upon, and a process was established where an appropriate program could be developed. As a result of this process, the Student received an appropriate functional behavioral assessment and appropriate behavior interventions were developed. Now, instead of the segregated placement that the District sought to impose on the Student, he is experiencing success in the general education setting 100% of the time with appropriately trained adult support.

School & Manifestation Determination Reversed and Student Returned to School After DRM Files Hearing Request

The parent of a 13 year old student with a developmental trauma disorder, a visual impairment, learning disabilities, and a depressive disorder, who had been expelled from school contacted DRM. DRM tried to advocate for the Student's return to school and, when that was not successful, filed a due process hearing. The Parties agreed to an outside evaluation funded by the District which led to a mediated settlement agreement. Pursuant to the agreement, the Student was returned to school with ongoing consultation from the evaluator. The District also reversed its manifestation determination, making clear that the behavior was a manifestation of the Student's disabilities, removing references to the Student's expulsion from his record. The District also agreed to establish a compensatory education fund for the Student.

Foster Student Goes Back to School After DRM Contacts School

The parent of a 7 year old student with Autism contacted DRM because the student was not being permitted to attend school. The student, who was a newly placed foster student, came into the new school district with an IEP and the school claimed that they could not implement the IEP because its programs were full. The district proposed to send the student to a segregated program far from his home. DRM contacted the school, secured the Student's attendance at school and participated in an IEP meeting to support the objection to the segregated placement. The District allowed the student to attend school and implemented his existing IEP. In addition, the District agreed to conduct additional evaluations and provide consultation from the BCBA to support the student and his IEP Team.

AT/DME

Client Gets New Wheelchair Due to DRM Advocacy

The guardian of an individual with an intellectual and physical disability contacted DRM seeking assistance with her daughter's wheelchair. The guardian reported that her daughter had had a new wheelchair delivered that did not work in her home, but that the vendor refused to take the wheelchair back, even though he had previously told her to keep it for the weekend to test. DRM contacted the Office of MaineCare Services, who contacted the vendor to go back to the home to have the wheelchair assessed to see if it could be altered to work for the client. The vendor ended up accepting the wheelchair as a return. DRM confirmed that the client will still be eligible for a new wheelchair, and that the guardian needed to go through the process of getting a new prior authorization.

Client Gets Two Prosthetic Articulating Fingers After DRM Appeal Denial

A 34 year old woman who was seeking to appeal a MaineCare denial of prior authorization for two prosthetic articulating fingers contacted DRM. The client had suffered a significant work related injury years before which resulted in the amputation of two fingers and significant damage to her hand. In the years since her injury, advances in prosthetic design have resulted in articulating fingers which are designed to restore lost functioning. The client obtained the necessary medical documentation and sought approval of this medical equipment. MaineCare denied to fund the equipment on the grounds that the equipment was not necessary to restore a basic function. DRM represented the client on an appeal and the Hearing Officer reversed the decision, writing, in part "the 'basic function' level the Department expects [client] to withstand requires her to accept an ongoing course of chronic pain, forego household chores and other tasks that require weight bearing activity of two

hands, and limit her diet to foods that can only be eaten with one hand. Deeming such a state as one where [client's] basic needs are satisfied contradicts the opinions and prescriptions of [client's] treating clinicians. Such a state also limits, if not reduces her ongoing ability to secure and maintain the maximum level of independence and avoid the further need for other Departmental services related to performance of activities of daily living. It cannot be reasonably concluded, based on a preponderance of the evidence, that [client's] needs are being met by her current, passive prostheses."

IMMIGRANT LEGAL ADVOCACY PROJECT

FY2019 Annual Report

(January 1, 2019 – December 31, 2019)

The Immigrant Legal Advocacy Project (ILAP) is pleased to present the Maine Civil Legal Services Fund Commission with its 2019 Annual Report.

1. Introduction

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

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

ILAP serves clients with incomes up to 200% of the annual federal poverty guidelines. Those who are within 150-200% of poverty are charged low fees for ILAP's services. Clients with incomes below 150% of poverty are not charged legal fees. In 2019, 93% of our clients were not charged fees for the legal aid provided to them.

The grant from Maine Civil Legal Services Fund (MCLSF) helps sustain ILAP's free legal services across our programs. **During 2019, ILAP provided immigration legal services to 3,081 individuals.** Of those, 2,865 (93%) were provided services at no fee and 216 (7%) at low-fee. **An additional 1,518 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 and funds were only used to support cases in which the client was not charged a fee.

In 2019, ILAP's 14.5 FTE legal staff, including 7.7 FTE attorneys, 2 FTE Accredited Representatives, 1 FTE Paralegal, and 250+ volunteers provided the following free legal services. New positions in 2019 were a full-time Asylum Program Attorney and part-time Asylum Outreach Attorney.

2. Types of Cases Handled by ILAP

ILAP specializes in Immigration and Nationality Law matters, representing clients in civil proceedings before the Department of Homeland Security's Citizenship and Immigration Services, Immigration and Customs Enforcement, and Customs and Border Protection; before the State Department, the Executive Office for Immigration Review, including the Immigration Court of Boston and the Board of

Immigration Appeals, and before the Federal District Court of the District of Maine and the First Circuit Court of Appeals. Virtually all of ILAP's work is in these Federal venues.
ILAP prioritizes the following: cases for asylum seekers; cases for domestic violence, crime, or trafficking survivors; cases for unaccompanied minors; cases involving family reunification; and cases of individuals in removal proceedings who would be separated from their U.S. citizen or permanent resident immediate family members if they were to be deported. ILAP also handles applications for citizenship, Temporary Protected Status (TPS), Deferred Action for Childhood Arrivals (DACA), work permits, replacement documents, and other immigration matters as our capacity allows. We do not handle any employment-based immigration matters, referring those cases to private attorneys.

3. Number and Demographics of People Served under the Grant

In 2019, the MSCLF grant supported direct legal aid provided at no fee to 2,865 individuals.[1] Clients came from 15 of Maine's 16 counties and the following demographics were represented:

- Gender: 50.9% female, 48.9% male, .2% nonbinary/nonconforming
- Age: 27.4% under 18, 68.8% ages 18-60, 3.8% over 60
- Race/Ethnicity: 77% African or African American, 4% Caucasian, 3% Asian, 15% Latinx, 1% Other
- Category of citizenship: 6% U.S citizen by birth or naturalization, 94% noncitizens

Additionally, ILAP collaborated with dozens of entities statewide in 2019, including Maine Immigrants' Rights Coalition, University of Maine School of Law's Refugee & Human Rights Clinic, Bates College, Mano en Mano, Maine Mobile Health Program, domestic violence prevention programs, social service providers, health centers, schools, libraries, adult education programs, faith organizations, city, state, and federal government agencies and Maine's Congressional delegation, as well as our partner civil legal aid providers.

4. Status of Matters Handled Under the Grant

Immigration Forms Program: The Immigration Forms Program is ILAP's first point of contact with clients. Services encompass intake screening (which sometimes involves brief legal advice or referral where the individual requires other services), forms assistance, brief intervention and attorney consultations in Portland, Lewiston or Milbridge. These services are also offered in conjunction with outreach events across the state. Clients with complex legal issues are assisted through ILAP's Full Representation Program. In 2019, the Immigration Forms Program provided 2,801 services in 1,944 matters directly benefiting 2,040 individuals[2], including:

- 429 attorney consultations for 469 individuals
- 174 individuals received brief legal advice during intake screenings (in addition, 14 individuals were referred during intake, and are not counted as matters)

[1] Those who attend ILAP's education and outreach events, all provided without charge, are not included in the "direct services" number.
[2] The number of services is greater than the number of matters because more than one service was provided in some matters.

- 35 individuals detained on immigration charges received a consultation on their legal rights and legal options
- 70 persons received brief interventions (without an ILAP attorney entering her appearance as the person's attorney)
- 2,093 *pro se* immigration forms assists were completed
    - 67 permanent residency applications
    - 80 citizenship (naturalization) applications
    - 20 asylum applications
    - 20 family-based visa petitions
    - 109 work authorization applications
    - 12 Deferred Action for Childhood Arrivals program applications
    - 1183 other types of applications or assists (such as immigration court forms, applications for replacement permanent resident cards, refugee travel documents, and humanitarian parole, among others)
    - 602 individuals received self-help packets for asylum work permit applications, and received individualized advice on completing the application

Because decisions filed regarding *pro se* applications go directly to the client, rather than ILAP, we are unable to track the final outcomes of these matters. ILAP therefore measures our performance by the number of applications successfully filed without being rejected by the relevant government department or agency.

Full Representation Program: In 2019, ILAP's staff and *pro bono* attorneys provided full representation in 293 cases (including cases still open from prior years). This includes 179 asylum cases, 148 of which were handled by *pro bono* attorneys and 38 by staff attorneys. **In total, *pro bono* attorneys donated 3,650 hours of their time representing asylum seekers, valued at $953,948.**

Case activity[3] under the grant included 54 cases opened, 53 cases closed and 235 cases open at year-end. ILAP provided the following full representation services in 2019:

- 10 asylum applications granted
    - 8 were affirmative cases and 2 were defensive cases in Immigration Court
- 169 asylum applications pending or in preparation[4]
- 37 initial stage of residency applications granted
    - Including 6 domestic violence survivors' cases and 9 unaccompanied minors
- 97 initial stage of residency applications pending or in preparation

[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 open for years while we await the date when the wife will reach the top of the waiting list and begin the final stage of the residency application.

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

    - Including 46 domestic violence or trafficking survivors' cases and 23 unaccompanied minors
- 23 permanent residency (final stage) applications granted
    - Including 9 domestic violence survivors' cases and 6 unaccompanied minors
- 79 permanent residency (final stage) applications pending or in preparation
    - Including 17 domestic violence survivors' cases and 19 unaccompanied minors
- 19 employment authorization applications granted
- 73 employment authorization applications pending or in preparation
- 9 naturalization to U.S. citizenship applications granted and 17 in preparation
- 6 removal proceedings successfully terminated to allow applications to be pursued affirmatively before USCIS or closed because relief was granted
- 0 cases finally denied, including after appeals
- 127 other applications approved, and 175 other applications pending or in preparation

ILAP measures the quality of its full representation work by tracking the outcomes of all intermediate or final decisions received. In 2019, ILAP had a 100% approval rate for full representation cases that received a final decision. Immigration cases can take years to receive final decisions; three to five years being typical.

Education and Outreach: In 2019, ILAP conducted 81 educational outreach events regarding relevant Constitutional and immigration laws attended by 2,180 immigrant community members and service providers across the state. Outreach events included regular workshops for individuals who are applying for asylum without a lawyer, domestic violence service providers, and outreach to migrant workers employed in Maine's agricultural harvests, among other topics. Additionally, ILAP was quoted and interviewed in the media (radio, TV and print) on 57 occasions about a range of immigration issues.

5. Unmet or Underserved Needs:

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

Despite making significant expansions to our legal staff over the last three years, ILAP continues to be outpaced by the demand for immigration legal services in general and asylum representation in particular. In 2019, we turned away 403 individuals who were eligible for our services and needed legal assistance because we did not have the capacity to serve them, including 145 asylum seekers. We know that there are many more individuals who do not come to ILAP because they have heard that we are unable to serve everyone. For example, we know from data provided by the Cities of Portland and

Lewiston and U.S. Citizenship & Immigration Services that there are over 4,000 low-income asylum seekers in Maine.

In addition, we are experiencing many more cases that require removal defense to avoid deportation, including more asylum cases. This includes the hundreds of families seeking asylum who arrived in Portland over the summer and were housed temporarily at the Portland Expo Center. Because the current administration has broadened detention and enforcement efforts over the last two years, more individuals are facing removal proceedings in immigration court without a court-appointed lawyer like their counterparts in criminal proceedings. Lack of legal representation can have a profound impact on these cases and immigrants with legal representation are much more likely to succeed in immigration court.

6. Additional Accomplishments:

Providing legal representation and assistance to individuals applying for asylum continued to be at the core of ILAP's work in 2019. In January, we hired a new full-time Asylum Program Attorney to respond to ongoing demand related to asylum and the new needs of those arriving in Maine from the southern border over the last two years. This position allows us to provide representation in some cases where having an attorney would have the greatest impact on success and to offer self-help materials and guidance to individuals applying for asylum on their own.

Last summer, when 400+ asylum seekers were temporarily housed at the Portland Expo Center and other city shelters, ILAP received additional support from community members, businesses, faith organizations, local leaders and foundations in all corners of the state. This funding allowed us to respond quickly to an urgent need, while continuing work on our ongoing cases. In June, we hired a part-time Asylum Outreach Attorney to host weekly information sessions and address immediate needs for this group throughout the year. Since then, staff has been providing brief assistance with procedural issues such as change of address and change of venue, and screening for potential eligibility for other pathways to legal status.

As noted in last year's report, in June 2018 ILAP opened our first satellite office in Lewiston, which commits approximately 80% of its capacity to legal services for the city's growing number of asylum seekers and countering a troubling rise in the unauthorized practice of law. Over the last 12 months, the Lewiston Office has taken on 8 full representation cases and provided consultations, brief interventions or forms assistance to 129 individuals. The Lewiston-based membership of our *Pro Bono* Panel now stands at 12 local attorneys providing presentation in asylum cases. In addition, we have held 9 educational outreach events attended by 179 community members.

In 2019, ILAP continued to deepen our services in rural parts of the state. Through the Washington & Hancock County Project, staff once again travelled to Milbridge on a bi-monthly basis to provide immigration legal services. We also completed the pilot of our Rural Maine Project, which we began in

the fall of 2018 to complete a state-wide needs assessment and to strengthen relationships with more rural immigrant communities and the service providers who work with them. In total, ILAP staff travelled more than 6,000 miles across the state to the towns and small cities of Augusta, Bangor, Biddeford, Blue Hill, Caribou, Clinton, Dover-Foxcroft, Ellsworth, Hinkley, Machias, Presque Isle, Sanford, Springvale, Turner, Waterville and West Paris. ILAP's increased presence was welcomed in each location, and we now have a clear vision about the future direction of our services in rural Maine.

6. Conclusion

The Maine Civil Legal Services Fund remains one of ILAP's most important sources of sustainable general operating support. Multi-year funding allows us to plan for strategic growth and to respond quickly to shifting needs within Maine's immigrant communities.

With the continued support of the Maine Civil Legal Services Fund, in 2020-2021 ILAP will provide immigration legal services to approximately 3,000 low-income Maine immigrants and their families each year. Our priority will remain cases related to asylum, domestic violence/trafficking, immigrant children and youth, and detention/removal defense. These already complex cases now require greater time and expertise to resolve and cause significantly more stress for clients, staff and volunteer attorneys. Even formerly straightforward cases, many of which involve family reunification and permanent residency, have become more complicated and are under increased scrutiny under the current administration. Moreover, our legal staff anticipate that more cases will require federal litigation moving forward, such as petitions for review in the First Circuit Court of Appeals and *habeas corpus* or *mandamus* orders in district court.

Legal Services for the Elderly
Annual Report to the Maine Civil Legal Services Fund Commission
Calendar Year 2019

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 2019. The financial support provided to LSE by the Maine Civil Legal Services Fund ("MCLSF" or the "Fund") is used to provide free legal help to disadvantaged seniors when their basic human needs are at stake. This includes things like shelter, sustenance, income, safety, public benefits, health care and self-determination.

In 2019, LSE offered the full range of free legal services described in the request for funding submitted by LSE to the Commission. During this reporting period, the Fund provided 19% of the funding required to provide the legal services described in this report. This is down from 24% in the prior year. Despite this decrease, 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.

2019 Challenges

LSE faced financial and staffing challenges in the past year that adversely impacted LSE's ability to meet the legal needs of Maine seniors. From the start of the year, it was clear the funding LSE was receiving from the Fund was trending well below the prior year and overall on a continued downward trajectory. This happened in a year when LSE had already projected a deficit at year end. Rather than starting to cut expenses to minimize the deficit, LSE's Board of Directors decided to cover any deficit with reserves in the hope that the joint efforts among the six core providers to get legislation passed that would increase public funding would ultimately succeed. That effort would then reverse the negative funding trend in the next calendar year and hopefully make cuts unnecessary. Fortunately, that legislative effort did succeed.

In addition to these funding challenges, near the end of the year LSE faced staffing challenges. This included the departure of two long term Helpline Attorneys within the span of three months (June to September) as well as the departure of the Helpline Intake Paralegal and Consumer Debt Paralegal. This was 100% turnover of the Helpline staff. While all positions except one that is being held open are now filled, this turnover and the ongoing vacancies forced LSE to close intake briefly on an emergency basis and ultimately institute restrictions on intake on September 3, 2019, in an effort to ensure there was adequate staffing to serve the callers who did get through. Restrictions were placed on case types where LSE provides only information and referral services (the lowest level of service). This included calls about wills. All priority case types

continued to be accepted. It is unclear how long the restrictions will need to remain in effect.

STATISTICAL INFORMATION

Number of People Served and Legal Matters Handled

In 2019, LSE provided free legal help to 4,087 Maine seniors in 4,964 cases involving a broad range of civil legal problems, including the following:

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

Three hundred and thirty-three callers were turned away at intake that would have received Helpline services if LSE had not faced staffing challenges. 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 2019 included: .80 full time equivalent (FTE) Litigation Director; .25 FTE Helpline Director; .80 FTE Intake Paralegal; 2.0 FTE Helpline Attorneys; 1.0 FTE Consumer Debt/Intake/Referral Paralegal; 1.00 FTE Elder Abuse Paralegal; and 7.60 FTE Staff Attorneys. This is a total of only 13.45 FTEs of direct legal services staff (including supervisory staff).

Types of Cases Handled

The following chart breaks down the number of cases handled in 2019 by general case type. **Attachment C** to this report provides a detailed chart of case types.

LSE CLIENT SERVICES BY GENERAL CASE TYPE	
Case Type	**Total**
Self Determination (1,138)	23%
Housing (1,134)	23%
Consumer/Finance (982)	20%
Health Care (743)	15%
Income Maintenance (268)	5%
Individual Rights (includes elder abuse and exploitation) (251)	5%
Miscellaneous (263)	5%
Family (162)	3%
Employment (23)	1%
Total Cases (4,964)	**100%**

The greatest overall demand for LSE services based upon total legal matters handled (not time spent on the cases) was in the areas of self-determination/aging preparedness (probate referrals, powers of attorney, advance directives, will referrals), housing (public and private housing, foreclosures, evictions), consumer issues (debt collection, consumer fraud, creditor harassment), and access to health care (Medicare and MaineCare). LSE saw a 20% increase in the number of seniors calling about problems related to access to and affordability of health care.

Status of Matters Handled

The reported matters were all opened during 2019 and are reported regardless of whether or not they were closed in 2019 (194 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 4,964 matters breaks down as follows (from most to least resource intensive): 7% extended representation services; 3% limited action taken/brief services provided; 56% counsel and advice; 25% information only and referral; and 9% clients who no longer desired services after making initial contact with LSE or who could not be reached again after making initial contact.

Demographic Information

The clients served were 36% male and 64% female. All clients served were sixty years of age or older, and 42% were 75 years of age or older. While LSE serves both socially and economically needy seniors, 90% of LSE's clients were below 250% of the federal poverty level and 41% were below 100% of the federal poverty level. Those clients who are not below 250% of the poverty level typically receive only basic

information and a referral with the rare exception of a financial exploitation case that may be handled by LSE when a referral to the private bar is not possible due to the time sensitive nature of the case.

Geographic Distribution of Cases

LSE provides services on a statewide basis. LSE's clients are consistently distributed across the state in proportion to the distribution of seniors across the state. Year after year, LSE serves clients in nearly every organized township in Maine. The chart provided as **Attachment D** provides data regarding the geographic distribution of LSE's clients in 2019.

DESCRIPTION OF LSE'S SERVICES

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

The four types of service provided by LSE include the following: 1) brief services, advice and counseling to clients throughout Maine by the LSE Helpline; 2) extended representation by eight Staff Attorneys (7.60 FTEs) located across the state who work regular but often very part-time hours at LSE's seven local offices located in Scarborough, Lewiston, Augusta, Bangor, Presque Isle, Machias and Ellsworth ("Area Offices"); 3) special local projects that focus on particular regions of the state where LSE has been able to obtain local sources of financial support; and 4) client education and outreach conducted throughout the state by LSE attorneys and other LSE staff.

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

The case types accepted by LSE, the level of service provided by LSE in each case type (information and referral only; telephone assistance only; or full representation), and the range of possible desired outcomes for each case type are governed by comprehensive written client service guidelines that are consistently applied on a statewide basis ("LSE Targeting Guidelines"). The LSE Targeting Guidelines ensure LSE is thoughtfully putting its limited resources to work where they will have the greatest impact. The Guidelines also ensure an equitable distribution of LSE's resources and services across the entire state.

The remainder of this report describes these 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. Most callers receive a call back within three days on average. All emergency calls are handled immediately. **LSE's intake system is set up to ensure that anyone trying to reach LSE to ask for legal help with a civil matter is able to speak with someone about their problem.**

The Helpline Attorneys provide legal assistance to seniors exclusively via telephone. This is the level of service received by about 85% of the seniors receiving help from LSE though most desire and could benefit from more extensive help. **The number of seniors receiving help entirely via telephone continues to grow as need for help goes up steadily while LSE's funding fails to keep pace.** Only a small subset of case types are referred on to the nearest LSE Area Office for in person representation. Because Helpline services are much less expensive to deliver than the Area Office services, this overall approach stretches LSE's limited resources as far as possible. LSE's Helpline services are provided at an average cost per case of only $52.97 as compared to the national average for senior helplines of $85.47.

The Helpline received in excess of 11,500 calls for help in 2019, 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 are calling on behalf of someone else, do not have legal problems, or 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 provide reduced fee or *pro bono* services when a client is between 125% and 200% of the federal poverty level. The panel has 211 members from across the state. LSE's panel includes lawyers who practice in substantive areas that are in great demand by callers to the Helpline, but are not handled by LSE, including things like MaineCare planning, real estate, probate and estate planning. LSE has a joint project with the Elder Law Section of the Maine State Bar Association to support LSE in recruiting referral

attorneys to the panel. In addition to making full fee referrals to panel members, LSE made 50 *pro bono* and 251 reduced fee referrals to referral panel members in 2019.

Extended Representation/Area Office Services

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

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

LSE rigorously merit assesses cases before committing these intensive resources to a case, but once cases are accepted for full representation, Staff Attorneys are successful more than 83% of the time in stopping abuse, recovering homes and assets that have been stolen, saving homes from foreclosure that seniors have lived in for decades, stopping evictions and/or preserving housing subsidies, and helping seniors obtain needed home care and other long term care services that allow them to continue living in their own homes longer.

LSE has historically proven very responsive to the emerging legal needs of Maine seniors. The most recent example of this involves assisting seniors with affirmative evictions who have rented out rooms in their homes to increase their income who then find the tenant presents a safety threat. This can be due to actual threats or acts of violence or unlawful conduct such as drug sales or use on the property. Other housing-related needs are also on the increase, and the lack of affordable housing for seniors is putting more and more seniors at risk for homelessness.

Staff Attorneys handle a much lower volume of cases than Helpline Attorneys because the cases are more complex and time intensive. A Helpline Attorney can handle 1,200-1,400 cases annually while a Staff Attorney handles 130-150 annually.

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 **six special regional projects in 2019** included the following:

York County Long Term Care Project;

Cumberland County Elder Abuse Law Project;

Androscoggin County Elder Abuse Law Project;

Kennebec County Elder Abuse Law Project;

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

Elder Abuse Prevention Project (statewide).

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

Outreach and Education

LSE provides legal information to the public through public presentations, print material and its website. LSE distributed over 8,000 LSE brochures in 2019. LSE information is posted at the courts, Community Action Programs, Social Security offices, senior meal sites, Department of Health and Human Services offices and Area Agencies on Aging. LSE materials are also distributed directly to homebound residents through the Meals on Wheels program and by direct mail to a broad range of referral sources including all town offices, food banks, homeless shelters, assisted living facilities, home health agencies, hospice programs, and nursing facilities. In addition to the distribution of print materials, LSE's Staff Attorneys exhibited at 20 senior fairs or events and made 32 outreach presentations in 2019. To magnify the impact of the presentations, LSE focuses primarily on doing presentations for professionals that are potential referral sources rather than trying to reach individual seniors.

The LSE website includes an extensive online elder rights handbook. The handbook includes information on elder abuse, powers of attorney, advance directives, housing rights, consumer debt problems, MaineCare estate recovery, MaineCare eligibility for nursing home coverage, Medicare Part D, and many other topics. The website provides a valuable resource not just to Maine's seniors, but also to their family

members and caregivers. The design of the online handbook meets all national standards for on line materials for seniors and is accessible on a wide range of devices. In addition, 524 print copies of the elder rights handbook were distributed in 2019.

In 2019, LSE added an innovative new method for referral sources to evaluate whether or not a senior is facing a legal problem and make a referral using an online Risk Detector. The Risk Detector prompts professionals to ask a senior a series of questions designed to evaluate for risk in a number of areas. After all questions are answered and the responses are entered into the Risk Detector, the tool tells the professional whether or not there is a risk of legal harm and, if there is a risk of harm, the professional is able to make an email referral to the LSE Helpline that includes the questionnaire as an attachment. Maine was selected to be one of only six states in the country that are testing this new online tool The tool is based upon a national model tool that was customized for use in Maine.

LEADERS IN THE FIGHT AGAINST ELDER ABUSE

LSE's reputation as an expert in the area of elder abuse continues to grow. In addition to providing legal representation to victims of elder abuse, LSE had two major systemic successes in this area in 2019. First, LSE obtained renewed funding for its public awareness campaign focused on financial exploitation from a new partner, the Office of Securities. The private foundation support for this highly successful campaign had expired, and it had caused the numbers of seniors seeking help with elder abuse to drop. In addition, LSE was successful in getting the Governor to form a new Elder Justice Coordinating Partnership via Executive Order. This new public/private leadership structure will focus on creating an Elder Justice Roadmap that will identify strategic priorities for preventing and responding to elder abuse.

In addition to those accomplishments, LSE staff continued to play critical leadership roles in seven local Elder Abuse Task Forces and on the Maine Council for Elder Abuse Prevention. LSE also provides the administrative support for two annual multi-disciplinary training events, the Elder Abuse Summit and the Elder Abuse Roundtable. These interdisciplinary and collaborative efforts are making a real difference in the fight against elder abuse in Maine.

OUTCOMES MEASUREMENT

Using electronic case management software called Legal Server that is shared by several of the legal services providers, LSE is able to collect, maintain, and analyze comprehensive data regarding the scope and nature of its services. This includes things like the location of the individual served, the type of case, and the specific outcomes achieved. Outcomes are assigned to every case that is closed based upon the range of potential outcomes for the given case type. Information from this database is used to monitor compliance with all funder requirements and commitments, including the MCLSF. In addition to monitoring outcomes achieved across all case types, LSE also conducts periodic client satisfaction surveys for our Helpline intake process. The satisfaction rating in 2019 was 91%.

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

In addition, in July of 2018, the LSE Board of Directors adopted a three year strategic plan that includes measurable objectives in five areas. This includes increasing the number of seniors who seek and obtain help, helping seniors maintain safe and affordable housing, helping seniors access publicly funded health care services, increasing the financial security of Maine seniors, and helping seniors to live their lives free from abuse, neglect or exploitation. The Board closely monitors progress under the plan.

UNMET AND UNDERSERVED NEEDS

LSE is required as a part of this annual report to provide information regarding the unmet and underserved legal service needs of Maine's elderly. The landscape in this area is daunting. To understand the incredible pressures on LSE's limited resources, it is important to understand the demographics of Maine and the unique challenges facing Maine's seniors. There are essentially three major drivers behind the need to ensure there is steady growth in the legal services available to Maine's disadvantaged seniors.

1. **Maine is the oldest state in the nation and the number of seniors living in Maine is growing at an incredible rate.**

By 2030, it is expected that 32.9% of Maine's population, or 464,692, will be over 60. Between 2020 and 2030, the overall rate of growth in Maine's elderly population will be 6%. **This means that by 2030, nearly one out of every three Mainers will be over 60**. In addition, by 2025, the number of Mainers age 85 and over (a group with a much higher demand for services of all kinds including legal services) will grow by 4,000 people, a 14% increase.

2. **There is a very high poverty rate among Maine seniors and seniors face many other unique challenges.**

In Maine, 29% of seniors are low income and over half live below 300% of the poverty level.[1] Maine is the only New England state that has an elder poverty rate above the U.S. average and Maine's 65-and-above poverty rate is the highest in New England.[2] The oldest Mainers, the group that will increase in size by 14% by 2025, are

[1] A Portrait of Wellbeing The Status of Seniors in Maine, Carsey School of Public Policy, 2014.
[2] U.S. Census Bureau, American Community Survey One-Year Estimates for 2010, "Poverty status in the

most often low income. Seventy percent of low income seniors receive Social Security as their sole source of income compared to only half of seniors who are above poverty levels. The high poverty rates among Maine seniors does not tell the whole story. Low income Maine seniors living on fixed incomes face additional financial challenges, including a high tax rate, high medical costs, high food costs, high electricity costs (41% above the national average) and an aging housing stock heated with oil. Many seniors in Maine are also extremely vulnerable in other ways. Under America's Health Rankings, Maine ranks 33rd in the nation (with 1 being best) for seniors living in poverty, 34th in the nation for prescription drug coverage, 33rd for excessive drinking, and 43rd for falls. In addition, the percentage of adults aged 60 and older who faced the threat of hunger in the past 12 months is higher in Maine than in the rest of the U.S. (15.6% compared to 14.7%), and Maine's number of suicides in adults aged 65 and older is higher than the rest of the U.S. (17.4 per 100,000 population compared to 16.6).[3]

3. Low income seniors face frequent legal problems.

Seniors face more frequent legal problems than the general low income population and are at higher risk of harm when facing a legal problem. **A legal needs study conducted in Maine in 2011 by the University of Maine Center on Aging revealed that 56% of Maine's low income seniors had experienced a legal problem in the past year (this went up to 67% for low income seniors 70 years of age or older).**[4] This is consistent with a very recent national study showing that 56% of low-income seniors' households experienced a civil legal problem in the past year, and a stunning 10% experienced six or more legal problems per year.[5] Using census statistics and the need estimates in the available studies, we can estimate that at least 30,000 elderly Mainers would benefit from receiving free legal services each year right now. By the year 2030, the low income seniors that could benefit from free legal help will grow to at least 44,000. LSE is meeting, at the very best, about 15% of the current need for services.

Complicating the landscape is the fact that without ready access to free legal assistance, Maine elders who can't afford a lawyer are most likely to "do nothing" about their legal problem.[6] This finding from Maine's legal needs study is supported by national survey data showing that 87% of low-income seniors with legal problems receive inadequate or no help because they don't know where to seek help, decide to deal with the problem on their own, don't have time to deal with the problem, or aren't sure they have legal problem.[7] **Doing nothing when facing a legal problem like**

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past 12 months by sex by age".

[3]America's Health Rankings 2018.
(https://www.americashealthrankings.org/explore/senior/measure/overall_sr/state/ME)

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

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

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

[7] Legal Services Corporation, The Justice Gap, June, 2017, page 47.

foreclosure, eviction, or overwhelming medical debt quickly leads to a downward spiral in what had previously been a productive and independent person's life.

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

SUMMARY

This past year was a challenging one for LSE and for Maine seniors who face legal problems that involve their basic human needs. We have hopes for a better year for access to justice in 2020 as the Fund is expected to grow. Despite the considerable challenges and even setbacks faced in 2019, LSE remains committed to working on behalf of Maine seniors to protect their safety, shelter, income, health, autonomy, independence, and dignity. Since the initial inception of the Fund, the support provided by the Fund has never been more important to LSE as we fight to make Maine a good place for all seniors to grow old.

Prepared by: Jaye L. Martin, Executive Director

ATTACHMENT A
LEGAL SERVICES FOR THE ELDERLY

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

Services Complementary to LSE's Core Legal Service

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

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

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 currently supported by the Fund.

ATTACHMENT B
LEGAL SERVICES FOR THE ELDERLY

Client Services Summary—All Direct, Individualized Services

	2014	2015	2016	2017	2018	2019
Total Legal Matters Opened (these are the only LSE services supported by the Fund)	**5,401 (16% increase, accomplished by adding grant funded capacity)**	**4,998 (7.5% decrease due to funding and staffing challenges)**	**5,425 (9% increase, return to 2014 service levels)**	**5,787 (7% increase, historic high)**	**5,121 (11% decrease likely due to expiration of grant funding for a public awareness campaign and slight decrease in staffing)**	**4,964 (3% decrease due to restrictions placed upon intake due to staffing challenges)**
Medicare Part D Appeals (not supported by the Fund)	1,360	1,463	1,296	1, 429	1,358	1,192
Total Direct Services	6,761	6,461	6,721	7,216	6,479	6,156

ATTACHMENT C
LEGAL SERVICES FOR THE ELDERLY
Detailed Case Type Report

CASE TYPE	CY 14	CY 15	CY 16	CY 17	CY 18	CY 19
CONSUMER/FINANCE						
Bankruptcy/Debtor Relief	22	40	72	72	76	87
Collection/including Repossession	535	582	451	322	121	132
Collection Practices/Creditor Harassment	74	61	116	228	334	307
Contracts/Warranties	83	71	76	64	51	46
Funeral/Burial Arrangements	6	5	6	3	7	5
Loans/Installment Purchase (Other than Collection)	44	31	60	78	44	35
Other Consumer/Finance	270	248	286	276	283	236
Public Utilities	85	56	47	44	66	52
Small Claims			43	59	52	45
Unfair & Deceptive Sales & Practices	53	36	35	53	37	37
TOTAL	**1172**	**1130**	**1192**	**1199**	**1071**	**982**
EMPLOYMENT						
Employee Rights	6	3	6	9	6	4
Job Discrimination	4	4	5	7	3	5
Other Employment	45	53	29	30	28	14
Taxes	59	41	0	0	0	0
TOTAL	**114**	**101**	**40**	**46**	**37**	**23**
FAMILY						
Adoption	2	1	0	2	3	0
Child Support	5	9	4	4	7	3
Divorce/Separation/Annulment	104	93	101	130	90	81
Name Change	1	0	0	0	0	0
Other Family	130	175	117	110	101	78
TOTAL	**242**	**278**	**222**	**246**	**201**	**162**

CASE TYPE	CY 14	CY 15	CY 16	CY 17	CY 18	CY 19
HEALTH						
Home & Community Based Care	32	31	30	29	9	44
Long Term Health Care Facilities & Services	58	68	65	101	130	83
Medical Malpractice	15	15	5	4	3	3
Medicare	71	58	59	40	43	58
Maine Care	489	405	403	361	351	313
Private Health Insurance	19	26	16	20	12	8
Other Health Care			158	202	74	234
TOTAL	**684**	**603**	**736**	**757**	**622**	**743**
HOUSING						
Federally Subsidized Housing	264	214	185	172	237	113
Homeownership/Real Property (Not Foreclosure)	409	400	468	435	403	383
Mobile Homes	45	47	37	38	45	55
Mortgage Foreclosures (Not Predatory Lending/Practices)	163	112	136	128	111	119
Other Housing	38	35	50	58	89	73
Private Landlord/Tenant	208	214	269	288	232	297
Public Housing	35	24	72	94	41	94
TOTAL	**1162**	**1046**	**1217**	**1213**	**1158**	**1134**
INCOME MAINTENANCE						
Food Stamps	48	68	80	53	43	46
Other Income Maintenance	31	40	33	32	41	48
Social Security (Not SSDI)	74	61	44	79	69	57
SSDI	22	21	31	38	37	39
SSI	32	37	33	34	44	40
State & Local Income Maintenance	17	13	19	34	26	27
Unemployment Compensation	9	6	10	3	5	2
Veterans Benefits	16	21	10	11	7	9
TOTAL	**249**	**267**	**260**	**284**	**272**	**268**

CASE TYPE	CY 14	CY 15	CY 16	CY 17	CY 18	CY 19
INDIVIDUAL RIGHTS						
Civil Rights	2	2	6	5	4	7
Disability Rights	1	3	1	3	4	3
Elder Neglect, Abuse, & Financial Exploitation (see also domestic violence)	194	142	245	260	213	223
Immigration/Naturalization	0	1	1	4	0	1
Mental Health	2	6	4	3	3	1
Other Individual Rights	42	35	22	27	43	16
TOTAL	**241**	**189**	**279**	**302**	**267**	**251**
MISCELLANEOUS						
Indian/Tribal Law	0	0	0	62	0	0
License (Auto, Occupational, & Others)	14	18	19	16	0	19
Municipal Legal Needs	2	1	9	26	10	19
Other Miscellaneous	225	229	145	86	173	225
Torts	40	31	47	33	0	0
TOTAL	**281**	**279**	**220**	**223**	**183**	**263**
SELF DETERMINATION						
Adult Guardian/Conservatorship	42	40	72	55	47	29
Advance Directives/Powers of Attorney	443	351	407	495	413	442
Wills/Estates	771	704	780	953	842	642
Guardianship of minor				14	8	8
Other						17
TOTAL	**1256**	**1095**	**1259**	**1,517**	**1310**	**1138**
GRAND TOTAL	**5401**	**4988**	**5425**	**5787**	**5121**	**4964**

ATTACHMENT D
LEGAL SERVICES FOR THE ELDELRY

Geographic Distribution of Services

	LSE 2018 STATISTICS		LSE 2019 STATISTICS	
	Total Clients Served	**% of Total LSE Clients Served by County**	**Total Clients Served**	**% of Total LSE Clients Served by County**
Androscoggin	387	9%	386	9%
Aroostook	217	5%	202	5%
Cumberland	812	19%	699	17%
Franklin	91	2%	81	2%
Hancock	192	4%	176	4%
Kennebec	466	11%	449	11%
Knox	120	3%	102	3%
Lincoln	96	2%	113	3%
Oxford	177	4%	182	5%
Penobscot	602	14%	584	14%
Piscataquis	95	2%	83	2%
Sagadahoc	104	2%	81	2%
Somerset	156	4%	168	4%
Waldo	142	3%	127	3%
Washington	126	3%	147	4%
York	494	12%	507	12%
Total	**4,277**	**100%**	**4,087**	**100%**

Maine Equal Justice
People Policy Solutions

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2019 Annual Report to the Maine Civil Legal Services Fund Commission
January 2020

In 2019, funding from the Maine Civil Legal Services Fund (MCLSF) enabled Maine Equal Justice (MEJ) to provide statewide legal representation, administrative advocacy, and outreach and training for Mainers with low income.

During this reporting period, the MCLSF provided 44% of the funding required to provide the legal services described in this report. The MCLSF is MEJ's single largest source of funding and provides critical support that allows MEJ to provide statewide services in all sixteen counties.

BACKGROUND

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

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

Maine Equal Justice provided legal support and advocacy on behalf of people with low income in all sixteen counties of the state in 2019. MEJ also continued to build the Equal Justice Partners Circle, a group of people living in poverty from across the state who engaged in a series of leadership and advocacy trainings in partnership with MEJ staff. As part of this effort we have helped to develop and train 100 low-income leaders in Maine. Mainers from diverse backgrounds come together to inform and collaborate with MEJ staff and board members.

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

INFORMATION REQUESTED by the COMMISSION

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

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

In 2019, MEJ handled the following types of legal cases in the form of advice and referrals, limited and full representation to clients located throughout the state:

Case Type	# of Cases
Consumer	18
Education	5
Employment	5
Family	40
Health	244
Housing	67
Income Maintenance (i.e. TANF, SNAP, LIHEAP, SSI)	251
Individual Rights	4
Miscellaneous	10
TOTAL	644

In 2019, MEJ handled the following types of administrative advocacy cases:

Case Type	# of Cases
Consumer/Finance	3
Education	1
Health Care	3
Housing	2
Income Maintenance (i.e. TANF, SNAP, LIHEAP, SSI)	20
Individual Rights	2
TOTAL	31

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

Maine Equal Justice provides direct legal representation through its toll-free telephone intake system on issues involving the denial, termination, or reduction of public assistance, public health

insurance, and training and educational programs. These services require a thorough understanding of state and federal statutes and rules governing the various programs as well as an on-the-ground working knowledge of the programs and how they are implemented. In addition to providing direct representation to income-eligible clients, MEJ serves as a legal resource regarding economic security programs for other civil legal aid organizations in Maine.

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

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

In 2019, MEJ handled a total of 644 cases (this number does not include MEJ's administrative advocacy cases).

Impact litigation in 2019:

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

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

The Superior Court issued a decision on November 21, 2018 in favor of the Petitioners. The Commissioner filed an appeal. Newly elected Governor Mills implemented the law with retroactive eligibility dating back to when the law went into effect in July of 2018. In March of 2019, the new administration also withdrew its appeal of the Superior Court decision.

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

2. Administrative Advocacy

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

MEJ conducts administrative advocacy at the federal and state level in all its focus areas. Federal and state agencies often define and operationalize law in regulations and rules and these details can have a significant impact on our clients. MEJ strives to ensure fairness and due process at the

administrative level. We also aim to resolve grey areas in the applicable governing statutes. By so doing we clarify eligibility and services covered, which, in turn improves the ability of other providers to more efficiently use civil legal aid resources. This also enables our clients to navigate a complex and confusing system more successfully.

In 2019, MEJ either advocated or submitted rulemaking comments at the state and federal level on a wide range of issues, handling thirty-one administrative cases. The following provide several examples of some of our activities in this area.

- **Reduced hunger in Maine.** Maine Equal Justice successfully advocated for changes to increase access to food assistance for tens of thousands of Mainers with low income. Maine will once again take advantage of all SNAP geographic waivers to maintain food assistance in areas with relatively high unemployment; increase the SNAP standard utility allowance (SUA); eliminate the asset test for older Mainers and people with disabilities and reinstate simplified reporting in SNAP. In recent years, over 50,000 Mainers lost access to SNAP due to increased limits and restrictions in the program and Maine has fallen drastically behind with hunger rates 33% greater than our New England neighbors. Improving access to SNAP and increasing the benefit will improve the wellbeing of Maine people, our communities, and our economy.

- **Ensured that DHHS staff demonstrate cultural competence.** Maine Equal Justice advocated for cultural competence training at DHHS to ensure that staff are adequately considering the race, religion, age, national origin, immigration or citizenship status, native languages spoken, gender, gender identity, sexual orientation, and disability of clients and how these factors inform each client's individual needs. Training will help develop effective cross-cultural communication, necessary for reducing disparities and providing optimal service regardless of a client's background or membership in a protected class.

- **Increase access to heat in the winter.** Maine Equal Justice provided comments on a rule by Maine Housing to improve access to the Low Income Home Energy Assistance Program (LIHEAP) particularly for families with kids who are not accessing the program despite the significant need by adding LIHEAP to the DHHS eligibility system (ACES). Currently people need to go to a Community Action Program to receive this assistance and their system does not communicate or coordinate with DHHS.

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

- **Rulemaking:** During 2019, Maine Equal Justice submitted rule making comments on sixteen proposed rule and regulatory changes at the state and federal level related to consumer rights, employment, education, housing, and numerous economic security programs, including General Assistance, MaineCare, SNAP and TANF/ASPIRE.

3. Training, Education and Outreach

Maine Equal Justice provides outreach and training for people with low income and the agencies and providers who assist them. We impart critical information on Maine's economic security

programs and how they work and, at the same time, learn about potential barriers and issues for people accessing benefits, and systemic problems that need to be addressed. In 2019, MEJ conducted 41 separate training events throughout the state, reaching more than 899 individuals, including staff from CAP agencies, Head Start programs, health centers, homeless shelters, and hospitals as well as individuals living with low incomes themselves.

MEJ's direct training, education and outreach is supplemented by our website (www.mejp.org), which contains a wealth of client education materials and information on public assistance programs, public health insurance, and training and educational programs. In 2019, we worked to redesign and update our website to improve its content and accessibility. The new website will be launched in early 2020.

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

In 2019, Maine Equal Justice handled a total of 644 cases (includes full intakes, counsel & advice and referral cases *only*). The services impacted approximately 819 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 2019.

Activity	Total # of Cases Opened and closed/ People served
Full intakes – includes limited and full representation	212 cases/293 served
Counsel & Advice	256 cases/350 served
Referred	176 cases/176 served
Administrative Advocacy	31 cases/342,171 served (estimate based on available data; may include overlap where people were impacted multiple times by multiple policy changes and included in the count more than once for that reason; exact numbers unknown)
Activity	**Total # of Trainings/# of People Participating**
Training, Education & Outreach	41 separate trainings and workshops/ 899 people served

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

Maine Equal Justice represents the interests of all Maine residents living in or near poverty, which is defined as less than 200% of the federal poverty level (FPL) or $42,660 in annual income for a family of three in 2019. According to state data on the Kaiser Family Foundation website, there are 375,300 Maine people, of all ages, living under 200% FPL.[2] MEJ works toward solutions that will

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

impact individuals and families currently living under 200% FPL. MEJ's direct legal assistance targets people who are eligible for economic security programs. The following numbers provide a snapshot of the number of Maine people receiving public assistance from these programs in 2019:

- Families receiving Temporary Assistance for Needy Families (TANF): 3,722 households, representing 6,668 children;[3]
- Individuals and families receiving Food Assistance (SNAP) benefits: 89,909 households, representing 167,485 individuals[4] of which 57,955 were children under 18;[5] and
- Individuals covered by MaineCare or the Medicare Savings Program (health insurance or limited assistance with drugs and out-of-pocket costs): 290,405 individuals.[6]

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

MEJ provided legal services to individuals residing in all sixteen Maine counties in 2019.

County	# of Cases
Androscoggin	69
Aroostook	25
Cumberland	118
Franklin	15
Hancock	24
Kennebec	108
Knox	20
Lincoln	13
Oxford	31
Penobscot	81
Piscataquis	10
Sagadahoc	19
Somerset	24
Waldo	29
Washington	16
York	42
TOTAL	644

[3] https://www.maine.gov/dhhs/ofi/reports/2019/geo-distribution-nov.pdf
[4] https://www.maine.gov/dhhs/ofi/reports/2019/geo-distribution-nov.pdf
[5] https://www.maine.gov/dhhs/ofi/reports/2019/SummaryCountsByCounty-Dec2019.pdf
[6] https://www.maine.gov/dhhs/ofi/reports/2019/overflow-a-dec.pdf

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

In 2019, Maine Equal Justice handled a total of 644 cases. Of the 644 cases handled, 38 are pending. In addition, MEJ handled thirty-one administrative cases with fifteen completed during 2019.

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

Maine Equal Justice complied in all respects with the 2018-2019 proposal submitted in the fall of 2017. MEJ has maintained all services described in the proposal. If we deviated from our proposal at all, it was to expand the breadth and depth of the number of issues we undertook.

Outcomes measurements used to determine compliance

The proposal submitted for 2018-2019 is based upon the core legal representation and substantive work that MEJ pursues; therefore, we evaluate our work using outcome measurements that reflect our ability to achieve systemic reform.

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

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

- **Training, Outreach and Education:** MEJ measures its success by the extent of its outreach and training activities throughout the state, the number of individuals trained during the year, and the feedback received on training evaluations. MEJ receives more requests for trainings than it can provide in any given year. MEJ's training and education sessions are requested and or attended by a diverse number of organizations, including but not limited to, social service providers, family practice residency programs, provider associations, homeless shelters, tenants' organizations, domestic violence programs, Head Start parent groups, seniors, disability rights groups, immigrant communities and coalitions, municipal representatives and grass root coalitions. The evaluations sheets submitted by workshop and training participants in 2019 were generally favorable and underscored the value of MEJ's expertise and knowledge for direct service organizations and legal aid providers throughout the state.

Information particular to each recipient organization regarding unmet and underserved needs

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

While MEJ's funding from IOLTA funds significantly decreased in 2016, the demand for our services remains high, as Mainers face steadily rising costs while stable jobs that can support a family have dwindled. Further, as changes are made to eligibility criteria and scope of benefits for the state's economic security programs, individuals and families and their caseworkers increasingly turn to MEJ for guidance as to how to navigate this complex system. We do our best to meet the needs of these individuals and to address the systemic problems inherent in their cases, but it is often difficult to adequately address the extent of the demands.

Legal services staff hear from an increasing number of people across the state who struggle to receive the public assistance for which they are eligible. As demand increased, MEJ increased capacity with the creation of a second paralegal position. Even with that change, MEJ has been forced to scale back training and educational services. Until this year, a full-time paralegal/training coordinator split her time between these two areas, but increased demand for direct assistance resulted in less time for training and education. MEJ has been forced to scale back the production and dissemination of client education materials despite the need for it.

Finally, MEJ does not have the staffing capacity or resources to address all the areas of concern to people with low income in Maine. We receive requests from clients and organizations that represent them for assistance with housing, family law issues, and employment issues and we are unable to address all these needs. With additional capacity, we could take on more issues on a systemic level and increase the scope and amount of legal aid support we currently provide to better meet unmet legal needs in Maine.

CONCLUSION

Maine Equal Justice receives critical support from the MCLSF that enables us to pursue individual and systemic solutions on behalf of Maine people with low income. Without the MCLSF, the level and breadth of legal services MEJ currently provides would be severely diminished. We are deeply grateful to the MCLSF Commission for making this work possible. The Board, staff and our clients thank you for your continued support.

Respectfully submitted:

Robyn Merrill

Robyn Merrill
Executive Director

Maine Volunteer Lawyers Project
Report to the Maine Civil Legal Services Fund Commission
January 2020

Overview

1. Overview of Applicant Organization

The Maine Volunteer Lawyers Project (VLP) was originally formed in 1983 as a joint project of the Maine Justice Foundation (MJF) and Pine Tree Legal Assistance (PTLA).

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

The Mission of the VLP is to increase equal access to justice for low income and vulnerable Maine people by engaging Maine lawyers in *pro bono* service. Our goals are to increase awareness of the civil legal needs of people with low incomes, to highlight the importance of *pro bono* service in filling the gaps in legal aid, and to sustain and develop current and potential *pro bono* opportunities while serving low income and vulnerable Maine people.

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

To be eligible, VLP clients must have a civil legal issue in Maine and have an income of 200% or less of the annual federal poverty guidelines, (or up to 250% if they are part of a priority population --- veterans or victims of domestic violence, for example), or if they have particular needs or circumstances that are determined on a case by case basis. Clients must also have limited assets of $5,000 or under, not including a primary residence and one vehicle.

Services

Initial requests for assistance are made in a variety of ways, including through a statewide telephone intake line staffed by non-attorney volunteers and supervised by VLP staff in the Portland and Bangor offices. Intake volunteers screen all prospective clients for eligibility and provide every caller with legal information relevant to their problem together with referrals to other organizations where appropriate.

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

for the Helpline come through a specific intake process from domestic violence agencies across the state, and clients for the Domestic Violence *Pro Bono* Panel, and the family law and small claims clinics are typically walk in intakes during court hours. All clinic services are supported by undergraduate student volunteers from various colleges, (including Bates, Bowdoin, USM and Husson University among others), who provide invaluable help with "on the ground" organization and intake.

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

Additionally, in 2019, the VLP provided administrative assistance and technical support for a *pro bono* homeless clinic in Portland. This clinic is staffed by lawyers from fourteen Portland law firms and UNUM, all recruited and trained by the VLP, and is held weekly at the Preble Street Resource Center. Preble Street provides intake and case management support for the clinic, and the VLP does not count the cases as "VLP" cases. However, in 2019, an estimated 40 clients were seen at the clinic, and over 40% of these clients were provided with extended legal representation by the participating law firms.

Further, The VLP continues to administer the Maine website of Free Legal Answers, which is an ABA project. Maine *pro bono* lawyers, recruited by the VLP, answered 516 civil legal questions on this site in 2019, advising 479 income qualified Maine residents.

Cases Handled in 2019
In 2019, VLP staff or volunteers provided service in **3918 cases**:

- Intake line volunteers provided legal information only: **367**
- Limited representation through clinic programs: **2183**
- Full representation through domestic violence panels: **162**
- Legal representation in fully referred matters: **605**
- Open as of 12/31/19, but waiting for referral or service: **82**
- Homeless Clinic **40**
- Free Legal Answers, Maine (FLAME) **479**

Total: **3918 cases**

MCLSF funded 18% of all VLP services in 2019. Without MCLSF, the VLP would have served 700 fewer clients across the State of Maine.

Not including the homeless clinic or the web based legal questions because they do not have direct VLP intake, the VLP opened 2,893 cases in 2019, and closed 2,812 cases. Many VLP cases, however, that are fully referred to a volunteer lawyer are not opened and

closed in the same calendar year, and at the end of 2018, 670 cases, opened in 2019 or earlier, remained open.

The 2893 VLP cases opened in 2019, fell into the following case types and client's county of residence:

Case Type	Total Cases OPENED
Benefits	111
Consumer	112
Employment	96
Wills/Probate	99
Family	1557
Domestic Violence related	711
Housing	73
Miscellaneous	134
TOTAL	**2,893**

County of Residence	
Androscoggin	**483**
Aroostook	**34**
Cumberland	**650**
Franklin	**48**
Hancock	**85**
Kennebec	**344**
Knox	**42**
Lincoln	**56**
Oxford	**71**
Penobscot	**395**
Piscataquis	**14**
Sagadahoc	**107**
Somerset	**51**
Waldo	**115**
Washington	**28**
York	**325**
Out of State	**42**
N/A	**3**
Total:	**2,893**

Demographics of Clients whose cases were opened in 2019

- VLP opened cases serving 2,893 Maine households with an average size of 2.62 people, benefiting an estimated 7580 individuals.
- The average annual household income was $19,700 and more than 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 (39%). 321 clients were 60 or older.
- 2455 clients identified as White, 133 as Black, 43 as Hispanic, 38 as Native American, 41 as Asian and 181 as other. (2 N/A).
- 3.2% of clients did not speak English as a first language.
- 41% of households had at least one person with a disability.
- 8% of clients were veterans.
- 1846 clients were female, 992 were male and 54 identified differently. (1 N/A).
- 58% households included children, and about half of those households were headed by a single parent.

Unmet Need

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

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

In 2019, 367 clients who qualified for our services received only legal information because needed pro bono resources did not exist in their county or substantive area of law.

To mitigate some of the access issues, the VLP administers the Free Legal Answers service in Maine. Clients can access this service from anywhere in Maine where there is an internet connection and ask a legal question (or series of questions) that will be answered *pro bono* by Maine lawyers.

The VLP actively recruits *pro bono* attorneys with the goal of meeting need through the expansion of volunteer resources, including a new *pro bono* fellowship program that encourages the participation of new lawyers in *pro bono* service. Increased programing is, however, dependent on increased funding as it takes staff time to organize and administer *pro bono* 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 new online case management system, Legal Server. (This new CMS is avaible as part of the technology collaboration with other legal service providers in Maine). Each case is assigned a code indicating law type, funding source, level of service provided (including the total number of volunteer and staff hours) and, at the time of the case's completion, case outcome. Clients selected for full referral to a volunteer attorney must submit additional documentation including a signed financial eligibility form.

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

Compliance of Services Delivered to Services Proposed

In its application to the Maine Civil Legal Services Fund for 2018/2019, the VLP proposed using its MCLSF Funding to support general legal services to clients from around the state in all areas of civil law and at all levels of service including: brief legal assistance via the intake line; limited representation via the Family Law Helpline and clinic projects, and full referral of cases to attorneys throughout Maine. As reported above, in 2019, the VLP provided unbundled and full representation, as well as legal information and referrals, to clients across Maine (including service out of our Bangor office) in a wide variety of substantive legal areas. Additionally, actual cost per case for the VLP continues to be low because of the donated service of volunteers, and in 2019 the average cost per case was under $200 (not including the value of donated *pro bono* services).

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 2019, the value of services donated under the auspices of VLP again exceeded $2 million, providing almost $2.5 of service for every $1 in funding actually received. MCLSF funding was critical to supporting the VLP in its efforts to maintain and improve the delivery of legal services through the work of volunteers and to expand limited representation projects that efficiently help a greater number of Maine people with low incomes. With the continued support of MCLSF funding, the VLP will be able to maintain these services in 2020 and beyond.

Respectfully submitted,

Juliet Holmes-Smith

Juliet Holmes-Smith
Executive Director
Maine Volunteer Lawyers Project

Pine Tree Legal Assistance
Report to the Maine Civil Legal Services Commission
January 2020

On behalf of the Board of Directors and staff of Pine Tree Legal Assistance, I would like to thank the Commission for their continued support of Maine's civil legal aid community. We are pleased to submit this report on Pine Tree Legal Assistance's accomplishments in 2019.

Program Overview

Pine Tree believes that there should be fairness, justice and equality for all, not just for the few who can afford it, and, that if it can instill more fairness in our society, there will be less poverty. It was with this ideal in mind that a group of concerned attorneys founded Pine Tree Legal Assistance in 1966 to help low-income individuals and families address serious civil legal needs. Ever since Pine Tree opened its doors in 1967, it has helped Maine's most vulnerable residents overcome pressing problems of everyday life – domestic and sexual violence, homelessness, economic insecurity, financial exploitation, employment issues, and others – by enforcing legal protections and assuring fairness in the administration of justice.

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

Pine Tree uses three effective strategies to perform its mission:

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

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

Types of cases handled

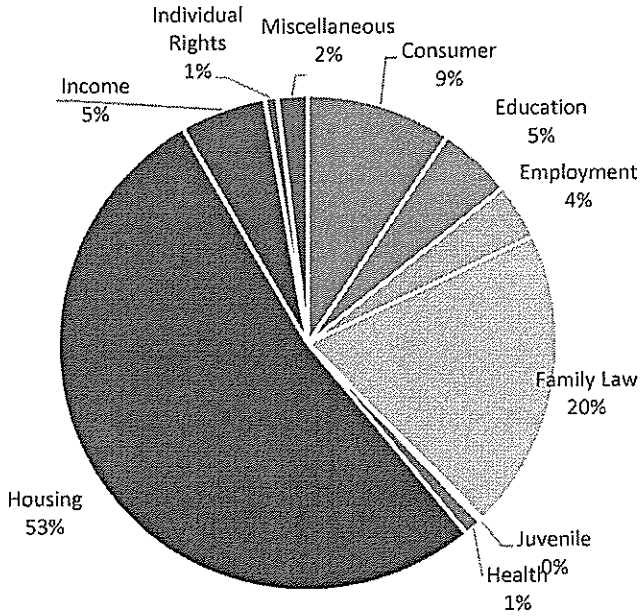
In 2019, Pine Tree Legal Assistance worked on **6,878 cases**, providing direct legal assistance on a wide range of legal issues.

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

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

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

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



Law Category	Cases exclusively funded through MCLSF	Cases funded through MCLSF and other sources
Consumer	86	646
Education	9	333
Employment (including tax)	7	253
Family Law (including PFAs)	0	1,359
Juvenile	1	19
Health	2	78
Housing	289	3,621
Income	19	382
Individual Rights	8	54
Miscellaneous (including tribal law)	2	133
Total	**423**	**6,878**

Number of people served

Pine Tree served more than two million people in 2019 through direct legal aid, outreach, and its websites.

- Pine Tree served 17,391 people through individual cases, including 10,537 adults and 6,854 children.
- Pine Tree served more than 4,641 people through community education activities including consultations, meetings, presentations, and trainings.
- Pine Tree's websites were utilized by 2,072,193 users in 2019, accessing Pine Tree's websites for a total of 3,741,801 page views.

MCLSF funding is crucial for the maintenance and development of website resources and self-help tools. Pine Tree maintains four websites: ptla.org, kidslegal.org, statesidelegal.org, and helpMElaw.org. All of the program websites are freely available to any individual and remain an important way of increasing access to the justice system, especially for unrepresented individuals. In 2019, ptla.org alone recorded almost 1.3 million users and 2.2 million total page views.

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

Rank	Page	2019 Page Views
1	Rights of Maine Renters: Eviction	196,752
2	What can I do if my landlord is trying to evict me?	134,318
3	How to Get Your Security Deposit Back in Spanish	109,509
4	Homepage	99,689
5	Rights of Tenants (Evictions) in Spanish	89,999
6	Guardianship of a Minor	54,266
7	What is a Guardian ad Litem?	52,431
8	How to handle Social Security Overpayments	50,533
9	What can I do if I don't get my security deposit back (part of Security Deposit classroom)	49,940
10	Contact Us	48,422

Demographic information about people served

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

- Two out of three are women;
- One in three has a disability and more than half have someone in their household with a disability;
- One in six represents a racial minority;
- One in six is age 60 or older; and
- One in eleven is a veteran.

To make the most of its limited resources, Pine Tree generally restricts direct legal aid to individuals and families whose household's annual adjusted gross income is at or below 125% of the federal poverty guidelines. The chart below shows the breakdown of households served in 2019 by poverty level.

Below 100% poverty	56%
100% – 199% poverty	34%
Over 200% poverty	10%

Geographic area actually served

Pine Tree prioritizes litigation services for low-income residents of all sixteen counties. Its six neighborhood offices are strategically located around the state to be close to Maine courts and to provide access to all Mainers. The chart below shows the geographical distribution of Pine Tree's cases and clients in 2019.

County	Cases Handles	All People Served
Androscoggin	1,032	2,813
Aroostook	414	1,109
Cumberland	1,627	3,723

Franklin	114	292
Hancock	151	383
Kennebec	652	1,609
Knox	93	189
Lincoln	94	288
Oxford	269	738
Penobscot	685	1,578
Piscataquis	51	111
Sagadahoc	139	352
Somerset	179	458
Waldo	95	261
Washington	265	653
York	854	2,226
Out of State	112	445
Unknown	52	163
Total	**6,878**	**17,391**

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

In 2019, Pine Tree staff and volunteers worked on 6,878 cases for individuals and families. Advocacy ranged from legal information, advice, and brief service to negotiations and full legal representation in court and administrative hearings for the most serious cases. Forty-three percent (2,555) of Pine Tree's closed cases involved full legal representation, meaning that staff did everything necessary to resolve the client's legal problem. This is also one of the highest percentages of full representation of any legal aid program in the United States, according to the Legal Services Corporation. Of cases receiving full representation, 94% were resolved in favor of the Pine Tree client – a tremendous win ratio.

Status	# of Cases
Resolved in favor of the client after full legal representation	2,413
Resolved in favor of the opposing party after full legal representation	142
Resolved after providing information, advice or limited assistance	3,389
Cases open as of 12/31/2019	934
Total cases handled in 2019	**6,878**

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

The activities supported with MCLSF funding in 2019 are consistent with the activities proposed in Pine Tree's 2018-19 application to the Commission. In the application, Pine Tree sought funding to support its three key strategies of direct legal advocacy for individuals and families who are unable to afford private counsel; maintenance and development of program website resources and self-help tools; and training events and presentations to client groups, social service providers, members of the private bar, and others. As described above, Pine Tree served more than two million people in 2019 through direct legal aid, community legal education, and online resources.

Outcome measurements used to determine compliance

Using case management software, Pine Tree tracks both the number of cases opened and closed within a given period and the extent to which the client's objectives were achieved. Specific case closing codes are used to track the results of closed cases and to distinguish between successful and unsuccessful outcomes. Additionally, Pine Tree records data on more than 50 potential case outcomes. With Pine Tree's unique emphasis on full legal representation throughout Maine, the outcomes of its 2019

advocacy are extensive. The following data highlight some of Pine Tree's most significant outcomes. In 2019, Pine Tree's advocacy:

- ***Saved Maine consumers $504,830*** in unlawful and excessive debt by enforcing consumer protections.
- ***Prevented homelessness for 217 families (a total of 532 people)*** though eviction dismissals alone. Many 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; it poses particular hardships for the elderly and families with children. Pine Tree preserved the equivalent of $234,084 in annual housing subsidies through this work in 2019.
- ***Resulted in 397 new protection orders for victims of domestic violence, sexual assault, stalking, and dating violence, including 238 decisions with "no guns" orders.***
- ***Secured educational services for 101 low income children, helped 35 children return to school, and kept 27 children in school.***

The total direct financial benefit to our clients as a result of our advocacy in 2019 is $4,246,237.

The data collected in outcomes measurement provide only a glimpse into the impact of Pine Tree's advocacy. The impact of direct legal services can be profound. The following are examples of cases in which legal representation was particularly vital:

- At an outreach event for homeless veterans, we met a veteran who served in the Gulf War and had been diagnosed with Gulf War Syndrome. He had been unable to work for several years and had over $30,000 in federal student loans that were in forbearance. A Pine Tree staff attorney worked with the veteran and his doctor to secure a discharge of the loans from the U.S. Department of Education.

- A volunteer attorney with our Low-Income Taxpayer Clinic helped a young woman who was married at age 14 to a man over 30 years old and who had been abused throughout her marriage. After our client raised enough courage to leave and get a Protection from Abuse Order, she was working at Walmart and raising her two boys. Both the IRS and Maine Revenue were levying her wages. The attorney successfully filed an Innocent Spouse Claim that relieved her of liability for $233,707.60 in IRS debt and $65, 943.64 in Maine Revenue debt. She also received $12, 843.95 in refunds from the IRS and $12,947.83 from Maine Revenue.

Information regarding unmet and underserved needs

As a result of funding limitations, Pine Tree does not have sufficient staff to accept every meritorious case for which help is sought. In 2019, Pine Tree completed a four week intensive survey of the unmet legal needs of the people making requests for assistance from Pine Tree. During the four weeks, 469 requests for assistance (117+) per week, were referred to other resources primarily because Pine Tree's limited staff could not accept additional cases for representation. In 2019, Pine Tree accepted 6,084 new cases, of which 3,107 received advice only or limited assistance (for example, drafting a simple letter to the opposing party to address the legal issue.) Pine Tree did not have the resources to fully meet the legal needs in 32% of cases that were accepted. The cases Pine Tree was unable to accept for full representation include:

- 279 Consumer law questions

- 146 Education law questions
- 64 Employment law questions
- 385 Family law questions
- 32 Health law questions
- 1,876 Housing law questions
- 69 Foreclosure law questions
- 191 Income Maintenance law questions

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

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

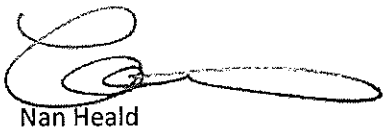
Conclusion

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

In 2019, the Maine Civil Legal Services Fund was Pine Tree's second largest source of general funding, supporting work in all 16 counties and enabling Pine Tree to serve individuals and families who would otherwise go without help. It is becoming even more important, now, as federal funding from the Legal Services Corporation remains at risk of reduction, jeopardizing a range of services unavailable from any other organization in Maine.

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

Respectfully submitted,



Nan Heald
Executive Director

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