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Justice Action Group Statewide Planning Initiative

Draft Planning Report

July 5, 2007

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July 5, 2007**

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Assurances of equal access to justice appear to the poor to be meant for others. Their experience in the pursuit of justice has been frustration, loss of dignity and all too often denial. Understandably, their faith in our legal system has been shaken. The problem carries implications for all our society. It concerns the most basic principles of our social and legal order.

Senator Edmund Muskie, Chairperson
Maine Commission on Legal Needs
June 15, 1990

Executive Summary

[To be written later]

Introduction

Maine's Civil Justice Gap

During a well-baby check-up at the Barbara Bush Children's Hospital in Portland, a 19 year old mother with disabilities mentioned that she would love to complete high school but was unable to do so because she had no child care. Her treating physician, who happened to be part of Pine Tree Legal Assistance's new Medical/Legal Collaboration Program, referred the young woman to Pine Tree for help. The Pine Tree attorney first determined that the young woman was not receiving the proper level of Social Security disability benefits -- the principal source of the income for mother and child -- and took action to obtain an appropriate increase. She then worked to establish an educational program that would put the mother on track to become the first person in her family to graduate from high school. The attorney also learned that the child's father, who was almost 30 years older than the mother, had never paid child support. With a referral to the Volunteer Lawyers Project, a *pro bono* attorney was found to represent the mother in establishing the father's support obligation. Finally, Pine Tree used its resources to help the young mother to find more affordable subsidized housing, avoiding a potential eviction because of her inability to meet market rents.

Without adequate legal assistance, this young mother would not have received either the critical support of governmental programs intended for her use, or the child support to which she was legally entitled. She would not have received the education that holds out the promise of better jobs and increased self-sufficiency. Without legal assistance, she and her baby might have lived in deplorable conditions that would have severely compromised their futures.

This young woman is lucky to have had the help of a legal professional. The vast majority of Maine's low-income and elderly residents, however, are not as fortunate and are unable to obtain the legal representation or assistance that would make a measurable difference in their lives. According to the 2000 Census, there are 224,000 residents of Maine, comprising 93,723 households, living at or below 125% of the federal poverty level. Data in Maine and nationally suggests that each low-income household experiences, on the average, one or two problems each year that require some legal resolution. Yet Maine's legal aid providers and *pro bono* attorneys are able to serve only a small fraction of the thousands of households in need of assistance. The statistics are staggering:

- In 76% of the family law and protection-from-abuse cases in Maine's District Courts at least one party is self-represented;
- A study conducted in 2005 at Pine Tree Legal Assistance found that 83% of income-eligible individuals seeking legal aid services were unable to receive the help or the level of assistance that they needed, because of the lack of staff resources; and
- For about 85% of the households that are fortunate enough to receive the help of legal aid providers, only brief service or consultation can be provided, which means that these individuals must still proceed without the assistance of an attorney.

At times of crisis, legal assistance or advice can make all of the difference. It can ease personal pain. It can help someone meet basic human needs and assure that they have adequate food and shelter and access to programs that are designed to support them. It can lead to self-sufficiency that may ultimately reduce the need for governmental support. Yet, most disadvantaged Mainers are unable to get the help they need and are forced to navigate the court system and administrative proceedings on their own, without adequate knowledge or meaningful assistance – which makes the promise of “equal justice for all” a hollow promise indeed.

The Justice Action Group's Planning Initiative

The Justice Action Group was founded in the fall of 1995 in response to drastic Federal budget cuts to the Legal Services Corporation and new statutory prohibitions against the use of Federal monies for class action litigation, policy advocacy, immigrants and civil legal services for prisoners. The Justice Action Group (JAG) is a coalition that has provided leadership and coordination in planning for the provision of legal aid to low-income Mainers. Its membership includes representatives from the State and Federal judiciary, Maine's Legislature and Executive Branch, the Maine Bar Foundation, the Maine State Bar Association, the Maine Trial Lawyers Association, the Maine Civil Legal Services Fund Commission, and the boards of legal aid providers.

JAG launched this planning process in 2006 in response to a recommendation from the Legal Service Corporation (LSC), which commended Maine for its excellent work on access to justice issues, but urged the State to build on its work by engaging in a planning process to provide a vision that could guide Maine's justice efforts in the years to come. LSC's recommendation and Maine's continuing “civil justice gap” spurred JAG – in partnership with the Maine Bar Foundation, Maine State Bar Association, Maine judicial system, Maine's legal aid and social service providers and others -- to undertake a State-wide planning process.

Scope of Planning

The goal of the State-wide planning process has been to create and implement a vision of what the civil justice system should look like a decade from now for those who need the assistance of a legal professional but are unable to obtain it. The primary focus of the process is on low-income individuals and others who experience barriers to access to justice because of language, distance, disability or age. “Low-income” for purposes of the planning process is defined to include individuals or families with incomes at or below 200% of the Federal poverty guidelines. (See Appendix A for more specific information on the guidelines.) This includes roughly one-third of the individuals in the State, and a significantly larger percentage of certain vulnerable groups. Since many people with income above these limits also cannot afford a lawyer, another goal of the planning process has been to understand and provide solutions to address those barriers as well.

For purposes of this planning effort, “access to justice” means access to the courts, to administrative agencies and to all other forums in which legal rights are determined.

Planning Retreat

JAG kicked off this planning initiative with a successful Planning Retreat held on March 21, 2006 at the Maple Hill Farm in Hallowell. Lawyers, judges, consumer advocates, social service providers and other interested stakeholders worked together to develop a vision for the civil justice system in Maine and to generate ideas about goals and strategies that would help to guide the planning process. The Retreat was an energizing experience for those who participated, and virtually all of them volunteered to join one or more of the planning process work groups that have met for the past year to develop the recommendations set forth below. The core principles that guided the planning process are set forth in Appendix A.

Work Groups Established

After the Retreat, seven work groups were established to explore the issues and strategies identified at the Retreat and through surveys circulated to lawyers, judges and consumers several months prior to the Retreat. The seven work groups focused on the following:

- **Reducing the Need for Crisis Intervention**
Work Group Charge - Clients’ lives and the justice system (legal aid providers, volunteer lawyers, Courts) are all stressed by last minute emergencies. Crisis intervention skews resource allocation away from work that would foster earlier and more effective intervention. How can we help people ‘upstream’ before a crisis develops and possibly avoid the need for a legal intervention?
- **Assuring a Consumer Friendly System**
Work Group Charge - The law and process are complicated and not easily understood. How do we make the current system more accessible and user-friendly and remove barriers that, for some, appear insurmountable?
- **Assisting Self-Represented Litigants**
Work Group Charge - In a judicial system that is designed to function best when each party is represented, how do we assure access to justice for self-represented

litigants in the administrative hearing process and throughout all levels of the Maine Court system?

- **Utilizing Lawyers to Enhance Access to Justice**

Work Group Charge - What changes and innovations can we bring to the system – courts, private bar, and legal aid providers – to enhance or increase access to justice?

- **Expanding Resources**

Work Group Charge - Resources are at the heart of the issue. What are ways that Maine can consider increasing the resources that are available to the system, both in and out of the courtroom?

- **Sustaining and Assuring Quality**

Work Group Charge - Access to justice must be accompanied by a commitment to the quality of the justice provided. This commitment to quality must be made by the Courts, those providing assistance (legal aid, private bar and non-lawyers,) and administrative agencies. What do we mean by quality? How do we ensure, measure and report quality?

- **Sustaining and Promoting Leadership for Justice**

Work Group Charge - Effective leadership has been essential in Maine's nationally recognized access to justice work. How can Maine ensure that new generations, both in and out of the legal community, will share a commitment to justice comparable to past champions like Senator Muskie? How can we promote greater community awareness of the legal needs of its citizens and broaden public understanding of the importance of equal justice for all?

More than 100 individuals from all around Maine and from diverse backgrounds and experiences volunteered to serve on one or more of these work groups. We were fortunate to have been able to recruit representatives of the private bar, the courts, the legal aid providers and the social service community to serve as work group chairs and vice-chairs. In addition, representatives of several of Maine's legal aid providers agreed to provide crucial staff support for the work groups. JAG is deeply appreciative of the commitment of all these people. Without their involvement and dedication, this planning process would not have been possible.

The work groups began meeting in late spring 2006 and were charged with surveying the landscape and assessing the current situation in Maine. They were asked to identify strategies and best practices that would address the issues and problems presented and then determine how each identified strategy would enhance and expand access to justice. The work groups submitted their final reports in May 2007. These were reviewed by the Steering Committee at meetings in May and June 2007 at which a set of draft recommendations were developed for presentation to the JAG Board of Directors at its July 2007 meeting. Following the presentation to the JAG Board, efforts were made to gather additional public input regarding the recommendations and the recommendations were revised accordingly. The final planning report will be presented to the JAG Board in October 2007 for its acceptance and approval.

For more complete information about JAG's planning process and information about individual work group reports go to: <http://www.mbf.org/justice.htm>.

Recurring Themes and Systemic Issues

Maine should be proud of all that has been accomplished over the past decade to enhance access to Maine's civil justice system for our most vulnerable and disadvantaged citizens. Through the creativity and hard work of the Justice Action Group, the Maine Bar Foundation, Maine's legal community, the legal aid providers and the broader community, a great deal has been accomplished. Funding for legal services has been increased, principally through the Maine Civil Legal Services Fund, IOLTA (Interest on Lawyers' Trust Accounts) and the Campaign for Justice. Coordination and collaboration among our legal aid providers, on a broad range of issues from intake and referral to fundraising, has been enhanced and expanded. The Coffin Fellowships in Family Law, funded by 12 of the largest law firms in Portland, were established to help address the overwhelming need for legal assistance in the area of family law. Great strides have been made in making Maine's courts and several administrative agencies accessible to all Maine residents regardless of the language they speak.

Yet, despite this progress, much remains to be done to make equal justice under law a reality. The work of the JAG Planning Process over the past year, and a review of the 1990 Report of the Maine Commission on Legal Needs and the 1993 Report of the Commission to Study the Future of Maine's Courts have revealed certain recurring themes and systemic issues that continue to present significant challenges in the effort to ensure access to justice for all Mainers.

Large Number of Self-Represented Litigants

Studies in Maine and nationally consistently show that roughly 75% of the litigants in the civil justice system are not represented by counsel. Virtually all of these individuals are unable to pay for an attorney or to obtain assistance from the already overburdened legal aid providers who must turn away five of every six clients who seek their help. These litigants must navigate the court system on their own. This not only affects the quality of the justice they are able to achieve, but also imposes substantial burdens on the personnel of the court system who spend significantly more time on all aspects of these cases than would be required if the parties were represented by counsel. Despite a finding by the Muskie Commission on Legal Needs that at least a four-fold increase in the number of legal aid lawyers was necessary to serve all those in need, the overall number of legal aid attorneys has not increased significantly since 1990 when the Commission's report was issued.

Chronic Understaffing of Maine's Judicial Branch

Access to justice for all Mainers cannot be ensured unless and until Maine's Judicial Branch has adequate resources to carry out its core constitutional and statutory duties. In recent decades, appropriations for the Judicial Branch have not kept pace with the growing demands placed upon it. The Judicial Branch simply does not have enough judges, clerks and other administrative personnel to do all that is required of it. It does not, for example, have staff to provide and coordinate assistance to self-represented litigants. It cannot afford to adopt the advanced technologies that have assisted other judicial systems to provide justice in a timely and more economical manner. Moreover, this lack of adequate resources for its core functions interferes with the ability of Maine's court system to undertake initiatives and develop programs that could provide enhanced access to justice for more of Maine's most vulnerable citizens.

Continued Underfunding of Maine's Civil Legal Aid Providers

Funding for legal services for the poor in Maine and throughout the nation continues to be woefully inadequate. Although additional public and private dollars have been raised for legal aid during the past decade, these do not even begin to make up for the deep cuts in Federal appropriations for legal services in the 1980's. Studies show that, even with the additional funding from Maine Civil Legal Services Fund, IOLTA and the Campaign for Justice, Maine's legal aid providers are still able to serve only one in six of the individuals who turn to them for assistance. And, legal aid providers, like all employers, have experienced inflationary increases in medical costs, salaries and other costs that have reduced the purchasing power of the dollars allocated to them.

New Challenges in Delivering Legal Aid

Although the providers have garnered some additional resources, utilized technology to more efficiently render services, and coordinated their efforts to expand services to low income Mainers, there are some new realities that impose additional demands upon and challenges for Maine's civil justice system. Maine's demographics are changing – our immigrant and elderly populations continue to grow; there has been an increase in homelessness and a growing number of homeless individuals with mental health issues; many clients are only marginally literate which adversely affects their ability to access services. Domestic violence and substance abuse are factors in many more cases. There is an increased awareness of the high number of Maine's elderly who are victims of elder abuse. Our laws and the legal system have become increasingly complex. Despite improvements in recent years, family law matters remain court-based and require significant time and resources from the judiciary.

Continuing Challenges in Providing Legal Aid Services in Non-urban, Rural areas of Maine

The fact that Maine is a large state, in which clients and courts are geographically dispersed, adds to the challenges in providing legal services to low-income Mainers. It is costly to maintain legal aid offices in small population centers, and it is often hard to recruit legal aid attorneys to the more rural areas of the State. The lack of affordable transportation makes it more difficult for clients to consult with attorneys and to appear in court. In addition, the relatively small number of attorneys in the rural areas of our State imposes greater *pro bono* burdens on the local bar. Most rural lawyers carry a larger number of *pro bono* cases than their counterparts in more urban areas. Nevertheless, the greater likelihood of conflicts of interest and the economics of small rural practices sometimes make *pro bono* participation more difficult for those lawyers.

Growing Number of Family Law Cases with Greater Complexity

The number of low-income Mainers seeking assistance and representation in family law matters, including divorce, parental rights and responsibilities, child custody and visitation and the like, continues unabated. Maine's legal aid providers can accept only a small fraction of these cases and most, of necessity, are referred to *pro bono* attorneys. Increasingly, these cases are complicated by such issues as domestic violence, substance abuse, and cultural and language barriers which make them more challenging and time-consuming for *pro bono* attorneys. For

this and other reasons, it has become more challenging to recruit private attorneys to take family law cases.

New and Continuing Challenges to Effective Utilization of *Pro Bono* Representation

Although historically Maine has been a leader in *pro bono* participation by private attorneys, the changing nature of law firm practice in Maine, the reduction in volunteerism in society as a whole, and growing economic pressures on the profession are challenging Maine's leadership in this area. Moreover, the promise of a 2004 Bar rule authorizing the provision of "unbundled" legal services has yet to be fully realized.

Underutilization of Technology to Improve the Provision of Legal Services to Represented and Unrepresented Clients

New and advanced technologies have great potential to provide legal information, advice and more effective access to justice for low-income Mainers. Although Maine has been a national leader in the use of technology to provide client services, it is now falling behind other states who are investing more resources in developing and harnessing the power of technology in the cause of justice.

Continuing Need for Greater Coordination and Collaboration Among Providers

Coordination and collaboration among our legal aid providers, on a broad range of issues from intake and referral to fundraising, has been enhanced and expanded over the last 15 years. Nevertheless, continued exploration of new ways to collaborate and enhance efficiencies has the potential to reduce costs, expand resources and provide services to more of those in need of legal assistance.

Continued Focus on Ensuring the Right to Publicly-Financed Counsel in Civil Cases Where Basic Human Needs are at Stake

Almost two decades ago, both the Maine Commission on Legal Needs and the Commission on the Future of Maine's Courts recommended that the right to publicly-funded counsel in certain types of civil cases be explored. The Commissions understood that equal access to justice, especially in cases in which basic human needs are at stake, is possible only where both parties are represented by an attorney. In 2006, the American Bar Association echoed this call urging the federal and state governments to provide legal counsel at public expense in such cases.

Legal Community Cannot Do it Alone -- Equal Access to Justice Requires Engagement of a Diverse and Influential Group of Stakeholders

The legal community has a special responsibility to ensure access to justice for disadvantaged Mainers. It has become increasingly clear, however, that the "civil justice gap" has implications for society that extend far beyond the reach of the bench and bar. It is now more critical than ever to engage a broad, diverse and influential group of stakeholders, from both the private and public sectors, to join with the legal community as passionate advocates in ensuring justice for all.

Economic Impact of the Provision of Legal Aid

Many of the recommendations to expand and enhance access to justice set forth in this report will require substantial new funding. Justice does, indeed, cost money. It is especially important, therefore, to recognize that failure to provide meaningful legal assistance to people in need also has significant economic impacts and costs. As the *New York Times* said in a June 26, 2007 editorial:

“The benefits [of providing new funds for civil legal services] are widespread, since each dollar for legal assistance saves many that would be spent on other social services. People unfairly rejected for Medicaid wind up in emergency rooms. Families that can’t fight unfair evictions end up in homeless shelters....[P]atching the state’s threadbare legal safety net ...is doing right by all ...poor, rich and in-between.”

Studies here in Maine and in other states show that funding for legal aid is a good financial investment in several ways. First, significant savings can be achieved for various social service programs and local communities through appropriate legal intervention that obviates the need for additional services. Data from Pine Tree’s Bangor office reflects that 301 weeks of homelessness were avoided for 61 families, including 76 children, who were facing immediate eviction from their homes. The staff’s advocacy also saved \$178,993 in improper debt collection and erroneous overcharges for 19 low-income families, and secured refunds of \$248,492 for another 31 families. Studies from outside Maine confirm these results. For example, a 1990 report of the New York City Department of Social Services evaluated an eviction prevention program and concluded that providing lawyers to represent the indigent resulted in the savings of approximately \$4 for every dollar of cost. Child Welfare Watch has reported that the work of legal aid lawyers in 445 cases in New York City in 1996 resulted in a potential savings of \$55,940 per child in foster care costs. A recent study by economists from Colgate University and the University of Arkansas has concluded that access to legal services is a primary factor in the 21% decrease in the incidence of domestic violence (and its concomitant costs) in the period 1993-1998.

Savings may also be seen for the court system. Minnesota Legal Aid reported that, in 2003, when appropriate legal assistance was available, many cases were settled without further litigation or screened out for lack of merit, generating savings of at least \$5.1 million in court time.

Finally, State dollars spent on legal aid bring in at least as many new dollars in benefits from non-State dollars. Since 2001, for example, Pine Tree Legal Assistance, under a contract with the State, has provided legal aid to 205 disabled clients who were dependent on State-funded benefit programs for some or all of their household income. With legal representation, 84% of these clients became qualified for federally-funded Social Security benefits. In 2006, through the work of Pine Tree’s Bangor office, the household income of eight families was increased by an average of \$310 a month through qualification for public benefit programs, and one family with three children secured \$2,545 a month in new income from child support and spousal support. These results are reflected in other states as well. In 2004, the Disability Benefits Project, a program of the Massachusetts Legal Assistance Corporation, brought into that state between \$15- \$30 of new Federal funds for every State dollar spent on the Project. And,

Minnesota Legal Aid reported in 2003 that it had secured \$9 million in child support orders and Federal disability benefits for its clients.

For more complete information on Maine demographic and poverty statistics, see Appendix A. <http://www.mbf.org/AppendixA-SupportingDocuments.htm>

Priority Strategies

It is a sad fact that many of the excellent recommendations contained in the reports of the Maine Commission on Legal Needs and the Commission to Study the Future of Maine's Courts have not yet been implemented. There are many reasons for this, including a lack of adequate financial resources and perhaps a lack of sustained focus on particular goals. In an effort to provide assistance to those charged with implementing the numerous recommendations in this report, we have chosen to identify some priority strategies that might guide the JAG and other key stakeholders in making choices about which of the many important recommendations to work on first.

In the first list of priority strategies are those recommendations that when implemented will, in our judgment, have the greatest impact in closing Maine's civil justice gap. We believe that continued focus on these strategies will ultimately enable us to make huge gains -- to "move the needle" as it were -- in achieving meaningful access to justice for all Mainers. The second list reflects those strategies that also will make a significant difference, but can be accomplished relatively quickly and require little or no new funding.

The "Big Five" -- Priority Strategies That Will Have Greatest Impact

- 1. Increase direct State appropriations to expand and enhance provision of legal aid to low-income persons**
- 2. Approve and implement rule changes to make participation in Maine's IOLTA Program comprehensive and to support comparability in interest rates on IOLTA deposits**
- 3. Provide funds to create and staff a Division of Self-Represented Litigant Services within the Judicial Branch to improve delivery of civil justice to self-represented litigants and to establish and oversee a Courthouse Assistance Program**
- 4. Create a Legal Aid Technology Resources Center to support maintenance and development of client-oriented technology for legal aid providers and *pro bono* attorneys and to manage the State-wide legal resources website**
- 5. Study adoption of a civil right to counsel in adversarial proceedings in which basic human needs are at stake**

Priority Strategies that Require Little or No New Funding

- 1. Establish a standing Task Force on Reducing the Need for Crisis Intervention**
- 2. Ensure that all materials and resources for self-represented litigants meet standards of accessibility, readability and usability**
- 3. Establish a Standing Committee on *Pro Bono* and Public Service**
- 4. Create a level of distinction and prestige around attorneys committed to access to justice**
- 5. Develop an educational forum for private funding sources, e.g., charitable foundations and the United Way, located within and outside Maine, to increase awareness of the need and support for legal aid**
- 6. Through continued collaboration and coordination among legal aid providers, expand the range of efforts to raise funds from private sources, with initial focus on expanding the Coffin Fellowships in Family Law program and sponsoring special events, modeled on the Muskie Dinner, to increase support from the business community and the general public**
- 7. Endorse and recommend adoption of the proposed “Statement of Values for Maine’s Civil Justice System” by all participants in the civil justice system**
- 8. Convene an annual or biennial Access to Justice Symposium, in collaboration with a broad range of stakeholders, to focus on access to justice issues and assess and communicate state-wide progress toward goals and priorities**
- 9. Build strategic partnerships with and recruit participation in access to justice programs from a diverse audience including businesses, social service agencies, the faith community and new Mainers**
- 10. Build a broader coalition for justice through the development of a comprehensive, coordinated access to justice communications and education strategy**

JAG Should Establish an Implementation Task Force

If these priority strategies and the other recommendations set forth in the report are to be realized, it is imperative that an Implementation Task Force be created to ensure continued focus on the evaluation, oversight and ultimate implementation of the recommended strategies.

Recommendations

Caveat: Many of the recommendations of the JAG Planning Process will require significant additional funding for implementation. It is especially important to resist the temptation to divert existing sources of funds from their current uses in an effort to support one or more of these recommendations. As noted above, the courts and the legal aid providers are not funded adequately as it is and need every penny of the resources currently allocated to them. There is simply no excess capacity in the civil justice system and therefore implementation efforts must be directed at finding new funding streams to support these initiatives.

Recommendation 1: Intervene “Upstream” to Solve Problems Before They Become Legal Crises

Rationale: Clients’ lives and the civil justice system are all stressed by last minute crises and emergencies. Crises, such as those arising in connection with evictions and homelessness, consumer finance, and child support enforcement, among others, skew resource allocation toward judicial proceedings and away from interventions that could resolve the problem earlier and in a more efficient manner. Resolving client problems “upstream” before they require legal intervention will reduce the disruption in clients’ lives and the likelihood that vulnerable populations will need to engage the civil justice system. It will also help to assure speedy and effective access to legal services, to the courts and to administrative agencies in situations in which a court proceeding or hearing is essential to resolution of an issue.

Principal Strategies

A. JAG should create a standing Task Force on Reducing the Need for Crisis Intervention comprised of representatives of the private bar, legal aid providers, the Maine Bar Foundation, social service agencies, funding agencies and clients and other appropriate stakeholders.

The charge of the Task Force would be three-fold: (1) to meet periodically to identify an issue area to address in order to reduce the need for crisis intervention; (2) to bring the appropriate people together to form a collaboration to create and implement strategies to address the chosen issue; and (3) to report back to JAG on the results of the collaboration’s work.

B. The Task Force should utilize the Crisis Intervention Model and the analytical tools developed during the planning process in connection with the issue of homelessness to choose target issues, to create collaboration and to identify strategies to address the chosen issue. As noted above, examples of other issues that might be explored include consumer finance and predatory lending, child support enforcement, and expanded general assistance. (The Model with respect to homelessness is set forth in Appendix B and at <http://www.mbf.org/AppendixB-Homelessness.htm>)

C. Develop an Advocacy Institute to provide training to low-income individuals, social service personnel and others on advocacy skills and substantive information on law-related topics that low-income individuals commonly encounter. The Institute could be modeled upon the advocacy trainings currently offered by Maine Equal Justice Partners.

Other strategies

D. Identify and Utilize New Methods of Disseminating Information to create greater awareness among clients and social service providers of client rights and responsibilities in order to reduce the likelihood that client problems will become legal crises. Again, the goal is to reach clients where they are and to foster collaborations. Examples of methods include:

- **DVD in Common Spaces:** The waiting areas of many social service agencies have television sets that are often tuned to programs of only marginal interest to clients. The Task Force on Reducing the Need for Crisis Intervention should arrange for the production of accurate and up-to-date DVDs (or the appropriate next-generation technology), to run throughout the day in waiting areas, on various issues affecting the lives of people seeking services.
- **Brochures and Compact Discs:** Because a large proportion of those in vulnerable populations lack either computer access or user facility, the Internet may not be an effective vehicle for disseminating information to them. The Task Force should design “know your rights” brochures and compact discs in various languages for distribution in waiting areas of social service agencies, during one-on-one interviews with social service personnel, or through the 211 call-in referral service.

Recommendation 2: Expand and Improve the Use of Technology to

- **Enhance Access to Justice for Self-Represented Litigants and Clients of Legal Aid Providers, and**
- **Assist Court Personnel, Social Service Providers, *Pro Bono* Attorneys and Others to More Efficiently Provide Legal Assistance to Low-Income Persons**

Rationale: The potential of technology to provide legal information, advice and access to justice for the low-income community in Maine is underutilized and inadequate resources are deployed to leverage these technologies. Maine has been a national leader in the use of technology, but is now falling behind many other states that are investing far more resources in technology improvements. Maine needs to continue its highly respected ongoing efforts, and provide the necessary resources for the development of new approaches to the use of advanced technologies to improve and expand client services, to harness the power of *pro bono* attorneys and to foster greater collaboration and coordination with the courts and with social service providers. Such improvements would also assist the many individuals who are not low-income, but are unable to afford a lawyer.

Although advanced technologies will enhance access to justice for many, it may not meet the needs of all vulnerable people, especially those who have language or literacy barriers or who lack computer access or user facility. We must therefore continue to refine other methods of providing information and access as well.

Principal Strategies

A. A Legal Aid Technology Resources Center should be created to support the maintenance and development of client-oriented technology for all legal aid and *pro bono* providers. The Technology Resource Center, which would build upon and expand existing technology resources and expertise, should be housed at Pine Tree Legal Assistance. The Technology Resource Center should focus on both directly accessible client-oriented technologies as well as technology that supports *pro bono* providers.

1. Client-oriented Technology for legal aid and *pro bono* providers includes:

- Interactive client education and interactive form/document preparation systems responsive to an individual client's specific situation and circumstances
- Production of client education materials in video and audio formats. Video is an especially effective way to communicate information to persons with limited literacy and English-language skills
- A system, with adequate confidentiality protections, for sharing client information among providers, the courts and State agencies
- Coordinated on-line intake for all providers and ultimately other social service agencies
- On-demand cable TV, podcasting, news blogs and cell phone access to information

2. Technology support for *Pro Bono* Legal Assistance by Lawyers and Other Legal Professionals. Building upon existing resources and expertise, the Legal Aid Technology Resource Center, in collaboration with the Standing Committee on Pro Bono and Public Service (see Recommendation 4 B below), would:

- **recruit, coordinate and train attorneys and other legal professionals** to develop and provide legal assistance using advanced technology.
- **seek funds for and coordinate an expansion of videoconferencing technology that would allow *pro bono* attorneys to meet with their low-income and elderly clients and to appear in court with them via video link.** Lessons from the Pine Tree Legal Assistance pilot project undertaken some years ago should be incorporated into the planning.
- **explore the development of an electronic helpline.** The efficacy of providing legal advice by *pro bono* attorneys through electronic chat, e-mail exchange, and blog formats should be explored. Issues such as screening client capacity to use effectively information provided in this format, conducting conflict checks, and confidentiality should be considered along with best practices from other states.

Commentary: Expanded use of videoconferencing technology is essential to ensure access to the civil justice system for clients who have physical limitations, live in rural areas and do not have access to affordable transportation. This capability is especially important in a state like Maine where the vast majority of private attorneys are located in the southern, urban areas of the State. Videoconferencing would enable a greater number of private attorneys to provide *pro bono* assistance to clients, especially in northern and eastern areas of the State. Such links could also be used to enable *pro bono* attorneys and their clients to participate, for example, in pre-trial conferences or to discuss an emergency protection order with a judge.

B. The Legal Aid Technology Resources Center should also manage the statewide legal resources website (www.HelpMeLaw.org) for use by legal aid providers, the public and the private bar. A public education campaign should be undertaken to educate the public about how to access legal assistance services by directing individuals seeking services to the website. It is important to coordinate any such effort with the legal aid providers to ensure they can handle any increased demand.

C. JAG should create a Technology Coordination Task Force to secure increased funding for technological improvements and to coordinate technological resources. The Task Force should consider all possible sources including a bond issue, grants from government and private sources, as well as funds from more traditional entities like the Maine Bar Foundation and the Maine Civil Legal Services Fund Commission. In addition, the Task Force should have authority to coordinate with the legal aid providers, the Judicial Branch and representatives of the private bar to ensure that on-line and other technology-assisted resources are maintained and kept current, and that there are no gaps in the provision of resources.

Other Strategies

D. Courthouse Assistance Touchscreen Kiosks Such kiosks might include telephone support by a volunteer attorney. This strategy has been used successfully in other states and was a part of the original “www.HelpMeLaw.org” grant. Privacy concerns, lack of space in courthouses and physical and infrastructure barriers would need to be resolved before implementation.

E. The Judicial Branch and Administrative Agencies Should Utilize the Latest Technology to Provide Direct Access to Justice for Litigants and Other Participants

1. The Judicial Branch should work with the Legal Aid Resource Technology Center and the Standing Committee on *Pro Bono* and Public Service to facilitate the establishment of videoconferencing capability to allow remote participation in hearings by self-represented litigants and others in communities where courts have been closed or where travel to the nearest court imposes severe hardship on the parties.

2. Administrative agencies providing services to low-income individuals should utilize videoconferencing to enhance access to justice.

3. **The Judicial Branch should plan for and provide electronic filing of documents in a way that is inclusive of low-income and self-represented litigants.** An electronic filing system will entail considerable expense and is a long-term goal. In the interim, a legislative or judicial study group should be convened to review the experience of electronic filing in other states, determine costs and draft proposed rules.

4. **Administrative agencies should plan for and provide electronic filing for various government benefit programs.**

Recommendation 3: Ensure Meaningful Assistance to Individuals Who Do Not Have the Services of a Legal Professional

Rationale: The civil justice system works best when all of the parties have the assistance of an attorney who can represent their interests and provide an understanding of court rules and procedures. However, the reality is that the vast majority of the litigants in Maine's civil justice system are unrepresented and navigate the court system and legal proceedings on their own. Currently, there is little, if any, formalized support for these self-represented litigants within the courts. This adds to the pressures on judges, magistrates and court clerks, who must spend significantly more time on all aspects of these cases than would be required if the parties were represented. Especially where one side is represented and the other is not, courts must struggle with issues of judicial neutrality, and must take the time to ensure that the proceedings and the outcome are understood by self-represented litigants. This slows down the justice system for all litigants, including those who are represented. There is no doubt that providing meaningful assistance to more of Maine's low-income citizens and others who are unable to obtain counsel would make the civil justice system work more efficiently and effectively and would ultimately expand access to justice for all Mainers.

Principal Strategies

A. Seek Additional Resources to Establish a Division of Self-Represented Litigant Services within the Judicial Branch to Improve Delivery of Civil Justice to Self-Represented Litigants

Rationale: As noted above, Maine's Judicial Branch simply does not have enough judges, clerks and other administrative personnel to do all that is required of it. Currently, there is no staff in the court system whose primary job is to focus on the needs of and to assist the huge number of self-represented litigants in the courts. The creation of a Division of Self-Represented Litigant Services would not only provide meaningful legal assistance to the self-represented, but would also improve the efficiency of the court system and allow it to be more responsive to the needs of all litigants. Appropriate staffing would include a Director of Self-Represented Litigant Services, who would develop initiatives and services for self-represented litigants and coordinate a statewide program; qualified paralegals in every region of the State who would provide information and limited assistance to self-represented litigants; and a technology officer. Such staffing will enable the courts to coordinate and oversee the Courthouse Assistance Program recommended below, and to work with legal aid providers to

develop and coordinate an expanded “lawyer for the day” program in high volume dockets, e.g. evictions, protection from abuse and possibly others.

B. Expand Assistance to Self-Represented Litigants Through Creation of Courthouse Assistance Programs. To accomplish this, we should

1. Seek funding to establish two model Courthouse Assistance Programs – one in a more urban south/central Maine location and another in a more rural northern setting – to gain experience and insight into the efficacy of such a program in Maine. After a period of operation of at least one year, during which time appropriate data is collected to measure program effectiveness, the merits of this initiative should be evaluated. If the pilot programs prove effective in expanding and enhancing access to justice for self-represented litigants, efforts should be made to seek permanent legislative funding to support courthouse assistance programs on a State-wide basis; and

2. Revive and make permanent a Self-Represented Litigant Task Force that will be responsible for establishing, monitoring and evaluating the two model programs and, if they are successful, will work to expand the project throughout the State.

Core Features of a Meaningful Courthouse Assistance Program:

- Dedicated space should be made available at court locations to allow program staff to provide confidential assistance to individuals. Resources should include telephone and computer/internet/fax availability and the assistance of law libraries.
- Assistance must be uniform, comprehensive and sustainable. This requires paid staff sufficiently trained and provided with the necessary resources to assist self-represented litigants on a one-on-one basis regardless of financial need, language or disability.
- Although a number of organizations, including Pine Tree Legal Assistance, several legal secretarial groups, and community action programs have provided legal assistance to self-represented family law litigants at a number of Maine courts, ultimately it is the court system that is best suited to oversee the operation of a statewide courthouse assistance program. Oversight by our courts would best ensure quality and uniformity in training and materials, and also assist the courts in understanding and responding to the ever-changing needs of the self-represented litigant;
- Meaningful courthouse assistance should enable the staff to provide a self-represented litigant with the means for obtaining timely legal advice and, if necessary, legal representation in court. Appropriate referral paths should be secured, e.g. the Maine Volunteer Lawyers Project Hotline, to enable court-based staff to connect a self-represented litigant to needed legal advice. In addition, program staff could collaborate with existing *pro bono* programs to recruit and coordinate “lawyers-of-the-day” to provide unbundled services to self-represented litigants at strategic times on high-volume court days.
- Program staff should provide neutral, non-confidential legal information and educational materials to all court users on a one-on-one basis, and, in some instances, through workshops and video. The staff should have access to a

broad range of resources to assist self-represented litigants, and should collaborate and coordinate with the Legal Aid Technology Resources Center on technology issues.

- Staff should be authorized to assist self-represented litigants in understanding court procedures and forms and referring litigants to appropriate community services and available legal aid providers. Clearly defined protocols and perhaps changes to Unauthorized Practice of Law Rules will be required to enable program staff to fulfill its role of assisting self-represented litigants without improperly engaging in the unauthorized practice of law.
- Initially, assistance should be limited to family law matters (including the related areas of protection from abuse and harassment) which are the major area of need of the self-represented civil litigant.

Commentary: Twenty-four other states, as diverse as California, Minnesota and Alaska, have recognized the importance of promoting a more user-friendly and consumer-oriented courthouse by providing basic information and other services to self-represented litigants. Most of these programs are staffed by and housed in the courts. Overall, courthouse assistance programs have been found to be highly effective in increasing litigants' satisfaction, helping litigants prepare for court, and increasing the courts' ability to efficiently and effectively manage their caseloads.

We recognize that the establishment of courthouse assistance programs, even on a pilot project basis, will be expensive. Yet, failure to provide meaningful assistance to self-represented litigants who are unable to afford a lawyer imposes its own higher costs on the broader community, including represented litigants and members of Maine's business community, who must wait longer for the resolution of their own matters, incurring additional time, expense and opportunity costs.

C. Continue Efforts to Make the Civil Justice System More Consumer Friendly

- 1. Ensure that all materials and resources for self-represented litigants meet standards of accessibility, readability and usability** appropriate to the media by which they are made available, and that to the extent possible they are available in all the primary languages in the client community.
- 2. Improve signage in courthouses** for accessibility and readability for those with disabilities and language issues.
- 3. Continue and monitor the commitment of the courts, state agencies and legal aid providers to ensure there are no barriers to physical access for people with disabilities.**

D. Expand Training and Education to Remove Barriers to Effective Participation in the Civil Justice System

1. Expand Existing Training and Education Programs for Court Personnel on Aspects of the System that Create Bias and Inequity

Court personnel should receive regular training on the aspects of the legal system that create bias and inequity. Some examples include, but are not limited to, language barriers, deafness, blindness, literacy issues, physical disability, mental or developmental disability, institutionalization status, racial bias, income inequities, discrimination on the basis of gender or sexual orientation, and immigration status.

Commentary: We recognize that there are significant costs associated with providing training and education to all court employees. However, there may be ways around the time and money issues, such as delivering trainings through video, on-line courses and working these issues into other trainings.

2. Create and Deliver Substantive and Procedural Training Programs to Self-Represented Litigants

Self-represented litigants would benefit if they had access to a set of classes/courses that would allow them to gain a basic understanding of their substantive and procedural rights and responsibilities before they appear in court. Because of constitutional and other concerns, it is recommended that attendance at these courses be voluntary rather than mandatory. To implement this strategy, there should be a full-time employee devoted to planning and executing the trainings. Outreach to social service providers, low-income litigants, private attorneys and legal aid providers is also important. Some training should be offered at locations where self-represented litigants are likely to be, e.g. women's shelters, homeless shelters, CAP Offices, to reduce access barriers such as child care, transportation and lost pay.

3. Expand educational outreach projects to educate the public about available resources and substantive areas of the law, as well as when and how to contact a lawyer

- **Ask A Lawyer**

Efforts should be undertaken to revive the newspaper Q&A that was coordinated by Lawyer Referral and Information Service of the Maine State Bar Association.

- **People's Law School Video/"On Your Own" Live**

A video series should be created to educate people about the law, courts, and the legal system. These videos could be made available to community public access cable, posted on the www.HelpMeLaw.org website, be incorporated in a live presentation, or distributed to high schools. It is also recommended that distribution of all "On Your Own" materials be expanded to include GED and naturalization classes, and targeting 10th grade students to reach students who drop out before reaching senior year.

- **Legal Literacy Road Show**

A "speakers' bureau" should be revived to make presentations at community groups about common legal problems, how to recognize a legal problem, and when to call an attorney. This type of presentation could also increase the number of stakeholders advocating for access to justice.

- **Encourage legal aid providers and the Bar Association to work together to develop continuing legal education and other training programs to educate the legal community and the public on justice issues and needs**

Other Strategies

E. JAG Should Revive the Administrative Law Task Force to Evaluate and Promote Recommendations Related to Access to Justice in Administrative Agency Proceedings Among the recommendations that should be explored and evaluated are the following:

1. **A common website** that links adjudicatory units. This site could be placed on the www.HelpMeLaw.org or Maine State website.
2. **Expanded use of videoconferencing** for administrative hearings
3. **Continuing legal education and training for hearing officers**
4. **Inter-departmental cooperation to review and assess the efficacy of a central administrative hearing unit**
5. **Increased cooperation among administrative agencies and legal aid providers**

F. Study the Possibility of Permitting Trained and Supervised Nonlawyer Advocates to Assist Parties in Certain Matters and before Certain Forums as a Means to Address the Unmet Need for Legal Assistance among Low-Income Mainers.

Recommendation 4: Increase the Number of Individuals Who Have the Assistance of a Legal Professional

Principal Strategies

A. JAG Should Promote the Creation of a Commission to Study the Adoption of a Civil Right to Counsel in Adversarial Proceedings in Which Basic Human Needs are at Stake. The Commission should consider, among other things: costs and evaluation of funding mechanisms; the scope of the right and when it attaches; eligibility criteria; types of representation and/or the scope of services; the types of providers; screening/process; right to counsel on appeal; phasing in of implementation; monitoring and evaluation of a pilot project.

Rationale: Despite the valiant efforts of the private bar and Maine's legal aid providers, there are still vast numbers of individuals who are unable to obtain legal representation in connection with adversarial proceedings where basic human needs, such as shelter, sustenance, safety, family matters and health, are at stake. As the American Bar Association Task Force on Civil Justice has pointed out, when litigants cannot effectively navigate the legal system, they are denied access to fair and impartial dispute resolution, the adversarial process itself breaks down and the courts cannot perform their role of delivering a just result. Studies have consistently shown that legal representation makes a major difference in

whether a party wins in cases decided in the courts. Where basic human needs are at stake, it is therefore essential that all individuals be afforded access to publicly-financed counsel to represent them.

B. Evaluate the Need for a New Structure to Provide Leadership for *Pro Bono* and Public Service on a Statewide Basis

1. **JAG should advocate the creation of a permanent Standing Committee on *Pro Bono* and Public Service** to promote and facilitate the engagement of the Maine bar – firms, professional organizations of the bar, and individual attorneys – in bridging access to justice gap for low-income people. The Committee should be modeled after the American Bar Association’s Standing Committee on *Pro Bono* and Public Service and similar entities in other states, and should be situated within the Maine State Bar Association. The Committee’s activities might include spearheading efforts to shape government or Bar policy and professional rules around *pro bono*; facilitating coordination among stakeholders including the Courts, legal aid providers that utilize *pro bono* attorneys, the Bar Association and other organized private bar groups; promoting and recognizing the efforts of the Maine Bar to provide access to justice; in cooperation with the Legal Aid Technology Resources Center, providing support to individual *pro bono* attorneys and law firms, including services such as technology training, a resource clearinghouse and mentoring programs; and organizing efforts to obtain *pro bono* services from other professionals such as social workers and accountants.

The Standing Committee would have representation from *pro bono* attorneys, members of court advisory groups, legal aid providers, the Maine State Bar Association, the University of Maine School of Law and the courts, and should have adequate support staff to carry out its initiatives. It would coordinate with and periodically report to JAG on its activities and initiatives.

Rationale: Over the years, Maine’s most valuable resource in efforts to ensure access to justice for our State’s most vulnerable residents has been the thousands of private attorneys who undertake *pro bono* representation of those unable to pay for a lawyer. Historically, Maine has been a leader in *pro bono* participation by private attorneys. However, the changing nature of law firm practice in Maine, the reduction in volunteerism in society as a whole, and growing economic pressures on the profession are challenging Maine’s leadership in this area. The promise of a recent Maine Bar Rule authorizing the provision of “unbundled” legal services has yet to be fully realized. And, increasingly, the Maine Volunteer Lawyers Project and other legal aid providers have struggled to find *pro bono* representation for the growing body of cases, especially in the area of family law. The Standing Committee on *Pro Bono* and Public Service would help to achieve greater efficiencies through increased coordination and could explore new, perhaps more effective, models for expanding *pro bono* services.

C. Develop Strategies to Support and Expand *Pro Bono* Services by Private Attorneys. The Standing Committee on *Pro Bono* and Public Service should consider the following approaches, among others:

1. **Create a level of distinction and prestige around attorneys committed to access to justice. Possible strategies include:**

- Creation of a certification program to recognize *pro bono* contributions of attorneys and law firms (like the Empire State Counsel program of the New York State Bar Association)
- Loan forgiveness and other attorney recruitment tools could be tied to certification
- Expanded and enhanced public recognition of the legal service contributions of attorneys and judges
- Promotion of “branding” messages to enhance the distinction and prestige of public service and *pro bono* work
- Develop more opportunities for interaction between judges and new attorneys and senior attorneys to highlight the importance of *pro bono* and public service work
- Highlight “access to justice” issues as an important component of educational, networking and social programs within the bar

2. Increase collaboration with the courts to reduce disincentives to *pro bono* service. Some court procedures and processes create barriers to the provision of *pro bono* representation by the private bar. Examples of areas that might be streamlined or better coordinated with the courts to reduce these disincentives include: improving calendaring; reducing required court appearances; increasing use of telephonic or video hearings; streamlining the application for filing fee waivers (or making them automatic) for *pro bono* cases; and increased use of technology. There should also be an ongoing forum for collaboration and dialogue between the courts and *pro bono* providers to facilitate identification of other ways in which the courts could decrease disincentives and increase incentives for the private bar to provide *pro bono* representation.

3. Evaluate the efficacy of *pro bono* reporting. The Standing Committee on *Pro Bono* should conduct a thorough evaluation of the efficacy of a change to the Maine Rules of Professional Responsibility to require the reporting of *pro bono* work by private attorneys as part of the annual registration process with the Board of Bar Overseers. Input should be obtained from a broad cross-section of the private bar before any rule is proposed. It is important to recognize that mandatory reporting may not increase the amount of *pro bono* work being performed by the private bar which has already demonstrated an outstanding commitment to *pro bono* services and the funding of legal service agencies. On the other hand, mandatory reporting would provide vital statistics to demonstrate to the public and the Legislature that the private bar is already providing concerted efforts to address the needs of those who cannot afford legal services. It would also provide a concrete means for individual attorneys to evaluate their own commitment to *pro bono* service on a systematic basis.

4. Create financial incentives and relief for attorneys to provide *pro bono* and reduced-fee services and to work in legal services. Many attorneys experience significant financial barriers which limit their ability to provide significant *pro bono* services and deter them from entering or remaining in legal service positions. These include high levels of law school debt and narrow profit margins, especially in solo, small and/or rural practices. The Standing Committee on *Pro Bono* should work with the Maine State Bar Association, particularly the New Lawyers Section, to develop strategies to provide financial incentives and other monetary relief to enable attorneys to provide *pro bono* and reduced fee services, and to work in legal services.

Strategies to be considered include:

- **Expanded loan repayment assistance programs** with eligibility based upon provision of *pro bono* representation to underserved groups or work in legal services
- **Law school or post-graduate fellowships** to encourage the provision of *pro bono* representation or work in legal services
- **Tax deductions or credits at state and federal levels to offset law school loans** for practitioners who provide *pro bono* representation or work in legal services
- **Charitable business tax deductions** at state and federal levels for the provision of *pro bono* representation
- **Enhanced awareness of the “emeritus lawyer” bar registration classification** which relieves senior attorneys from paying the annual registration fee in exchange for *pro bono* services

5. Promote Expanded Provision of Unbundled or Limited Legal Assistance to Low-Income Clients through

- **Development of educational materials and resources to assist lawyers in providing “unbundled” legal services.** Examples of resources include the development of risk management information for lawyers, training sessions and video and consumer education materials
- **Exploration of legal “clinics” staffed by trained attorneys and volunteers.** The format envisioned is an educational presentation on a particular legal topic for pre-registered, pre-screened attendees, followed by one-on-one assistance
- **Expand the existing model of the Maine Volunteer Lawyers Project Helpline,** which sets up phone appointments between self-represented family law clients and volunteer attorneys and law students to provide legal advice and brief assistance, to new areas of law

6. Encourage Maine law firms to increase their commitment to *pro bono* representation by firm attorneys by: assisting law firms to develop and implement *pro bono* policies, to identify and develop *pro bono* practice areas to which they make a firm-wide commitment, and to develop and utilize their *pro bono* work in their marketing and recruiting efforts; encouraging friendly competition among firms concerning their *pro bono* contributions (through recognition, a statewide *pro bono* pledge program or other means); encouraging law firms to include access to justice messages in their internal training and mentoring programs (e.g., regularly invite providers to speak to attorneys about legal service needs and opportunities); promoting a law firm culture which instills the expectation that each attorney will participate in legal service activities and contribute a certain number of *pro bono* hours; recognizing and celebrating legal service contributions of their attorneys.

Other Strategies for Expanding *Pro Bono*

- **Facilitate the provision of so-called “low bono” services,** for which a reduced fee is negotiated, by private attorneys and firms.

- **Expand student *pro bono* programs** to match students with *pro bono* opportunities and to recognize student achievement in this area.
- **Increase collaboration among the University of Maine School of Law, legal aid providers and private attorneys to provide role models for public service law and the integration of *pro bono* work** within a law practice through panel discussions, guest speakers and other programs.
- **Establish a clearinghouse where continuing legal education and other training opportunities could be posted** and accessed by a broader audience, including legal and consumer education workshops to advocacy organizations, low income individuals and self-represented litigants.
- **Develop mentoring programs to pair senior lawyers with new lawyers to provide assistance on *pro bono* cases.**

Recommendation 5: Expand Resources to Reduce the Unmet Need for Legal Assistance

Principle Strategies

A. Expand Efforts to Increase Direct Appropriations at the federal, state, county, and local levels. To accomplish this, the legal service community and its supporters must enhance awareness among policymakers and the public of the funding needs for civil legal services and should

1. Establish a joint Governmental Funding Committee comprised of representatives of the legal aid providers, JAG, the Maine Bar Foundation, the Maine State Bar Association (including volunteer attorney/lobbyists) and others outside the legal community to identify, develop and coordinate legislative and executive branch initiatives to expand funding sources for civil legal aid programs. The Committee would oversee efforts to preserve and expand direct appropriations for civil legal aid in each session of the Maine Legislature, and convene specific legislative task forces as appropriate to support specific initiatives in the Legislature.

2. Seek direct State appropriations to expand and enhance provision of legal aid to low-income persons.

3. Expand lobbying and legislative education efforts, focusing primarily on the Maine Legislature. The Committee should meet periodically with legislative leadership and develop plans to educate and inform other governmental decision-makers about the need for increased support for civil legal aid.

4. The Committee should review State license and court fees for opportunities to add surcharges to support *pro bono* legal aid and/or to pursue allocations of revenues generated by existing and additional fees. Possibilities that warrant further study include:

- **Surcharges on probate filing fees,** in appropriate cases.

- **New or expanded *pro hac vice* fees.** Because the overall efficiency of the State's court system will be enhanced through the provision of greater resources to those in need of *pro bono* or similar legal services, we believe that counsel seeking the privilege of appearing in Maine courts should contribute appropriately to meeting the need for civil legal aid in Maine.
- **Encourage Designation of Class Action Awards (Cy Pres)**
Large class action cases, although few in number in Maine, can lead to substantial settlements. Such cases may afford opportunities to structure settlement payments (through a process akin to traditional "cy pres" proceedings in the trust and probate areas) in a way that could provide substantial funding for Maine's legal aid providers. Efforts should be made to educate the bench about the need to support legal aid services and the experience of other jurisdictions.

5. **Continue, through the Governmental Funding Committee, to work with the Maine State Bar Association and other groups to monitor Legal Services Corporation funding levels and take appropriate action to support renewed or expanded LSC funding for providers in Maine.**

B. Maximize Support from Maine's IOLTA Program by Supporting Rule Changes and Implementation that Would

1. **Make participation in the IOLTA program comprehensive,**
2. **Ensure comparability in interest rates on deposits in IOLTA accounts; and**
3. **Support speedy implementation of and compliance with the program.**

C. Expand Range of Efforts to Raise Funds from Private Sources through Continued Collaboration and Coordination of Legal Aid Providers

Rationale: The success of the Campaign for Justice, which has produced significantly greater proceeds for each of the providers than any of their individual fundraising efforts had previously generated, can serve as a model for a streamlined, unified approach to fundraising and other development efforts including planned giving programs, endowment campaigns and philanthropic grant supports. Grant research and grant writing are examples of the types of tasks that might benefit from having the support of a shared consultant to assist the providers in identifying grant opportunities, producing high quality, competitive grant proposals and finding opportunities for collaborative projects that might garner more grant support. A shared development coordinator could also work with the providers to evaluate fundraising from a more strategic perspective. The activities of a shared staff resource would appropriately be overseen by a committee of providers that would identify the types of suitable joint activities, as well as the qualifications and scope of duties of a shared staff person.

1. Establish a Joint Development Committee comprised of representatives of the legal aid providers, JAG, the Maine Bar Foundation, and the Maine State Bar Association, along with others from the business and philanthropic communities to undertake and oversee efforts to expand private funding for civil legal service programs. This committee would be charged with overseeing efforts to expand resources derived from the bar and bench, foundations, corporate donors, individual donors, and others outside the legal profession. The Steering Committee of the Campaign for Justice is a potential model for this type of private fund-raising steering committee.

The Joint Development Committee should focus on stimulating major gifts through coordinated outreach to individual supporters, special promotions and/or campaigns, including the following:

- Identify and solicit individuals outside the legal profession who have the financial ability to provide meaningful support for legal services
- Develop and promote planned giving
- Consider endowment or capital campaigns for specific purposes, e.g., loan forgiveness programs for lawyers employed by legal aid providers or technology needs

2. Expand the Coffin Fellowships in Family Law Program to include additional firms from Greater Portland, but more importantly, firms from other areas of the State.

Rationale: The Coffin Fellowships in Family Law, named in honor of Senior U.S. Court of Appeals Judge Frank M. Coffin, pay the costs of hiring lawyers to provide family law services at Pine Tree Legal Assistance during the term of their Fellowship. The Coffin Fellows Program provides invaluable assistance in meeting the huge volume of requests from low-income individuals in family law matters. To date, the Coffin Fellows Program has been a cooperative undertaking of the largest law firms in Portland. The participating firms have been steadfast in their support and have voluntarily increased their contribution levels in response to provider need. This highly successful model should be extended to other areas of the State.

3. Expand Development Efforts within the Business, Professional and General Communities, including Development of Special Events to Enlist Business Support

Many businesses and community leaders already support the cause of access to justice. There are, however, existing untapped or under-tapped resources that should be enlisted to seek additional contributions from businesses, other professionals and possibly from the community at large. Efforts should be made to develop special events and approaches that are targeted at the business community, especially in population centers outside of Portland such as Bangor and Lewiston-Auburn.

Rationale: The annual Muskie Dinner in Portland has been a signature event that draws the attention of the business community to the cause of access to justice, and generates significant business contributions in support of the legal aid providers. The proceeds of the Muskie Dinner, at which the Muskie Access to Justice Award is presented to a deserving recipient from the business, legal or nonprofit community, is now firmly established and is able

to rely on perennial support from a consistent group of businesses and law firms. In addition to financial resources, the Dinner raises public (and in particular business and professional) awareness in Southern Maine of the need for funding legal aid providers. Variations on the Muskie Dinner theme might include luncheons or other less complex events, outside the Greater Portland area, beginning initially with Bangor and/or Lewiston-Auburn.

Other Strategies

D. Increase Financial Support from the Bar and Bench

- **Maintain momentum for the Campaign for Justice.** Increased efforts should focus on extending the Campaign into more sectors of the bar and expanding support throughout the State.
- **Enlist support from county bar associations, perhaps through grants or other programs**

E. Obtain More and Increased Federal Grants

- Increase and focus existing efforts on obtaining federal grants by individual legal aid providers
- Legal aid providers should work to collaborate and share strategies and potential funding sources. As noted above, the providers might explore hiring a shared grant-writing consultant to help expand the pool of grant sources that could be pursued by individual providers and perhaps streamline grant application processes.

F. Increase Awareness of and Support From Charitable Foundations and Other Philanthropic Organizations

- Develop an educational forum for private funding sources such as the United Way and charitable foundations within and outside of Maine.
- Educational outreach should include the Maine Community Foundation, which administers a large number of donor advised funds, some of which may have granting purposes that would be consistent with the mission of the provider organizations.
- Potential sources of funding from religious institutions that share a common commitment to social justice should also be explored.

G. Continue to Support and Expand the Range of Funding Opportunities for Providers through

- Exploration of opportunities for provider fee-for-service contracts with governmental entities

- Working with foundations and other funders to develop a streamlined application process to increase the number of grant applications submitted by provider organizations

Recommendation 6: Sustain and Ensure the Quality of Maine's Civil Justice System

Commentary: Access to justice must be accompanied by a commitment to the quality of the justice provided. This commitment to quality must be made by the courts, by administrative agencies and by those providing assistance to disadvantaged and elderly clients, including legal aid providers, *pro bono* attorneys and non-lawyer advocates. Sustaining and assuring quality requires a common understanding of what "quality" means and agreement on a common set of standards and values for the provision of services. The work group that studied this issue derived its recommendations, in part, by tracing the legal problem of child custody and related issues involving minor children of unmarried parents through the civil justice system from problem to resolution. The Quality Assurance Template created by the work group, reflecting current standards, proposed benchmarks, responsible parties and the application of the proposed Statement of Values. This Template, which is included as Appendix C to this report and at <http://www.mbf.org/AppendixC-QualityAssurance.htm>, can be applied or adapted to all civil legal issues to produce consistent compliance with the Proposed Statement of Values.

In addition, there is some evidence that the experience for clients in the civil justice system could be improved through better communication among all of the participants including social service agencies, legal aid providers and administrative agencies. Fostering improved communication among all stakeholders would eliminate time-consuming inefficiencies, although it will likely require legislative changes to allow exchange of information with appropriate privacy protections.

Principal Strategies

A. JAG should endorse the proposed "Statement of Values for Maine's Civil Justice System" and recommend its adoption to all participants in the civil justice system. This Statement, included below, should be widely publicized and used in connection with all JAG activities and initiatives.

B. Maine's Judicial Branch and Probate Court, as well as State and local authorities involved in civil justice proceedings, should establish written performance guidelines that address their own services in relation to Maine's civil justice system and are consistent with the JAG "Statement of Values." Standards should be clear and include benchmarks that allow evaluation of performance to be conducted by appropriate evaluators. Good examples of such standards exist already, including those developed for the Maryland Department of Family Administration. **All participants in Maine's Justice System should initiate a process to capture the data needed to effectively assess the system's performance in relation to the standards.**

C. Maine’s civil legal aid providers should adopt performance guidelines modeled on the 2006 ABA Standards for the Provision of Civil Legal Aid or the Legal Service Corporation’s Performance Criteria which have been cross-referenced to the ABA Standards. These standards should be clear and include benchmarks that allow evaluation of performance to be conducted by appropriate evaluators.

D. Organizations that provide *pro bono* legal services in Maine should adopt performance guidelines modeled on the ABA Standards for Programs Providing Civil *Pro Bono* Legal Services to Persons of Limited Means, or the LSC Performance Criteria to insure that *pro bono* attorney representation is provided consistent with those requirements. These standards should be clear and include benchmarks that allow evaluation of performance to be conducted by appropriate evaluators.

E. The JAG should take a leadership role in assuring that funders of civil legal services in Maine, including both annual and discretionary funders, are made aware of the commitment to quality that is reflected in the JAG state planning process, the “Statement of Values” and applicable provider standards. To the extent appropriate, funders should be encouraged to prioritize those services performed in compliance with the Statement of Values and applicable provider standards. Providers should be prepared to certify to their commitment to those standards to funding entities.

F. The Maine State Bar Association, in cooperation with the Maine Bar Foundation and the legal aid providers, should include in their educational seminars materials specifically targeted to representation of low income, elderly, minority, disabled and other vulnerable populations whose legal needs may differ from the legal needs of the general population. This would help to foster more widespread understanding of the legal needs of low-income and other vulnerable populations and the services that are most responsive to those needs.

Other Strategies

G. Governing bodies of civil legal aid providers should establish standards of governance and oversight to assure that their boards are satisfying their obligations to provide adequate oversight of each organization’s operations. Good examples of such standards exist already, including those established for nonprofit organizations by the Better Business Bureau or Maine Association of Nonprofits.

H. All participants in Maine’s civil justice system must work together to streamline and simplify the resolution of legal needs for Maine citizens. This commitment needs to be made and sustained at all levels. Systems for sharing of information by state agencies and the courts, while assuring the continued privacy rights of the litigants, should be created. For example, the birth certificate of a child of unmarried parents should reflect any determination of paternity and should be accepted by the courts when ruling on parental rights and responsibilities. JAG should be a leader in fostering this cooperation and collaboration.

Statement of Values for Maine's Civil Justice System

1. The civil justice system should be attentive to the expressed and unstated legal needs of the client population.
2. The civil justice system should treat all persons with dignity and respect, accommodating its services to address barriers posed by such factors as age, economic circumstance, language, disability, culture, or geography.
3. The civil justice system should require a commitment to ongoing collaboration and planning among all its participants, with the goal of simplifying/streamlining legal proceedings.
4. The civil justice system should require a commitment to ongoing evaluation of individual client experiences by each participant in the system.
5. The civil justice system should be subject to assessment systems that go beyond a simple counting of individual services/cases and include input and feedback from clients as well as other participants.
6. The civil justice system should promote fair outcomes achieved in a timely manner.
7. Providers within the civil justice system should provide zealous and competent representation designed to achieve an optimal result for the client in a timely manner.
8. Accurate, "plain English" information about the civil justice system and its legal rights should be broadly accessible to all Maine people in schools, libraries, courts, and at home. To the extent that participants in the civil justice provide this information online, they should insure that postings are updated and remain accurate.
9. The civil justice system and its representatives/participants should be aware of and sensitive to the special challenges faced by low-income and other vulnerable client populations. (e.g., court procedures/hearing officers should be attuned to potential problems with domestic violence or language barriers and make needed accommodations where those problems are presented.)
10. The civil justice system should work towards the goal of insuring that all persons requiring legal assistance have access to counsel if needed, and will support fair results for those who do not.
11. The demographic composition of the civil justice system should reflect the composition of the communities whose civil legal needs are being addressed.
12. All aspects of the civil justice system will be administered uniformly.

Recommendation 7: Sustain and Expand Leadership for Justice

Rationale: Effective and inspired leadership has been essential to the success of Maine's nationally recognized access to justice work. Implementation of the recommendations of the planning process will depend upon achieving a vision of leadership for justice that reflects **a diverse, influential, and continuously renewing group of stakeholders with the passion, awareness, and tools to serve as advocates for justice who will (1) promote and provide leadership for Maine's legal aid programs; (2) give of their own resources and solicit public and private funds in support of legal aid; (3) fight for legislative and administrative changes to improve access to justice; and (4) collaborate with social service and other supporting agencies, the business community, faith-based organizations and other community groups to address social and economic justice issues.** The principal strategies to achieve this vision are set forth below.

Principal Strategies

A. Develop and Implement a Comprehensive, Coordinated Access to Justice Communications and Education Strategy to Build a Broader Coalition for Justice

1. JAG should build on the ongoing efforts of the Maine Bar Foundation and the Maine State Bar Association and partner with the media, public relations firms, communications staff and other key stakeholders to create a comprehensive, coordinated public education and media campaign to

- a. Educate the public** about and build support for access to justice issues through a variety of communication tools
- b. Develop a consistent, broad-based message** that makes the connection between legal justice and social and economic justice at all income levels
- c. Raise awareness** of existing resources and strategic priorities
- d. Coordinate and provide training opportunities for stakeholders** to speak and write effectively from their own experience
- e. Encourage legal aid providers to connect to their local communities and the organized bar to give a human face to their work and their passion for justice**

B. Elevate the Profile and Prestige of a Public Commitment to Justice

1. The Maine State Bar Association, the Maine Trial Lawyers Association and other organized bar groups should assume a more visible role in educating the legal community and the public on justice issues. For example, the Bar Association might collaborate with the legal aid providers to create a clearinghouse for continuing legal education and other training programs on justice issues.

2. The Judicial Branch should participate actively in communication campaigns to educate the public about access to justice issues.

3. JAG should sponsor an annual or biennial Access to Justice Symposium, in collaboration with a broad range of stakeholders, to focus on access to justice issues, and to assess and communicate statewide progress toward goals and priorities.

4. The University of Maine School of Law should assume a visible leadership role in research, policy development and advocacy on justice issues.

5. JAG, the organized bar, the judiciary, law firms and the University of Maine School of Law should work together to develop new leadership for justice within the bench and bar. Possible strategies include:

- Creation of a level of distinction and prestige around attorneys committed to access to justice and *pro bono* (See Recommendation 4C)
- Development of programs to provide mentoring of new attorneys by lawyers and judges who are leaders in *pro bono* and access to justice work
- Increased collaboration among legal aid providers, private attorneys and the University of Maine School of Law to provide role models for public service law and the integration of *pro bono* work within a law practice through panel discussions, guest speakers and other programs.

C. Build Strategic Partnerships with and Recruit Participation in Access to Justice Programs from a Diverse Audience Including Businesses, Social Service Organizations, the Faith Community and New Mainers

1. JAG should identify and recruit new leaders from various segments of the Maine community including leaders of business, faith-based, minority and immigrant communities, and facilitate the development of skills-building initiatives for prospective leaders

2. Legal aid providers should continue to seek opportunities to collaborate with other State and community partners on access to justice issues

3. The University of Maine School of Law should seek new opportunities to partner with social and economic justice advocacy organizations in its teaching and clinical courses

4. Legal aid providers should share best practices for recruiting and development of board and committee leadership

Recommendation 8: Ensure Continued Focus on Evaluation and Implementation of the Planning Recommendations

Principal Strategies

A. JAG Should Oversee and Monitor the Implementation of the Planning Recommendations and Create an Implementation Task Force to Assist it in Evaluating, Advocating for and Overseeing the Process

Rationale: It is essential that we honor the planning process and the commitment of the work group participants by working assiduously to make the vision of the civil justice system reflected in this report a reality. This recommendation underscores the importance of engaging in a sustained effort to bring the foregoing recommendations, some of which were first put forth in the early 1990s by the Muskie and Futures Commissions, to fruition. An Implementation Task Force, comprised of judges, representatives of the bar, legal aid providers, planning process participants, and other stakeholders will be in the best position to assist JAG in evaluating, advocating for and overseeing the steps toward implementation of the recommendations and strategies.

B. Restructure the JAG to Expand its Reach and Increase its Ability to Oversee Implementation of the Recommendations of the Planning Process

Rationale: JAG's mission is to provide leadership and coordination in planning for the provision of legal aid to low-income Mainers and enhancing access to justice. If JAG is to continue its current work and also effectively oversee and coordinate the implementation of the planning process recommendations, it will need to make changes in its structure, composition and staffing.

JAG Responsibilities Emanating from the Planning Process:

1. Build a broader coalition for justice within and beyond the legal community with meaningful participation from members of the business community, social service agencies, consumers of legal aid and others
2. Establish or reconvene the following Task Forces:
 - Implementation Task Force
 - Reducing the Need for Crisis Intervention Task Force
 - Governmental Funding Task Force
 - Administrative Law Task Force
 - Legislative Task Force (coordinating its efforts with other task forces, the judicial and executive branches and others)
 - Self-Represented Litigant Task Force
3. Provide oversight of the implementation of planning process recommendations and, to the extent possible, ensure that actual

implementation of recommended strategies is undertaken by other organizations or groups

4. With the leadership of the Maine Bar Foundation and the Maine State Bar Association, build on existing efforts to develop and implement a comprehensive and coordinated access to justice communications and education strategy
5. Provide oversight of the Joint Development Committee, the Standing Committee on *Pro Bono* and Public Service, and the Technology Coordination Task Force/Legal Aid Technology Resource Center
6. Provide staffing and assistance to the Civil Right to Counsel Commission
7. Continue to function as a “think tank” to generate new ideas and to provide a forum for discussion of justice issues.

Recommended Structure to Increase JAG’s Ability to Fulfill These Responsibilities:

1. JAG should remain a workable size, but increase its membership to add several members from the business community, social service agencies and other groups beyond the legal community
2. To allow flexibility, JAG should maintain its *ad hoc* organizational status as a coalition of individuals and entities committed to expanding access to justice
3. To raise its visibility and authority, JAG should consider the possible benefits of an official endorsement from the judicial, executive and/or legislative branches
4. JAG will continue to foster participation and collaboration of all three branches of government in efforts to expand access to justice
5. To fulfill the responsibilities listed above and ensure the required level of coordination and support for implementation of the planning recommendations, JAG will need increased staff resources and a reliable and adequate funding source to support JAG’s expanded role

Appendices

Appendix A - <http://www.mbf.org/AppendixA-SupportingDocuments.htm>

Acknowledgments

Workgroup and Steering Committee Members

JAG Board of Directors

Glossary of Terms/Entities

Principles Guiding the Planning Process

Web Link to Work Group Final Reports

Web Link to Key Foundational Documents

Maine Demographic and Poverty Data

2006 Funding for Legal Aid and *Pro Bono* Resources

History of JAG

Appendix B - <http://www.mbf.org/AppendixB-Homelessness.htm>

Homelessness Crisis Intervention Model

Appendix C - <http://www.mbf.org/AppendixC-QualityAssurance.htm>

Quality Assurance Template

Action Steps and Timetable for Implementation

(Big 5) – Indicates “Big Five” Priority Strategies that will have the Greatest Impact

(Priority) – Indicates Priority Strategies that Require Little or No New Funding

Recommendations and Strategies	Short Term Action Steps Prior to 10/1/2008	Medium Term Action Steps 10/1/08 – 10/1/2012	Long Term Action Steps 10/1/2012 - 10/1/2018
Recommendation 1: Intervene “Upstream” to Solve Problems Before They Become Legal Crises			
Principal Strategies			
A. <i>JAG should create a standing Task Force on Reducing the Need for Crisis Intervention</i> (Priority)	JAG		
B. The Task Force should utilize the crisis intervention model and the analytical tools	Task Force on Reducing the Need for Crisis Intervention	Task Force on Reducing the Need for Crisis Intervention	Task Force on Reducing the Need for Crisis Intervention
Other strategies:			
C. Develop an Advocacy Institute to provide training to low-income individuals, social service personnel and others	Maine Equal Justice Partners	Maine Equal Justice Partners	
D. Identify and Utilize New Methods of Disseminating Information		Appropriate Participants in Task Force on Reducing the Need for Crisis Intervention	
Recommendation 2: Expand and Improve the Use of Technology			

Recommendations and Strategies	Short Term Action Steps Prior to 10/1/2008	Medium Term Action Steps 10/1/08 – 10/1/2012	Long Term Action Steps 10/1/2012 - 10/1/2018
Principal Strategies			
A. A Legal Aid Technology Resources Center should be created to support the maintenance and development of client-oriented technology for all legal aid and pro bono providers (Big 5)	Pine Tree Legal Assistance	Pine Tree Legal Assistance	Pine Tree Legal Assistance
1. Client-oriented Technology for legal aid and <i>pro bono</i> providers	Pine Tree Legal Assistance, Standing Committee on <i>Pro Bono</i>	Pine Tree Legal Assistance, Standing Committee on <i>Pro Bono</i>	Pine Tree Legal Assistance, Standing Committee on <i>Pro Bono</i>
2. Technology support for <i>Pro Bono</i> Legal Assistance by Lawyers and Other Legal Professionals	Pine Tree Legal Assistance, Maine Volunteer Lawyers Project	Pine Tree Legal Assistance, Maine Volunteer Lawyers Project	Pine Tree Legal Assistance, Maine Volunteer Lawyers Project
B. The Legal Aid Technology Resources Center should also manage the statewide legal resources website (www.HelpMeLaw.org) for use by legal services providers, the public and the private bar	Legal Aid Technology Resources Center	Legal Aid Technology Resources Center	Legal Aid Technology Resources Center
C. JAG should create a Technology Coordination Task Force to secure increased funding for technological improvements and to coordinate technological resources	JAG	Technology Coordination Task Force	Technology Coordination Task Force
Other Strategies			
D. Courthouse Assistance Touchscreen Kiosks		Courts, Legal Aid Providers, Legal Aid Technology Resources Center	
E. The Judicial Branch and Administrative		Courts, Administrative	Pine Tree Legal

Recommendations and Strategies	Short Term Action Steps Prior to 10/1/2008	Medium Term Action Steps 10/1/08 – 10/1/2012	Long Term Action Steps 10/1/2012 - 10/1/2018
Agencies Should Utilize the Latest Technology to Provide Direct Access to Justice for Litigants and Other Participants		Agencies	Assistance, Maine Volunteer Lawyers Project
1. The Judicial Branch should work with the Legal Aid Resource Technology Center and the Standing Committee on <i>Pro Bono</i> and Public Service to facilitate the establishment of videoconferencing capability to allow remote participation		Courts, Legal Aid Resources Technology Center, Standing Committee on <i>Pro Bono</i>	Courts, Legal Aid Resources Technology Center, Standing Committee on <i>Pro Bono</i>
2. Administrative agencies providing services to the low-income individuals should utilize videoconferencing to enhance access to justice		Administrative Agencies	Administrative Agencies
3. The Judicial Branch should plan for and provide electronic filing of documents in a way that is inclusive of low-income and self-represented litigants		Judicial Branch	Judicial Branch
4. Administrative agencies should plan for and provide electronic filing for various government benefit programs		Administrative Agencies	Administrative Agencies
Recommendation 3: Ensure Meaningful Assistance to Individuals Who Do Not Have the Services of a Legal Professional			
Principal Strategies			
A. Seek additional Resources to Establish a	Judicial Branch	Judicial Branch	Judicial Branch

Recommendations and Strategies	Short Term Action Steps Prior to 10/1/2008	Medium Term Action Steps 10/1/08 – 10/1/2012	Long Term Action Steps 10/1/2012 - 10/1/2018
<i>Division of Self-Represented Litigant Services within the Judicial Branch to Improve Delivery of Civil Justice to Self-Represented Litigants (Big 5)</i>			
<i>B. Expand Assistance to Self-Represented Litigants Through Creation of Courthouse Assistance Programs (Big 5)</i>			
1. Seek funding to establish two model courthouse assistance programs – one in a more urban south/central Maine location and another in a more rural northern setting	Self- Represented Litigant Task Force	Self-Represented Litigant Task Force	Self-Represented Litigant Task Force
2. Revive and make permanent a Self-Represented Litigant Task Force	JAG		
<i>C. Continue Efforts to Make the Civil Justice System More Consumer Friendly</i>			
<i>1. Ensure that all materials and resources for self-represented litigants meet the standards of accessibility, readability and usability (Priority)</i>		Courts, Legal Aid Providers, Administrative Agencies, all others producing materials and resources	Courts, Legal Aid Providers, Administrative Agencies, all others producing materials and resources
2. Improve signage in courthouses	Courts	Courts	
3. Continue to monitor the commitment of the courts, state agencies and legal aid providers to ensure there are no barriers to physical access for people with disabilities	Self-Represented Litigant Task Force	Self-Represented Litigant Task Force	Self-Represented Litigant Task Force

Recommendations and Strategies	Short Term Action Steps Prior to 10/1/2008	Medium Term Action Steps 10/1/08 – 10/1/2012	Long Term Action Steps 10/1/2012 - 10/1/2018
D. Expand Training and Education to Remove Barriers to Effective Participation in the Civil Justice System			
1. Expand Training and Education Programs for Court Personnel on Aspects of the System that Create Bias and Inequity	Courts	Courts	Courts
2. Create and Deliver Substantive and Procedural Training Programs to Self-Represented Litigants		Legal Aid Providers, Maine State Bar Association	Legal Aid Providers, Maine State Bar Association
3. Expand educational outreach projects that educate the public about available resources and substantive areas of the law, as well as when and how to contact a lawyer.	Maine State Bar Association, Legal Aid Providers	Maine State Bar Association, Legal Aid Providers	
<u>Other Strategies</u>			
E. JAG Should Revive the Administrative Law Task Force to Evaluate and Promote Recommendations Related to Access to Justice in Administrative Agency Proceedings	JAG		
1. A Common Website that links adjudicatory units		Administrative Agencies	
2. Expanded Use of Videoconferencing for administrative hearings		Administrative Agencies	
3. Continuing Legal Education and Training for Hearing Officers		Administrative Law Task Force, Maine State Bar Association, Administrative Agencies	
4. Inter-departmental cooperation to review		Administrative Law	

Recommendations and Strategies	Short Term Action Steps Prior to 10/1/2008	Medium Term Action Steps 10/1/08 – 10/1/2012	Long Term Action Steps 10/1/2012 - 10/1/2018
and assess the efficacy of a central administration hearing unit		Task Force, Administrative Agencies	
5. Increased cooperation among administrative agencies and legal aid providers		Administrative Law Task Force, Administrative Agencies, Legal Aid Providers	
F. Study the Possibility of Permitting Trained and Licensed Non-lawyer Advocates to Assist Parties in Certain Matters and before Certain Forums as a Means to Address the Unmet Need for Legal Services among Low-Income Mainers	JAG, Maine State Bar Association, Courts, Board of Bar Overseers	JAG, Maine State Bar Association, Courts, Board of Bar Overseers	
Recommendation 4: Increase the Number of Individuals Who Have the Assistance of a Legal Professional			
<u>Principal Strategies</u>			
<i>A. JAG Should Promote the Creation of a Commission to Study the Adoption of a Civil Right to Counsel in Adversarial Proceedings in Which Basic Human Needs are at Stake (Big 5)</i>	JAG		
B. Evaluate the Need for a New Structure to Provide Leadership for <i>Pro Bono</i> Representation on a Statewide Basis	JAG, Maine Bar Foundation, Maine State Bar Association		
<i>1. JAG should advocate the creation of a permanent Standing Committee on Pro Bono and</i>	JAG		

Recommendations and Strategies	Short Term Action Steps Prior to 10/1/2008	Medium Term Action Steps 10/1/08 – 10/1/2012	Long Term Action Steps 10/1/2012 - 10/1/2018
<i>Public Service Representation (Priority)</i>			
C. Develop Strategies to Support and Expand <i>Pro Bono</i> Services by Private Attorneys. The Standing Committee on <i>Pro Bono</i> and Public Service should consider the following approaches, among others:		Standing Committee on <i>Pro Bono</i> and Public Service	
1. <i>Create a level of distinction and prestige around attorneys committed to access to justice (Priority)</i>		Standing Committee on <i>Pro Bono</i> and Public Service	
2. Increase collaboration with the courts to reduce disincentives to <i>pro bono</i> service		Standing Committee on <i>Pro Bono</i> and Public Service, Courts	
3. Evaluate the efficacy of <i>pro bono</i> reporting		Standing Committee on <i>Pro Bono</i> and Public Service	
4. Create Financial Incentives and Relief for Attorneys to Provide <i>Pro Bono</i> and Reduced-Fee Services and to Work in Legal Services.		Standing Committee on <i>Pro Bono</i> and Public Service, New Lawyers Section of the Maine State Bar Association, University of Maine School of Law	Standing Committee on <i>Pro Bono</i> and Public Service, New Lawyers Section of the Maine State Bar Association, University of Maine School of Law
5. Promote Expanded Provision of Unbundled or Limited Legal Assistance to Low-Income Clients	Standing Committee on <i>Pro Bono</i> and Public Service	Standing Committee on <i>Pro Bono</i> and Public Service	
6. Encourage Maine law firms to increase their commitment to <i>pro bono</i> representation by firm attorneys	Standing Committee on <i>Pro Bono</i> and Public Service	Standing Committee on <i>Pro Bono</i> and Public Service	

Recommendations and Strategies	Short Term Action Steps Prior to 10/1/2008	Medium Term Action Steps 10/1/08 – 10/1/2012	Long Term Action Steps 10/1/2012 - 10/1/2018
Recommendation 5: Expand Resources to Reduce the Unmet Need for Legal Assistance			
Principal Strategies:			
A. Expand Efforts to Increase Direct Appropriations at the federal, state, county, and local levels.			
1. Establish a joint Governmental Funding Committee	JAG		
2. <i>Seek direct state appropriations to expand and enhance provision of legal services to low-income persons (Big 5)</i>	Governmental Funding Committee	Governmental Funding Committee	Governmental Funding Committee
3. Expand lobbying and legislative education efforts	Governmental Funding Committee	Governmental Funding Committee	Governmental Funding Committee
4. The Committee should review State license and court fees for opportunities to add surcharges to support <i>pro bono</i> legal services and/or to pursue allocations of revenues generated by existing and additional fees.	Governmental Funding Committee	Governmental Funding Committee	Governmental Funding Committee
5. Continue, through the Governmental Funding Committee, to work with the Maine State Bar Association and other groups to monitor Legal Services Corporation funding levels and take appropriate action to support renewed or expanded LSC funding for providers in Maine.	Maine State Bar Association, Governmental Funding Committee	Maine State Bar Association, Governmental Funding Committee	Maine State Bar Association, Governmental Funding Committee
<i>B. Maximize Support from the Maine's IOLTA Program by Supporting Rule Changes that Would (Big 5)</i>			

Recommendations and Strategies	Short Term Action Steps Prior to 10/1/2008	Medium Term Action Steps 10/1/08 – 10/1/2012	Long Term Action Steps 10/1/2012 - 10/1/2018
<i>1. Make participation in the IOLTA program comprehensive (Big 5)</i>	Maine Bar Foundation, Courts, Maine State Bar Association, Board of Bar Overseers, Legal Aid Providers, JAG		
<i>2. Ensure comparability in interest rates on deposits in IOLTA accounts (Big 5)</i>	Maine Bar Foundation, Courts, Maine State Bar Association, Board of Bar Overseers, Legal Aid Providers, JAG		
<i>3. Support speedy implementation of and compliance with the program (Big 5)</i>	Maine Bar Foundation, Courts, Maine State Bar Association, Board of Bar Overseers, Legal Aid Providers, JAG	Maine Bar Foundation	Maine Bar Foundation
C. Expand Range of Efforts to Raise Funds from Private Sources through Continued Collaboration and Coordination of Legal Aid Providers			
1. Establish a Joint Development Committee	Maine Bar Foundation, Legal Aid Providers		
<i>2. Expand the Coffin Fellowships in Family Law Program to include additional firms from both Greater Portland, but more importantly firms from other areas of the State (Priority)</i>	Joint Development Committee	Joint Development Committee	Joint Development Committee
<i>3. Expand Development Efforts within the Business, Professional and General Communities, including Development of Special</i>	Joint Development Committee	Joint Development Committee	Joint Development Committee

Recommendations and Strategies	Short Term Action Steps Prior to 10/1/2008	Medium Term Action Steps 10/1/08 – 10/1/2012	Long Term Action Steps 10/1/2012 - 10/1/2018
<i>Events to Enlist Business Support (Priority)</i>			
<u>Other Strategies</u>			
D. Increase Financial Support from the Bar and Bench	Joint Development Committee	Joint Development Committee	Joint Development Committee
E. Obtain More and Increased Federal Grants	Joint Development Committee	Joint Development Committee	Joint Development Committee
<i>F. Increase Awareness of and Support from Charitable Foundations and Other Philanthropic Organizations through the development of an educational forum for private funding sources, e.g., charitable foundations located within and outside Maine and the United Way (Priority)</i>	Joint Development Committee	Joint Development Committee	
G. Continue to Support and Expand the Range of Funding Opportunities for Providers		Joint Development Committee	Joint Development Committee
Recommendation 6: Sustain and Ensure the Quality of Maine's Civil Justice System			
<u>Principal Strategies</u>			
<i>A. JAG should endorse the proposed "Statement of Values for Maine's Civil Justice System" and recommend its adoption to all participants in the civil justice system (Priority)</i>	JAG		
B. Maine's Judicial Branch and Probate Court, as well as State and local authorities involved in civil		Judicial Branch, Probate Court,	

Recommendations and Strategies	Short Term Action Steps Prior to 10/1/2008	Medium Term Action Steps 10/1/08 – 10/1/2012	Long Term Action Steps 10/1/2012 - 10/1/2018
justice proceedings, should establish written performance guidelines		Administrative Agencies (State and local authorities)	
C. Maine's civil legal aid providers should adopt performance guidelines	Legal Aid Providers		
D. Organizations that provide <i>pro bono</i> legal services in Maine should adopt performance guidelines modeled on the ABA Standards For Programs Providing Civil <i>Pro Bono</i> Legal Services	Legal Aid Providers		
E. The JAG should take a leadership role in assuring that funders of civil legal services in Maine, including both annual and discretionary funders, are made aware of the commitment to quality that is reflected in the JAG state planning process, the "Statement of Values" and applicable provider standards. To the extent appropriate, funders should be encouraged to prioritize those services performed in compliance with the Statement of Values and applicable provider standards.		JAG	
F. The Maine State Bar Association, in cooperation with the Maine Bar Foundation and the legal aid providers, should include in their educational seminars materials specifically targeted to representation of low income, elderly, minority, disabled and other vulnerable populations whose legal needs may differ from the legal needs of the general population		Maine State Bar Association, Legal Aid Providers, Maine Bar Foundation	

Recommendations and Strategies	Short Term Action Steps Prior to 10/1/2008	Medium Term Action Steps 10/1/08 – 10/1/2012	Long Term Action Steps 10/1/2012 - 10/1/2018
<u>Other Strategies</u>			
G. Governing bodies of civil legal aid providers should establish standards of governance and oversight to assure that their boards are satisfying their obligations to provide adequate oversight of each organization's operations		Legal Aid Provider Boards	
H. All participants in Maine's civil justice system must work together to streamline and simplify the resolution of legal needs for Maine citizens. This commitment needs to be made and sustained at all levels.			All
Recommendation 7: Sustain and Expand Leadership for Justice			
<u>Principal Strategies</u>			
<i>A. Develop and Implement a Comprehensive, Coordinated Access to Justice Communications and Education Strategy to Build a Broader Coalition for Justice (Priority)</i>			
1. JAG should build on the ongoing efforts of the Maine Bar Foundation and Maine State Bar Association and partner with the media, public relations firms, communications staff and other key stakeholders to create a comprehensive, coordinated public education and media campaign	JAG, Maine Bar Foundation, Maine State Bar Association	JAG, Maine Bar Foundation, Maine State Bar Association	JAG, Maine Bar Foundation, Maine State Bar Association
B. Elevate the Profile and Prestige of a Public Commitment to Justice			

Recommendations and Strategies	Short Term Action Steps Prior to 10/1/2008	Medium Term Action Steps 10/1/08 – 10/1/2012	Long Term Action Steps 10/1/2012 - 10/1/2018
1. The Maine State Bar Association, the Maine Trail Lawyers Association and other organized bar groups should assume a more visible role in educating the legal community and the public on justice issues.	Maine State Bar Association, Maine Trial Lawyers Association, other bar groups, Maine Bar Foundation	Maine State Bar Association, Maine Trial Lawyers Association, other bar groups, Maine Bar Foundation	Maine State Bar Association, Maine Trial Lawyers Association, other bar groups, Maine Bar Foundation
2. The Judicial Branch should participate actively in communication campaigns to educate the public about access to justice issues.	Judicial Branch	Judicial Branch	Judicial Branch
3. JAG should sponsor an annual or biennial Access to Justice Symposium, in collaboration with a broad range of stakeholders, to focus on access to justice issues and to assess and communicate statewide progress toward goals and priorities (Priority)	JAG, Maine State Bar Association, University of Maine School of Law, Legal Aid Providers, Maine Bar Foundation	JAG, Maine State Bar Association, University of Maine School of Law, Legal Aid Providers, Maine Bar Foundation	JAG, Maine State Bar Association, University of Maine School of Law, Legal Aid Providers, Maine Bar Foundation
4. The University of Maine School of Law should assume a visible leadership role in research, policy development and advocacy on justice issues.	University of Maine School of Law	University of Maine School of Law	University of Maine School of Law
5. JAG, the organized bar, the judiciary, law firms and the University of Maine School of Law should work together to develop new leadership for justice within the bench and bar.	JAG, Maine State Bar Association, University of Maine School of Law, Courts, private attorneys, Legal Aid Providers	JAG, Maine State Bar Association, University of Maine School of Law, Courts, private attorneys, Legal Aid Providers	JAG, Maine State Bar Association, University of Maine School of Law, Courts, private attorneys, Legal Aid Providers
C. Build Strategic Partnerships with and Recruit Participation in Access to Justice Programs from a Diverse Audience Including Businesses, Social Service Organizations, the Faith Community and New Mainers (Priority)	JAG, Maine State Bar Association, University of Maine School of Law, Courts, private attorneys, Legal Aid	JAG, Maine State Bar Association, University of Maine School of Law, Courts, private attorneys, Legal Aid	JAG, Maine State Bar Association, University of Maine School of Law, Courts, private attorneys, Legal Aid

Recommendations and Strategies	Short Term Action Steps Prior to 10/1/2008	Medium Term Action Steps 10/1/08 – 10/1/2012	Long Term Action Steps 10/1/2012 - 10/1/2018
	Providers	Providers	Providers
1. JAG should identify and recruit new leaders from various segments of the Maine community including leaders of business, faith-based, minority and immigrant communities, and facilitate the development of skills-building initiatives for prospective leaders	JAG	JAG	JAG
2. Legal aid providers should continue to seek opportunities to collaborate with other State and community partners on access to justice issues	Legal Aid Providers	Legal Aid Providers	Legal Aid Providers
3. The University of Maine School of Law should seek opportunities to partner with social and economic justice advocacy organizations in its teaching and clinical courses	University of Maine School of Law	University of Maine School of Law	University of Maine School of Law
4. Legal aid providers should share best practices for recruiting and development of board and committee leadership	Legal Aid Providers	Legal Aid Providers	Legal Aid Providers
Recommendation 8: Create an Implementation Task Force to Ensure Continuing Focus on Evaluating and Implementing Planning Recommendations			
<i>A. JAG Should Oversee and Monitor the Implementation of the Planning Recommendations and Create an Implementation Task Force to Assist it in Evaluating, Advocating for and Overseeing the Process (Essential for</i>	JAG	JAG	JAG

Recommendations and Strategies	Short Term Action Steps Prior to 10/1/2008	Medium Term Action Steps 10/1/08 – 10/1/2012	Long Term Action Steps 10/1/2012 - 10/1/2018
<i>Implementation)</i>			
<i>B. Restructure the JAG to Expand its Reach and Increase its Ability to Oversee Implementation of the Recommendations of the Planning Process (Essential for Implementation)</i>	JAG	JAG	JAG

Justice Action Group

Honorable Kermit V. Lipez, Chair ♦ Honorable Jon D. Levy, Vice-Chair ♦ Honorable Leigh Ingalls Saufley
Patrick Ende ♦ Jane Clayton ♦ Janis Cohen ♦ Jerrol A. Crouter ♦ Carter Friend ♦ Thomas Harnett
Honorable Barry Hobbins ♦ Peter LaFond ♦ Dean Peter Pitegoff ♦ Brett Baber ♦ Elizabeth Scheffee
Elizabeth Germani ♦ Honorable Joshua Tardy ♦ Victoria Powers
Honorable Frank M. Coffin, Of Counsel

Justice Action Group Statewide Planning Initiative

Draft Planning Report

July 5, 2007

Appendix A

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Appendix A

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Acknowledgments

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The Maine State Bar Association for hosting meetings of the Steering Committee; and

The staff of the Maine Bar Foundation for its maintenance of the JAG Planning Process website and other essential assistance.

We also wish to express our gratitude to the following work group participants and the work group Chairs and Vice-Chairs (who also served as the Steering Committee) for their enthusiastic commitment and their generous contribution of time, talents, and energy to the JAG Planning Process. Without their creativity and hard work, the Planning Process and this Report would not have been possible.

Work Group and Steering Committee Members

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Members – Mary Kathryn Brennan, Hugh Calkins, Peter Darvin, Leslie Dickinson; John Foster, Beth Gallie, Jeff Henthorn, Dolly Hersom, James McKenna, Noelle Merrill, Peter Rice, Meryl Troop

Work Group 2B – Assisting Self-Represented Litigants

Hon. Joseph Jabar, Chair; Robert Marden, Vice Chair; Angela Weston, Staff

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Work Group 3 – Utilizing Lawyers to Enhance Justice

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Work Group 5 – Sustaining and Assuring Quality

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Colleen Khoury, Chair; Sally Sutton, Staff

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JAG Board of Directors

Hon. Kermit V. Lipez, United States Court of Appeals for the First Circuit, Chair

Hon. Jon D. Levy, Associate Justice, Maine Supreme Judicial Court, , Vice Chair

Carter Friend, Chair, Advisory Committee of Providers, *ex officio member*

Peter Pitegoff, Dean, University of Maine School of Law, *ex officio*

Hon. Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court, state judiciary, *ex officio*

Brett Baber, Maine State Bar Association

Jane Clayton, Pine Tree Legal Assistance

Janis Cohen, Maine Civil Legal Services Fund

Jerrold Crouter, Maine Equal Justice Partners

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Elizabeth Germani, Maine Trial Lawyers Association

Thomas Harnett, Maine Bar Foundation
Hon. Barry Hobbins, Maine Senate
Peter LaFond, Maine State Bar Association
Victoria Powers, Legal Services for the Elderly
Elizabeth Scheffee, Maine Bar Foundation
Hon. Joshua Tardy, Maine House of Representatives

Glossary of Terms/Organizations

Access to Justice – For purposes of this Report, “access to justice” means access to the courts, to administrative agencies and to all other forums in which legal rights are determined. In order for “equal justice for all” to be more than a hollow promise, people require access to the courts, to administrative agencies and other forums that is meaningful, with representation by qualified counsel, the opportunity to physically enter the court or other forum and to understand and to participate in the proceedings, and the assurance that their claims will be heard by a fair and capable decision-maker and decided pursuant to the rule of law.

Campaign for Justice - The Campaign was created in 2004 to increase access to justice for low-income and elderly Maine people. It is an annual, statewide fundraising effort within Maine's legal community on behalf of six civil legal aid providers: Cumberland Legal Aid Clinic, Immigrant Legal Advocacy Project, Legal Services for the Elderly, Maine Equal Justice, Maine Volunteer Lawyers Project, and Pine Tree Legal Assistance. The Campaign replaced six annual fundraising efforts by these agencies. Consequently, attorneys and judges now receive only one request for annual support.

Coffin Fellowships for Family Law - The Fellowship positions are funded through the Maine Bar Foundation by the generosity of private law firms in Cumberland County. The two Coffin Fellows are housed with the Pine Tree Legal Assistance in Portland, and provide family law assistance to low-income clients referred for representation by the Volunteer Lawyers Project.

Cy pres - Class action attorneys negotiating settlement or litigating the remedy in their actions must often address the probability that not all class members will be located, or that defendant's conduct has made full restitution to all injured victims impossible or impracticable. Under such circumstances, the courts may approve a charitable donation out of unclaimed residue of class action funds, or a direct grant in lieu of damages to any entity that will vindicate class member rights in the future. This approach avoids a windfall to the defendant and serves the deterrent goals of civil rights and other laws. The *cy pres* or "next best use" doctrine operates much like donor-advised contributions. The settlement or judgment usually specifies the particular types of cases or activities to which the funds should be dedicated. For example, *cy pres* awards can be administered to support housing, privacy and discrimination matters.

Guardian ad litem - A Guardian *ad litem* (GAL) is a person appointed by the court to conduct an investigation and make a recommendation about what is in the best interests of a child. A GAL bases his or her opinion on interviews of the parents and the child and other persons who may be helpful, such as teachers, social workers and grandparents. A GAL may also review records, including school, medical, and mental health records.

IOLTA - IOLTA stands for "Interest on Lawyers Trust Accounts." Attorneys routinely receive client funds to be held in trust for future use. If the amount is large or the funds are to be held for a long period of time, the attorney must place these monies at interest for the benefit of the client. However, in the case of amounts that are small or are to be held for a short time, it is impractical to establish separate interest

bearing accounts for individual clients. Participating in the IOLTA program allows attorneys to place these funds at interest, with that interest paid to the Maine Bar Foundation. The purpose of the Maine IOLTA program is to channel IOLTA monies from participating attorneys to fund civil legal services for the poor and to support administration of justice programs.

Legal Services Corporation - Congress created LSC in 1974 and entrusted it with a dual mission: to promote equal access to justice and to provide high-quality civil legal assistance to low-income Americans. As the principal source of funding for civil legal aid, LSC gives grants to independent, local programs. In 2007, it gave grants to 138 programs with more than 900 offices nationwide, including Pine Tree Legal Assistance.

Maine Civil Legal Services Fund Commission - The Maine Civil Legal Services Fund Commission is appointed by the Maine Supreme Judicial Court to oversee and disburse the Maine Civil Legal Services Fund, which is funded by court fees and civil fines and used for the purpose of providing civil legal services to persons who otherwise are unable to pay for these services.

Muskie Dinner - The Muskie Dinner was launched in 1996 as a way to honor Senator Edmund Muskie's commitment to justice issues in Maine. Funds raised through the dinner support Maine's nonprofit legal aid providers, including the Immigrant Legal Advocacy Project, Legal Services for the Elderly, the Cumberland Legal Aid Clinic, the Maine Volunteer Lawyers Project, Maine Equal Justice Partners and Pine Tree Legal Assistance.

On Your Own - Revised and updated annually, *On Your Own* is the Maine State Bar Association's guide to the law for young adults which is published each spring in time for free distribution to graduating high school seniors throughout Maine.

Pro bono - *Pro bono publico* (often shortened to *pro bono*) is a phrase derived from Latin meaning "for the public good". The term is used to describe professional work undertaken voluntarily and without payment, as a public service. Unlike traditional volunteerism, *pro bono* service leverages the specific skills of professionals to provide services to those who are unable to afford them.

Pro hac vice - This term is Latin "for this occasion" or "for this event," and usually refers to a lawyer who has not been admitted to practice in a particular jurisdiction, but is admitted, by the court, for a particular case only.

Unbundled - "Unbundled" legal services can also be described as "discrete task representation". An attorney providing unbundled services provides a specific service to a client, who is otherwise representing themselves, as opposed to providing full legal representation to the client on the entire range of possible so-called "bundled" services.

www.HelpMeLaw.org - This State-wide website provides legal information for low-income people and others in the State of Maine. It features easy-to-read self-help information on topics such as divorce and tenants rights, Medicaid and food stamps, as well as information about free and low-cost legal services in Maine.

Principles Guiding the Planning Process

1. Access to justice means access to the courts, administrative agencies and all other forums in which legal rights are determined.
2. The quality of justice should not be impacted by income status.
3. The civil justice system should be convenient, understandable and affordable.
4. The most effective resolution of a problem may require intervention upstream before it becomes a legal problem.
5. The civil justice system should be supported by an organized bar and judiciary that provide leadership and participate with legal aid providers, the law school, the executive, legislative and judicial branches of government, the private sector and other appropriate stakeholders in on-going and coordinated efforts to support and facilitate access to justice for all.
6. Barriers to the civil justice system, such as those posed by geography, disability, institutionalization, language and culture, should be overcome.
7. Every Mainer involved with the legal system who wants and needs a lawyer should have a qualified, motivated advocate, regardless of ability to pay.
8. Access to justice must be accompanied by a commitment to the quality of the justice provided. This commitment to quality must be made by the courts, those providing assistance (legal aid providers, private bar and non-lawyers) and administrative agencies.
9. The courts should be managed in an impartial, timely, efficient, and affordable manner that recognizes the interests of parties, other participants, and society in general, commands public respect and uses public resources effectively.
10. Mainers should have access to a variety of fair and effective means of resolving their disputes, not only in connection with court proceedings.

Web Links to Work Group Final Reports

<http://www.mbf.org/JAGWGCombinedFinalRpts5-5-07.doc>

Web Links to Key Foundational Documents

A Report to the Justice Action Group on Access to Maine Courts for Individuals with Limited English Proficiency

<http://www.mbf.org/LEP%20Final%20Report%201-05.PDF>

American Bar Association Legal Needs Study - *LEGAL NEEDS AND CIVIL JUSTICE: A Survey of Americans - Major Findings from the Comprehensive Legal Needs Study*

<http://www.abanet.org/legalservices/downloads/sclaid/legalneedstudy.pdf>

American Bar Association Principles of a Civil Legal Aid System
<http://www.abanet.org/legalservices/sclaid/downloads/06A112B.pdf>

American Bar Association Resolution Regarding Civil Right to Counsel
<http://www.abanet.org/legalservices/sclaid/downloads/06A112A.pdf>

American Bar Association Standards for Programs Providing Civil *Pro Bono* Legal Services
<http://www.abanet.org/legalservices/probono/standards.pdf#pagemode=bookmarks>

American Bar Association 2006 Standards for the Provision of Civil Legal Aid
<http://www.abanet.org/legalservices/sclaid/downloads/civillegalaidstds2006.pdf>

Better Business Bureau Wise Giving Alliance Standards for Charity Accountability
<http://www.give.org/standards/index.asp>

Legal Services Corporation Performance Criteria
http://www.lri.lsc.gov/pdf/06/060018_performancecriteria.pdf

Maine Association of Nonprofits Guiding Principles and Practices for Nonprofit Excellence in Maine
http://www.nonprofitmaine.org/principles_practices.asp

Maine State Planning Office 2007 Report on Poverty
http://www.maine.gov/spo/economics/economics/pdf/2007_Report_on_Poverty.pdf

New Dimensions for Justice: Report of the Commission to Study the Future of Maine's Courts
<http://www.mbf.org/CommissionFutureofMaine'sCourts.pdf>

Performance Standards and Measures for Maryland's Family Division
<http://www.courts.state.md.us/family/performancestandards.pdf>

Report of the Maine Commission on Legal Needs (Muskie Study)
<http://www.mbf.org/Legal%20Needs%20Executive%20Summary.pdf.pdf>

Securing Equal Justice for All: A Brief History of Civil Legal Assistance in the United States -
http://www.clasp.org/publications/legal_aid_history_2007.pdf

Maine Demographic and Poverty Data

As part of the planning process, efforts have been made to paint an accurate picture of Maine's justice gap. Maine demographics and poverty statistics, numbers and types of clients served, use of volunteer lawyers, data regarding self-represented litigants and information regarding funding sources for legal aid providers has been gathered to help provide a snapshot of Maine.

For more complete information regarding Maine demographics and poverty statistics go to the Maine State Planning Office 2007 *Report on Poverty*:
http://www.maine.gov/spo/economics/economics/pdf/2007_Report_on_Poverty.pdf

Snapshot of Maine

Maine Demographic Data

Demographic Projections

- In 1990, Maine was the 8th oldest state in the nation, by 2000 it was ranked 4th.
- In 2000, 14% of Maine's population were over the age of 65. By 2025, that percentage will be 21% which means that one person in 5 will be over 65; in some parts of Maine, that figure will be much higher. By 2025, Maine will have more people over 65 than under 20.
- In 1995, Maine was ranked 42nd among states in its proportion of people under 20. By 2025, Maine is predicted to be 49th.
- It is predicted that from 1997 to 2009, Maine will see a 9% drop in elementary students and 11% in high school students.

From a speech by former Maine Attorney General, James Tierney, *Leadership for a Multicultural Future: An Opportunity for Maine*, 10/22/2002, The Institute for Civil Leadership Annual Gathering for Civic Leadership

Diversity

- Because of limitations and constraints on getting accurate numbers, the undercount of foreign born in the United States could be anywhere from 25% to 72%. In Maine, it is estimated that the undercount is around 58%, making the number of foreign born close to 58,000.
- In 2002, the Immigrant Legal Advocacy Project served people from 109 countries.
- From 1981 to 2002, Catholic Charities of Maine resettled 4,397 refugees.
- The Maine Department of Education in 2001-02 reported that there were 78 native languages other than English spoken by children in grades K – 12 in Maine schools.

From a *Report on Translation and Spoken Language interpretation Services for Non-English Speaking or Limited English Proficient People in the Greater Portland Area*, Grace Valenzuela, River Rock Foundation, September 2003

Maine Poverty Data

- The **Poverty Rate** in Maine *hangs stubbornly between 10-12%, near the national average*, when the economy is relatively stable. The portion that is *“near poor”* in Maine *is consistently above the national average*.
- *One- third* of Maine's population has income *at or below the 200% poverty level*, generally regarded as the income level necessary to meet the basic needs of a family of three.
- Maine's relatively good ranking on other factors such as hunger likewise indicate that Maine is *less impacted by high levels of extreme poverty*, but *more troubled by a high rate of chronically low-income households* whose income hovers not far above the poverty line.
- Maine households rely more heavily on transfer payments (e.g., Social Security, SSI, Food Stamps, Temporary Assistance to Needy Families) as a source of personal income than the national average. For example, almost a third of household income in Washington County

is derived from transfer payments (e.g., Social Security, SSI, Food Stamps, Temporary Assistance to Needy Families), compared to 13% in Cumberland County.

Preceding data from *The 2005 Report Card on Poverty*, Maine State Planning Office

Ratio of Income to Poverty, 2005

Table 2. Ratio of Income to Poverty, 2005, Selected Population Groups				
		Below 100%	Below 150%	Below 200%
All Ages	Maine	12.6	21.8	32.1
	U.S.	12.6	21.5	31.0
Under 18	Maine	15.0	27.9	38.6
	U.S.	17.6	28.2	38.9
65 and over	Maine	10.6	24.0	42.0
	U.S.	10.1	23.6	38.8
Female head of household	Maine	38.2	61.5	68.1
	U.S.	38.0	53.7	66.7

Maine State Planning Office, 2007 Report on Poverty

2007 Federal Poverty Guidelines for the 48 Contiguous States and the District of Columbia

Family Size	Gross Yearly Income	Gross Monthly Income	Approximate Hourly Income
1	\$10,210	\$851	\$4.91
2	\$13,690	\$1,141	\$6.58
3	\$17,170	\$1,431	\$8.25
4	\$20,650	\$1,721	\$9.93
5	\$24,130	\$2,011	\$11.60
6	\$27,610	\$2,301	\$13.27
7	\$31,090	\$2,591	\$14.95
8	\$34,570	\$2,881	\$16.62
Over 8 add per child	+\$3,480	+\$290	+\$1.67

Source: *Federal Register* Vol. 72, No. 15, January 24, 2007, pp. 3147-3148. Monthly and hourly data calculated by OCPP and rounded to the nearest dollar and cent, respectively. The hourly rate is based on 40 hours of work per week for a full year (2080 hours).

A Snapshot of Legal Aid Provided in Maine

On average, during **each month** of 2005, Maine's legal aid providers (annual grantees of IOLTA funds) on average receive **3,606 calls for assistance** (Pine Tree Legal Assistance, Maine Volunteer Lawyers Project, Legal Services for the Elderly, Cumberland Legal Aid Clinic, Maine Equal Justice Partners, and Immigrant Legal Advocacy Project)

These callers received:

- Full Representation 496
- Brief Service 1,355
- Total Assisted 1,851

- Total Turned Away 1,755

In 2006, Maine's legal aid providers reported serving 14,359 clients.

In 2005, there were **238,099 people age 60+** living in Maine and **135,501 people living in poverty** (2000 Census, Federal Poverty Rate).

As reported by the 1990 *Maine Commission on Legal Needs*, low-income households in Maine experience an average of one legal problem per year. Recent data from other New England states suggests the number of legal problems per household may actually be twice as high.

The *Maine Legal Needs* study also found that with the equivalent of only 35 full-time (FTE) lawyers serving the State and, making the assumption that each of Maine's private attorneys would accept 3 *pro bono* cases each year, an additional 232 legal services lawyers were needed to meet the legal needs of Maine's low-income and elderly populations.

In 2005, the legal aid providers employed only 39 FTE attorneys, and were assisted by 16.6 FTE paralegals, and 8.75 law students.

Consistent with 1990 figures from the *Maine Legal Needs Study*, and ABA findings, Maine's legal aid providers and *pro bono* lawyers are **able to serve about 1 in 4 of the low income households with legal need.**

Self-Represented Litigants in Maine

A recently released report regarding the experience of self-represented (*pro se*) litigants in Maine found that:

The caseload of the District Court is heavily skewed towards *pro se* litigants, particularly in comparison to the Superior Court, where parties appear to be more often represented, perhaps because cases in that forum tend to be more complex and involve higher stakes. Indeed, statewide, it has recently been estimated that 40% of District Court litigants represent themselves. Small claims matters, money judgment cases, PFAs [Protection from Abuse], and PFHs [Protection from Harassment], FEDs [Forcible Entry and Detainer], and traffic violations are all dominated by *pro se* litigants. Furthermore, in an overwhelming 75% of family matters actions at least one party is *pro se*.

This report also references an unrepresentative study done by Associate Justice Dana:

While the sample size is not large enough for any conclusive findings, the Hon. Howard Dana of the Law Court conducted a survey of the dockets in Portland and Springvale District Courts. His findings preliminarily show that less than 1 in 9 defendants in FED actions are represented by a lawyer, and 4 out of 5 parties in PFH matters are not represented. He also found that defendants were much less likely than plaintiffs to be represented in family, contract, and real estate actions.

A Study Concerning Maine's Present and Possible Future Responses to the Pro Se Question, Stacy O. Stitham, April 25, 2005, pgs. 8-9.

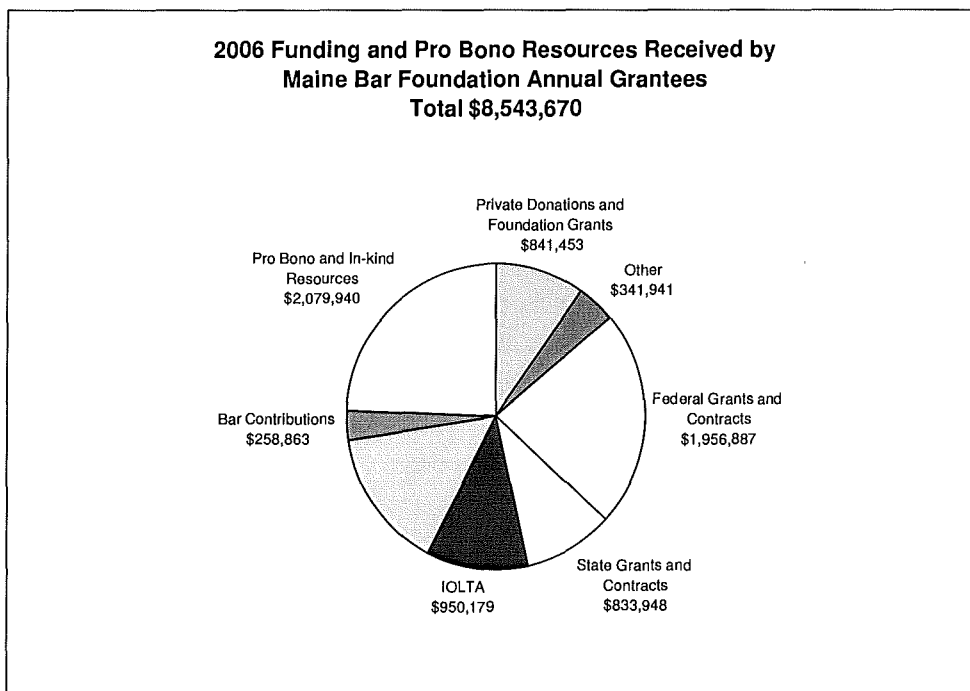
Pro Bono Work through the Maine Volunteer Lawyers Project and other Legal Aid Providers

The 2006 annual report of the Maine Volunteer Lawyers Project (VLP) indicates that over 1000 Maine attorneys provided *pro bono* representation this past year in over 1,250 cases. The value of legal services contributed through the VLP by volunteers is in excess of \$2 million. In addition, lawyers donated over 1,500 pro bono hours to the Immigrant Law Advocacy Project, Pine Tree Legal Assistance, the Maine Equal Justice Project, Legal Services for the Elderly, and through guardian *ad litem* and court appointed special advocates. Law students donate over 3,500 hours to the VLP and other legal services and assist more than 750 clients through the Cumberland Legal Aid Clinic.

In 2005, more than 75 hotline volunteers answered telephone inquiries for civil legal assistance from low-income individuals throughout Maine, donating more than 6,000 hours. Approximately 650 cases were referred to the private bar for *pro bono* representation, and close to 5,000 low-income Mainers living in 429 cities and towns throughout Maine received assistance in 2005.

Maine Civil Legal Services Fund Commission Reports to the Joint Standing Committee on the Judiciary, 122nd Legislature, Second Regular Session, February 1, 2006, and 123rd legislature, First Regular Session, February 1, 2007.

2006 Funding and Pro Bono Resources



A History of the Justice Action Group: October 1995 - May 2000

*The Honorable Frank M. Coffin, Senior U.S. Circuit Judge,
United States Court of Appeals for the First Circuit¹*

This paper was written to help prepare Justice Action Group (JAG) members and others involved in current efforts to widen access to justice for fruitful discussions concerning the future. It is a review of the five years of operations of JAG, the Legal Services Response Team (LSRT), and various task forces.

We begin with the observation that we are not reporting the work of any one organization or public institution, but rather the efforts of a wide variety of groups, including branches of government, major professional organizations, long-standing committees, transitory task forces, *ad hoc* problem-solving groups, law firms, and an array of special purpose volunteer associations.

The network of initiative and coordination has been described by many as unique. It has no written charter or rules, no budget, no permanent staff, no rigid lines of authority, no legal status. (Staff help has been made available by the Maine Bar Foundation through its executive director, Calien Lewis, who has prepared agendas, kept minutes, and performed other valuable services.)

Despite its informal nature, it enjoys the whole-hearted support of the judiciary, both state and federal.

Judge Coffin first became a member of the MSBA in 1947.

After practicing solo in Lewiston and then with Verrill & Dana in Portland, he



served in the Congress and in the executive branch as Deputy Administrator of the Agency for International Development. He became a U.S. Circuit Judge with the First Circuit in 1965 and served as Chief Judge from 1972-1983.

Since taking senior status in 1989, he has made a large place in his agenda for efforts to increase legal assistance to the needy.

Working closely with Chief Justice Wathen in a partnership they both have treasured, he has served during the past few years as chair of the Justice Action Group, Maine's vehicle for coordinating legal assistance efforts.

the major organizations of the legal profession (the Maine Bar Foundation (MBF) and the Maine State Bar Association (MSBA)) and the professional providers of legal services to those in need (Pine Tree Legal Assistance (Pine Tree), Legal Services for the Elderly (LSE), Cumberland Legal

Aid Clinic (Clinic), Maine Equal Justice Partners and Project (MEJP), and Volunteer Lawyers Project (VLP)).

BEFORE 1995

In order that we not forget the foundations on which we build, we begin with a nod to earlier history. Before 1967, all legal assistance to the indigent was left to the *pro bono* efforts of individual lawyers. Pine Tree Legal Assistance came into existence then, funded by a grant from the Office of Economic Opportunity. In 1971, the Cumberland County Legal Aid Clinic came on the scene, followed by LSE in 1974, and the VLP in 1983. Federal funding allowed considerable expansion of services; Pine Tree, for example, reached its apex in the early 1980's. Beginning in the mid-80's, however, funding steadily diminished.

A growing recognition of the magnitude of need for legal assistance led to the establishment in the late 1980's of the Maine Commission on Legal Needs. Giving active leadership to this Commission was Senator Edmund Muskie's last major public service. Its report, now a decade old, sounded somber notes. A fifth of our people lived near the poverty level. Only 23 percent of the 85,000 households experiencing legal problems were receiving legal help. Most dramatically, even if more lawyers took additional VLP-assigned cases,

¹With the assistance of Calien Lewis, executive director of the Maine Bar Foundation, and Rebekah Smith, law clerk.

there would remain a need for no fewer than the equivalent of 232 full-time professionals.

A parallel report was made in 1993 by the Commission on the Future of Maine's Courts, recommending expansion of alternative dispute resolution and creation of court teams to look into the simplification of forms and new approaches to the handling of family law problems.

1995

Ironically, despite the need for further funding assistance identified in the Muskie report, the summer of 1995 saw the threatened, and then the actual, slashing of the budget of the national Legal Services Corporation by the Congress. Pine Tree's budget was cut by more than \$1 million, forcing it to cut its legal staff from thirty attorneys statewide to the equivalent of under seven attorneys. LSE lost a third of its financing. The Clinic lost the help of its supervisory personnel, and VLP's budget was cut by a third. Maine's funding of legal help for those in need was substantially lower than in Rhode Island and reached only one-third of the level attained in Massachusetts, Connecticut, and Vermont. On top of the budget cuts were statutory prohibitions against using federal monies for class actions, non-citizens, policy advocacy or lobbying, fee-generating cases, or to assist prisoners in civil matters.

In what now appears to have been one of Maine's finest hours, Chief Justice Wathen, in conjunction with MBF and MSBA, convened the Fall Forum on the Future of Legal Services on October 11, 1995. Careful planning of agenda, the organization of deliberations, and follow-up devices was led by Joanne D'Arcangelo, then MBF's executive director. Some sixty-five people deeply concerned over what was happening attended—judges, lawyers, providers, even some lawmakers and the Governor. Chief Justice Wathen framed the challenge

in his opening remarks:

We are here today to do what folks in Maine are good at: We have a problem and together we are going to solve it the best way that we can within our means. Our problem can be simply stated: Do the drastic changes in federal funding for legal services mean that Maine has to ration justice and abandon its goal of providing equal justice for its most vulnerable citizens?

After learning more about the challenges posed by the Congressional action, the participants were divided into four groups. Each group discussed changes needed to increase access to justice and reported to the entire assemblage. At the end of the meeting, each participant was urged to sign up as a worker in one of the areas that had been discussed. This list constituted the basis for task forces soon to be organized under the rubric of JAG.

Before the end of October, the Justice Action Group had been convened by the Chief Justice to give policy guidance in a new structure. Judge Frank Coffin was named chair. The judiciary was also represented by Justice Howard Dana, the legal assistance providers by members of their boards of directors, the legislature by Senator Sharon Treat, and the legal profession by representatives of MBF and MSBA. The LSRT, composed of directors of the providers, representatives of MBF and MSBA, a member of the private bar, and two non-affiliated co-chairs, provided a knowledgeable operational link between JAG and the task forces. The latter were seven in number: *Bar Rule Changes*, to facilitate the rendering of pro bono services and assistance to self-represented litigants; *Court and Administrative Reform*, soon to merge with Bar Rule Changes; *New Structures*, to devise entities to carry on work that Pine Tree, LSE, and VLP could no longer do; *Pro Bono*, to expand

services of lawyers and students; *Coordination of Service Delivery within Resources*, to explore coordinated intake possibilities; *Private Fundraising*; and *Legislation*. The list of task forces has been fluid since then, some being disbanded, some being replaced, and others being created to address new tasks. (As new task forces come into existence, we shall underline our first reference to them.)

As 1995 ended, the New Structures Task Force was the first to get off the ground, recommending creation of the Maine Equal Justice Project to engage in legislative and administrative advocacy and the Maine Equal Justice Partners to launch and coordinate a "virtual law firm" to engage in class action/impact litigation by enlisting members of the private bar to counsel cases. JAG endorsed this recommendation at its December meeting.

1996

The Equal Justice Project was the first of the Equal Justice twins to come up to speed, mainly through working cooperatively with state agencies and accomplishing solid results, such as ensuring more effective procedures for funneling child support directly to families, devising formulas governing hearing assistance, and developing rules relating to managed care. The Equal Justice Partners enlisted several private lawyers to work on important matters, but did not begin to realize its potential until later, mainly because of the complexity of the task and the scarcity of personnel to work on it.

The Fundraising Task Force wrestled with the issue of devising a centralized United Fund-like approach to maximize the resources available to the providers. But the consensus was that each provider had its own avenues and that conversion to a centralized scheme did not promise to produce as much as is realized at present.

Early in the year, an intense but un-

successful effort was made to persuade the Governor to include \$250,000 as an emergency appropriation for legal services.

A second Fall Forum was held to give visibility to and increase coordination among volunteer groups. An active participant was the Dirigo Committee, a citizens' committee organized by the Chief Justice and Judge Coffin to administer The Dirigo Project, funded by a grant from the Governance Institute to improve access to and understanding of the court system. Dirigo had been looking at ways to stimulate, train, and coordinate volunteers. One result of the Forum was the assembly of a list, now widely available, of all organizations giving support to pro se litigants. Another was the creation of three new task forces.

The first was *Information and Technology*; the second, *Justice System Volunteers*, to work with Dirigo; and the third, succeeding Fund Raising, was *Resource Sharing*, taking a different approach to increasing resources, that of seeing if pooling investment in phone services, libraries, computers, etc., would make funds go farther.

At the end of the year, Joanne D'Arcangelo, the MBF director, sounded an alert that there had been a forty percent slide in IOLTA funds (clients' monies that accumulate interest while held in trust) and that many banks had applied a very low interest rate to their IOLTA accounts. The banks responded in a most understanding and cooperative manner, applying increased interest rates to trust funds on deposit, thereby producing a dramatic and sorely needed increase in MBF funding. Interest on IOLTA accounts now generates something on the order of \$1 million annually.

1997

The most immediately effective achievement was the result of a decision, sparked by providers and endorsed by the Chief Justice, to seek

increases in many civil filing fees, with the understanding that they would be allocated to the Maine Civil Legal Services Fund, and then distributed by a three-person commission to the providers. The Fund had been established on paper in 1991 as a result of the Muskie Legal Needs Commission report, but was never funded. With the passage of L.D. 1003, the system began to function as intended, eventually supplying approximately \$900,000 a year to the Fund.

An event of corresponding importance, initiated by the state court system, was legislation creating a Family Division in the district courts to achieve a more effective channeling and handling of divorce and child custody cases under the supervision of case management officers.

Task Force activities included a *Coordinated Intake* working group (succeeding the earlier Coordination of Service Delivery within Resources Task Force), which began the job of assessing problems of client access and means of simplifying them; the Resource Sharing Task Force, which looked at ways to lessen the expenses of the providers through coordinated purchases and also undertook an effort centered on the reduction of telephone costs; and the Pro Bono Task Force, which began to work with large firms in Portland to address the difficulty of supplying pro bono assistance in family law matters.

Dirigo, with whom the Justice Volunteers Task Force worked, received a grant from the Libra Foundation enabling the Judiciary to hire, as a pilot program, a Coordinator of Volunteers. The Task Force then disbanded, although some of the members continued to participate as members of a court-appointed Advisory Committee to assist the Coordinator.

Still another program was undertaken by the University of Maine School of Law at the initiative of attorney William Kayatta, co-chair of LSRT, to allow third-year law students to work forty hours a week,

split between a Portland law firm and Pine Tree, under the supervision of an adjunct faculty supervisor funded by the private firms.

The year ended with JAG invoking an *Impact Litigation Working Group* to address the difficulties encountered by Equal Justice Partners in implementing the Virtual Law Firm concept. As of the end of the year, cases had been assigned to three private attorneys.

1998

On May 1, 1998, the work of many months with the larger Portland law firms on the part of Bill Harwood, co-chair of the Pro Bono Task Force, Justice Dana, and Judge Coffin resulted in the announcement of two Coffin Fellowships in Family Law by the twelve largest law firms in Cumberland County. They had agreed, in recognition of their obligation to give pro bono service in the family law field, to fund for an initial three year period two full-time family law practitioners. Pine Tree had agreed to house them and make available some support services. An oversight committee was established under the leadership of MBF.

The Impact Litigation Working Group worked quickly and well on the virtual law firm project at the Equal Justice Partners. It analyzed the stages of work involved in developing impact litigation, identified and defined roles of participants in the several stages, proposed written protocols and procedures, and suggested staff needs. The JAG approved the Group's report and, with funds provided by the Civil Legal Services Fund and MBF, Equal Justice Partners hired an experienced Litigation Director and an office manager.

The Coordinated Intake Task Force engaged in a wide-ranging program of meeting with focus groups, gathering information about users' problems in gaining access to appropriate legal assistance. Resource Shar-

ing continued to explore telephone rebate possibilities and developed a comprehensive plan for the coordinated use of technology.

In November, under the aegis of the Law School, MSBA and MBF, a conference took place in Augusta. The two subjects were assistance to pro se litigants and the ethical problems encountered in the multidiscipline practice of law (e.g., accountants and lawyers). The first subject stimulated discussions of the necessity for MSBA to consider the need to make assistance available to unrepresented litigants, ranging from the provision of help by non-lawyers in filling out forms to the giving of limited lawyer service and the need for changes in applicable legal standards, with recognition of the strictures concerning the unauthorized practice of law. MSBA indicated that it would appoint working groups to deal with unbundling and the multi-disciplinary practice of law.

1999

Following up on the November 1998 conference, JAG asked LSRT to identify areas of need that might be addressed by changes in Bar Rules, so that MSBA could consider the steps that should be taken. After considering identified gaps in the fields of family law, landlord-tenant, small claims, and other areas, LSRT presented to JAG a useful matrix, identifying three types of service meriting separate attention to rules and/or law changes. They are: Form Completion—assisting a person in filling out a standard form; Brief Services—simple, single shot advice identifying a right or remedy and pointing a person in a self-help direction he/she might take; Courthouse Representation—receiving client and file at courthouse for same day representation on eviction, disclosure, etc.

A significant boost to making progress in the areas of unbundling and pro se representation was the designa-

tion of a delegation of five persons (The "Scottsdale Five": Judge Joseph Field, Liz Schaffee, Peggy McGehee, Wendy Rau, and Nan Heald) to attend the National Pro Se Litigants Conference in Arizona. This paved the way for JAG and MSBA action in 2000 on this front.

The many other activities taking place in 1999 may be roughly and briefly summarized as follows:

TASK FORCES:

- Information and Technology Task Force. Filed its final report, geared to recommendations for the judicial branch, but also identifying the volunteer organizations that would benefit from a hi-tech network.
- Resource Sharing Task Force. Continued to monitor the acquisition of computer hardware and software. It took over the Information and Technology Task Force and organized a Technology Subcommittee, which doubled as a resource for the new Information and Technology Coordinator, Chuck Henegar, who was charged with updating the providers' technology plan, conducting joint training, and reviewing case management software. The Task Force shared information about garnering better phone rates with all providers, gave attention to centralized training programs, and procured grants from MBF and LSC for interactive court forms universally available through Pine Tree's website. As the year ended, it reported that integrated case management software had been identified that would allow the harmonizing of data bases, time keeping, word processing, and document production among the providers. It had settled upon "Practice Manager" software and was

developing grant applications to support a statewide system. MBF provided an initial grant to support the acquisition of "Practice Manager."

- Coordinated Access Task Force. After two years of working with focus groups and surveying problems of access encountered by clients, this Task Force produced a definitive and seminal report in which it reviewed centralized intake efforts made in other states and recommended a Seamless Web Access System, in which only one telephone call would suffice to place a client in communication with an appropriate source of legal help. JAG accepted this recommendation. The Task Force then directed its efforts to monitor the initiation of the system, which began its experience with client call transfers late in the year.
- Administrative Law Task Force. Under Allan Toubman's leadership, this task force was formed to pursue the goal of easing access for citizens dealing with proceedings in the administrative agencies.

PROVIDERS.

- Pine Tree, LSE, and the Clinic all were enabled to expand and increase their services with funds (\$857,209) from the Civil Legal Services Fund. Eastern and Southern Maine each saw an additional attorney from both Pine Tree and LSE. Central Maine saw increased staff in both Pine Tree and LSE. In Western Maine, Pine Tree offices in Lewiston were reopened. The Clinic was able to provide service in several additional counties. And additional services were made possible, such as Pine Tree's work with migrant workers

and native Americans, its client education web site (50,000 hits a month, two and one half times the traffic in 1997), LSE's third hotline, both Pine Tree's and LSE's legal education coordinators, and the Clinic's work with Maine Medical Center in forensic child psychiatry.

- Equal Justice Partners finalized its Case Acceptance Criteria, Protocols with other providers, and appointed its Legal Panel. The process of additional case development was underway.
- The Maine Bar Foundation announced grants to a ten county mediation program, an elder abuse pilot, a prison project on health and youth problems, assistance to immigrants, and a York Community Action Courthouse Assistance Program.

OTHER ACTIONS:

- A Third Coffin Fellow was funded in part by middle-sized Portland law firms and MBF. Missionary work to expand the reach of the program began with lawyers' meetings in Sagadahoc, York, and Androscoggin counties. Contributions are being received from all three.
- The Judiciary issued a brochure advertising Maine Volunteers for Justice, asking for volunteers to assist the court system, for example, by helping court personnel, CASA, and unrepresented litigants.
- LSE distributed a current and helpful survey of pro bono organizations.

2000

At the start of this year, the members of JAG are: Judge Frank Coffin, Justice Howard Dana, Dean

Colleen Khoury, MSBA President Mark Lavoie, Roger Putnam, Barbara Raimondi, Eric Samp, Charles Soltan, Allan Toubman, Senator Sharon Treat, Chief Justice Daniel Wathen, and Legal Services Response Team co-chairs Kathryn Monahan Ainsworth and William J. Kayarta, Jr. As of January, the task forces were: Resource Sharing, Coordinated Access, and Administrative Law.

The year began with a February report to JAG by Liz Scheffee on the thinking of "The Scottsdale Five," following the National Pro Se Litigants Conference. She has agreed to pursue the objective of authorizing discrete legal services for capped fees ("unbundling"). At the April JAG meeting, Judge Field and Justice Dana carried forward the thinking, suggesting that if proposals were forthcoming from the Court's Professional Responsibility Committee and the Civil Rules Committee, the summer MSBA session on June 24 would be a good forum for Bar input. The JAG approved the formation of the *Self-Represented Litigant Task Force*. The charge of the Task Force is to improve Bar involvement in and the justice system's response to self-represented litigants and to improve the dissemination of information about laws, legal services, and government and administrative agency procedures to the public in general and self-represented litigants in particular.

EXISTING TASK FORCES:

- Coordinated Intake reported that there is now capability to receive client intake calls in six foreign languages.
- Administrative Law is surveying recurring problems of communication with individuals in administrative proceedings.

PROVIDERS:

- VLP reports a significant decline in lawyer participation in cases.

In 1997, thirty-eight percent of the eligible callers were given help, but only twenty-two percent received representation in 1999. Data evaluation indicated that the institution of the Coffin Fellows program did not exacerbate this trend.

- MBF announced its decision to investigate the development of a long-range planned giving campaign.
- The JAG approved a resolution endorsing an application for a LSC grant to Pine Tree to create a system-wide case management system as well as a website accessible at over 400 public access terminals.

REFLECTIONS

As we look back, we acknowledge that this has been a remarkably effective response to crisis. Our experience has been characterized by the willingness of busy people to give their time and talent, the ingenious and resourceful responses of provider leaders, a splendid, turf-free spirit of cooperation among providers, the sympathetic help of key legislators, and the steady support and leadership of the JAG itself.

While the services of Pine Tree, LSE, and the Clinic have experienced a welcome comeback, the level of service does not reflect any substantial improvement over the status quo in 1990, when the Muskie Commission reported the magnitude of the unmet legal needs of Maine citizens. A 1998 evaluation indicated that the findings of the Muskie Commission held true. Moreover, if we are to take a cue from VLP's report of an increasing number of eligible callers for whom no reference to legal help is made, the needs have probably increased in the past decade.

It is a source of pride—but also perhaps not a formula for the future—that what has been accom-

plished has been done without any permanent full or part time staff; without any central research capability; without any systematic outreach to the media, the public, the legislature, private business, or foundations; and without an ongoing planning process. We have deliberately tried not to overwork our network or overdraw our account with the legislature.

Our accomplishments are the following:

- The imaginative and prompt creation of the Equal Justice Project and Equal Justice Partners. The Impact Litigation Working Group provided essential and effective service in activating the "Virtual Law Firm," which has represented children receiving Medicaid waiting for access to mental health coverage, unemployed workers seeking training, disabled parents receiving welfare benefits who have been sanctioned for not participating in mandatory work requirements, and welfare recipients whose child care subsidies were terminated without due process, among others.
- The Civil Litigation Filing Fee legislation in 1998 proved a Godsend. This was a major achievement that more than cancelled out our earlier failure to obtain a small emergency appropriation.
- The timely and perceptive call on banks to increase their interest rates on IOLTA to MBF has also been a major source of new revenue. The current approximately \$1 million fund is, however, subject to fluctuations in interest rates and future judicial rulings as to the constitutionality of IOLTA programs.
- The Coffin Fellows program has contributed needed help in family law in one area of the state.
- Impressive work has already begun to produce results in easing client intake telephone procedures, working toward a cost-saving case management system, a system-wide website, and, in general, multiple uses of the new technology.
- Because of Maine Civil Legal Services Fund payments, Pine Tree, LSE, and the Clinic have been able to enter new areas of service or reenter old ones: prison impact on health and youth and forensic youth psychiatry. In addition, the Immigrant Legal Advocacy Project has been independently created to serve those seeking asylum and other undocumented immigrants with IOLTA funds from the MBF.
- The new Administrative Law Task Force enters a field of significant scope—easing the access of citizens to agency adjudication processes.

Our frustrations include the following:

- Fundraising. No scheme has yet been found to devise new financial resources for legal assistance, although MBF has undertaken to be a "clearing house" of providers' individual efforts and planned giving may offer new MBF support.
- Legislation. There has been no sustained effort to interest legislators in substantially increasing appropriations for legal assistance. On the federal front, there has been close cooperation with peers in other states in keeping a Congressional watch. National appropriations for the Legal Services Corporation rose

by some three percent in 1999 for the first time in several years.

- *Pro Bono*. The vast field of *pro bono* has not been systematically analyzed to identify the many kinds of contributions being made and the remaining gaps and opportunities. The decline in VLP lawyer participants indicates an urgent need.
- Volunteer Coordination. Although, through Dirigo, a Volunteer Coordinator was made available for two years to the Judiciary, our hope that the legislature would see the immense cost-benefit ratio and fund a regular position has so far come to nought.
- Self-represented Litigants. Perhaps as important as anything else is a solution to the problems involved in helping unrepresented litigations with information, with simple legal advice at the courthouse, and with limited lawyer representation—both at the courthouse and for limited fees. Several years have passed, without action, but the new initiative resulting in the undertaking of the new Self Represented Litigant Task Force augurs well.

Justice Action Group

Honorable Kermit V. Lipez, Chair ◇ Honorable Jon D. Levy, Vice-Chair ◇ Honorable Leigh Ingalls Saufley
Patrick Ende ◇ Jane Clayton ◇ Janis Cohen ◇ Jerrol A. Crouter ◇ Carter Friend ◇ Thomas Harnett
Honorable Barry Hobbins ◇ Peter LaFond ◇ Dean Peter Pitegoff ◇ Brett Baber ◇ Elizabeth Scheffee
Elizabeth Germani ◇ Honorable Joshua Tardy ◇ Victoria Powers
Honorable Frank M. Coffin, Of Counsel

Justice Action Group Statewide Planning Initiative

Draft Planning Report

Appendix B Homelessness Crisis Intervention Model July 5, 2007

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Appendix B

Report from the Planning Work Group on Reducing the Need for Crisis Intervention: Homelessness Crisis Intervention Model

Clients' lives and the civil justice system are all stressed by last minute crises and emergencies. Such crises skew resource allocation toward judicial proceedings and away from interventions that could resolve the problem earlier and in a more efficient manner. Resolving client problems "upstream" before they require legal intervention will reduce the disruption in clients' lives and the likelihood that vulnerable populations will need to engage the civil justice system. It will also help to assure speedy and effective access to legal services, to the courts and to administrative agencies in situations in which a court proceeding or hearing is essential to resolution of an issue. As part of JAG's Statewide Planning Initiative, the Reducing the Need for Crisis Intervention Work Group was charged with developing a strategy for helping people "upstream" before a crisis developed to possibly avoid the need for a legal intervention and reduce the need for legal resources to resolve the problem (e.g., legal aid providers, volunteer lawyers, Courts).

The Work Group adopted a two-prong approach to this task:

- ▶ Create a Crisis Intervention Blueprint that can be used systematically over time to identify issues and adopt strategies for early intervention and avoiding crises
- ▶ Apply this blueprint to a particular issue to assess its effectiveness and as a model for future collaborations.

The Work Group chose as its issue homelessness resulting from eviction. The Crisis Intervention Blueprint and Homelessness Crisis Intervention Model are set forth below.

For more complete information about JAG's recommendations regarding reducing the need for crisis intervention, go to the Final Work Group Reports at: <http://www.mbf.org/JAGWGCombinedFinalRpts5-5-07.doc>, or the JAG's Draft Planning Report at: <http://www.mbf.org/justice.htm>.

Reducing the Need for Crisis Intervention Work Group Participants Included:

Jon Bradley, Chair; Cesar Britos, Vice Chair; Crystal Bond, Helen Bailey, Alice Conway, Frank D'Alessandro, Carla Dickstein, Carter Friend, Nancy Fritz, David Karraker, Chris Northrop, Blanco Santiago, Nora Sosnoff, Catherine Stakeman, Jon Stanley, Beth Stickney, Paul Thibeault, Shawn Yardley

Crisis Intervention Blueprint

Choosing An Issue

The Work Group developed the follow criteria to use in selecting its target issue:

- Issue lends itself to upstream intervention to avoid later engagement with legal system and legal service providers
- Issue area is one that the legal service providers spend a lot of staff time on, particularly crisis-related
- Issue is a priority area for both legal and social service providers
- There are existing coalitions working on in the issue that can be built on
- There is passion/energy around addressing the issue
- Likelihood of demonstrable success in the near future – important first time out of the box
- Sustainability
- (And unique to this Work Group: the size of issue – it is something for which this Work Group can identify suggested strategies and short term outcomes, given the Work Group’s limited lifespan)

Creating a Collaboration to Address the Issue

The Work Group identified the following steps to use to create a collaboration and identify strategies to address the chosen issue:

- Identify who are the right people to be involved in developing and implementing strategies in the chosen issue area (e.g. legal service providers, court personnel, private bar, social service providers, funders, and clients). These are potential collaboration members.
- Convene the collaboration.
- The collaboration should then:
 - Identify who else should be at the table
 - Assess needs-related data
 - Inventory current work already going on to address this issue
 - Using existing models from Maine and other states (i.e., best practices) and brainstorming, identify the top strategies to achieve the desired outcome(s)
 - For each strategy, be very specific about:
 - What will be done (include key steps and a timeline)
 - Who should be involved in doing it to make it successful and what their role would be, and
 - What resources will be needed (be specific about this – e.g., if money is needed).
 - Evaluation – how to know if you’ve succeeded.
 - Implement the strategies

Desired Outcomes

The Work Group identified three broad outcomes related to reducing the need for crisis intervention. These reflect a continuum. The collaboration should consider developing strategies for each of these outcomes for the chosen issue:

1. Reduce the likelihood that vulnerable populations will require legal representation
2. Assure speedy and effective access to Legal Services where such services are necessary
3. Reduce the reliance on courts and legal resources in favor of less protracted and more effective procedures.

Homelessness Crisis Intervention Model

Within the area of homelessness, the issue chosen by the work group was:

Reducing the Need for Crisis Intervention in Evictions That Often Lead to Homelessness

Overview

The work group chose to focus on homelessness prevention, in part because a large, inclusive statewide planning group had recently developed a “Homelessness Prevention Plan” and because one of the target areas of the plan, “To Reduce the Number of low-income tenants who are evicted from apartments each year,” met the established criteria.

The workgroup quickly established key strategies and divided into sub-groups that would tackle each broad strategy. A key part of moving forward was the recognition that there were many populations at risk of eviction who could be reached in different ways. The list of populations at risk at the end of the overview has proven helpful in developing strategies and can be generalized to other populations at risk.

Populations at Risk

- Vulnerable elderly persons;
- Persons who are the object of discrimination on the basis of race, ethnicity, national origin, gender, sexual orientation, religion, age, or disability;
- Persons with rental history problems;
- Persons who are at risk of losing their housing via foreclosure;
- Persons with disabilities whose condition and need for critical supports exceed what landlords are able or willing to provide;
- ‘The uninformed’—that is, people unable or unprepared to decipher the language of leasehold agreements, or those living on month-to-month

arrangements -- who lack information about their statutory and/or common law rights as tenants, or those who share housing and are not the official “tenant”;

- Persons with limited language facility that places them within the risk category immediately above;
- People who for cultural or other reasons are unwilling to investigate or pursue legitimate avenues of relief, often out of fear of reprisal;
- People living in substandard housing, including, most particularly, those in which landlords refuse to bring the properties into compliance with building codes and tenants are forced to leave as a result;
- People with criminal histories (including but not limited to convicted sex offenders);
- People whose altered marital or informal living arrangements require one or more of the parties to vacate.
- People who fail to fulfill their obligations as tenants.

The report is organized by two broad goals followed by strategies, and recommended actions.

I. GOAL: REDUCING THE LIKELIHOOD THAT VULNERABLE POPULATIONS REQUIRE LEGAL REPRESENTATION

Strategy 1: Tenants in communities at high risk for evictions will have increased awareness of their rights and responsibilities.

Actions Recommended:

1. Identify and involve partners in disseminating information. Venues potentially available as avenues for dissemination of information include the following:

- Housing authorities;
- Organizations providing vouchers for subsidized housing;
- All public health and human service provider agencies in Maine;
- Community Housing of Maine;
- Housing coordinators for organizations such as Shalom House;
- Mental health service providers (It was reported that many mental health workers are often poorly informed or misinformed about these issues. The suggestion was made that among those we should consider including in subsequent discussions is Sheldon Wheeler at the Office of Adult Mental Health Services.
- Alpha One;
- The Maine Human Rights Commission;
- The NAACP (Portland and Bangor chapters);
- Rural and other public health centers;
- Social service providers with organizations such as Catholic Charities, other private human service organizations

- Health care organizations, such as hospitals and clinics
- Schools
- Churches, mosques, temples
- Community meetings
- 211 Maine
- Libraries
- Community Action Programs
- Domestic violence prevention and related agencies

2. Identify and Utilize new methods of disseminating information.

- **Internet/Web:** We considered the efficacy of the internet as an avenue of dissemination and concluded that a good proportion, if not a substantial majority, of the people we are concerned about lack either computer access and/or user facility. But this may be an effective way to reach and improve the awareness of service providers and others whose work brings them into frequent contact with these populations.
- **. Compact Discs and Brochures:** Design and disseminate a ‘know your rights’ brochure in several languages that speaks plainly and straightforwardly, even to those with marginal literacy. Prepare and produce compact disks in various languages, e.g.
 - French
 - Spanish
 - Arabic
 - Somali
 - English
 - Khmer
 - Vietnamese
 - Acholi

for widespread distribution, on the premise that more people among our targeted cohorts use this medium than look to printed materials for information and guidance. Such materials could be distributed through the several venues identified above—handed out in waiting areas in service locations, for example, or given to people during one-one one interviews with service personnel. The 211 call-in referral service might be a particularly excellent distribution mechanism in this regard.

- **DVDs and Common Spaces:** Since most waiting areas in service locations have television sets, generally tuned to soap operas or other programs of marginal interest to targeted groups, produce DVDs with information on tenants’ rights and eviction issues presented in visual format which would run continuously throughout the day on television sets in waiting areas in each location. The DVDs need not be restricted in to tenant issues; they could address a whole range of subject matter

affecting the lives of people using services in these various locations. They would perhaps be more likely to awaken the awareness of people in passive states of mind who are waiting to receive services or see a service provider than CDs, which could be piped through public address systems into waiting rooms but which many people might find irritating.

None of these tools is meant to exclude the production and distribution of any of the others. We anticipate using them in tandem to accomplish our objective. The relatively low unit cost of producing these items might make them particularly attractive to philanthropic sources interested in cost-effective and novel approaches to meeting human needs.

Strategy 2: Advocates have an increased understanding of eviction law and tenant's rights and responsibilities

Actions Recommended

- 1. Develop Community Wide Collaborations focusing on homelessness or poverty issues as a means of developing activities aimed at increasing advocate's knowledge about tenant's rights and eviction law.** A pilot program is being developed by Bread of Life Ministries in Augusta. The primary goal of the program is providing services to targeted families to help them settle more successfully into new permanent housing, and maintain themselves in that home over an extended period of time. The issue of making sure that advocates and program staff are knowledgeable about tenants rights can be one of the group's activities. This collaborative can provide a model to be replicated in other communities in the State.

Those involved include: Bread of Life Ministries, Southern Kennebec Child Development Services, Maine State Housing Authority, Department of Health and Human Services – Mental Health and Substance Abuse as well as TANF/ASPIRE personnel, City Social Services Task Force, Adult Education, Career Centers, Pine Tree Legal Assistance.

We did not identify or quantify the resources that would be needed but acknowledge there would be a need for resources.

- 2. Make information about the rights and responsibilities of tenants available to advocates in a variety of formats.** Methods of disseminating information: see strategy 1 #2

- **Internet/Web:**

We felt that it was important to provide the training materials to advocates using the same reading levels and wording as provided to clients in order to make it easier for advocates to pass along the information to their clients.

- **Brochures and Compact Discs:**
- **Waiting Rooms and Common Spaces:**

3. Develop/expand Advocacy Institute to provide training to advocates on both advocacy skills as well as topical issues such as landlord/tenant law.

Last October Maine Equal Justice provided a one day advocacy training in the Central Maine area for advocates. Our sub group thought it would be ideal to have a center with periodic trainings where people could learn advocacy skills, substantive law topics, as well as for networking opportunities. Perhaps something could be created with one of the Community Colleges or the University of Maine.

Who would be involved: Maine Equal Justice, Head Start programs, Preble Street's Homeless Voices for Justice, University and/or Community College system, Pine Tree Legal, student organizations, welfare rights organizations.

Obviously this project would take substantial monetary resources. The group thought it was important to identify funds to help low-income individuals access the trainings as well as advocates.

Strategy 3: Increase Resources Available to stop/prevent evictions

Actions Recommended

1. **Change Emergency Assistance.** The Homelessness Prevention Plan recommended an increase in the Emergency Assistance Program administered by DHHS by making the resource available to adult households without minor children in the home, as well as increasing the maximum available to alleviate housing emergencies to \$600.

Using the matrix established by the Workgroup, we developed the following plan:

What will be done: Legislation is being submitted. Bill should be printed in the near future. It will be assigned to the Health and Human Services Committee and a public hearing will be held at which key individuals should testify. Calls will be encouraged to Committee members by key constituents. Calls will be encouraged to all legislators when it goes to full body for vote.

Who should be involved: Homelessness Council, JAG Workgroup members, Welfare Directors, Employers, Maine Businesses for Social Responsibility, individuals who can

testify about their personal experiences. There was discussion about whether the JAG Executive Committee could take a position on the bill. Sally Sutton indicated the timeline is likely to be a problem if the legislation is acted on this year. If it's carried over into next year then it may be possible. Anna Hicks thought the bill would be acted on this year. She and Sally will discuss whether there is some other route to get support from JAG for the legislation. A recommendation from this subgroup will be that the Workgroup recommend endorsement of the legislation from the JAG in their interim report. Shawn Yardley reported that the Bangor Chamber of Commerce might also be willing to endorse the legislation.

What resources will be needed: There is a fiscal note to cover the increase in the maximum available amount to \$600 and the inclusion of adult households without children.

Strategy 4: Increase Protections for tenants

Actions Recommended

- 1 Extend to all tenants who receive a Notice to Quit based on nonpayment of rent the option of paying the rent to resolve the issue. Prevent landlords from eliminating this right, already afforded to tenants-at-will, by the way a lease is written.**

What will be done: The group thought that it would not be wise to try to open up the landlord/tenant statutes to address this issue at this time. There would be a great deal of resistance from a well organized landlord lobby. Instead, it was recommended that the Attorney General's office be asked to amend their model lease to include the appropriate language. Many private landlords use the AG's model lease. Jim McKenna from the AG's Consumer Protection Division is on another JAG Workgroup dealing with consumer issues so this might be an issue that cuts across groups.

Once language has been drafted, we would request the Maine State Housing Authority to include the language in their leases and approach the statewide association of local housing authorities to do the same.

We will ask the Maine State Bar Association to support the changes to the model lease and endorse its use among clients.

Along these same lines of affording greater protection to tenants, Frank D'Alessandro proposed that leases also include language that would protect victims of domestic violence from being evicted for causing a disturbance.

A timeline needs to be established.

Who should be involved: In terms of the domestic violence issue, it's important to start by bringing the recommendation to the Maine Coalition to End Domestic Violence.

Frank volunteered to draft some proposed language. We would then need to identify a person to attend one of their monthly meetings to move the issue forward.

The group recommended asking Jim McKenna to join a full Workgroup meeting to discuss the amendments to the model lease. Once language has been prepared and incorporated into the model lease, then that language would be brought to the Maine State Housing Authority, the local housing authorities and the Maine State Bar Association.

What resources are needed: We didn't identify any substantial resources that would be needed.

2. Provide in Maine law for the inclusion in all Eviction Notices of the tenant's right to go to court. Each Eviction Notice would also have the following language:

You may have a right to financial assistance with your rent through General Assistance and/or the DHHS Emergency Assistance program.

We thought the best way to start to promote this would be to follow basically the same steps as with #2 – try to get it in the AG's model lease and get the housing authorities to use it.

There was also considerable discussion about evictions from rooming houses. Frank has been involved in the effort in Portland to get a city ordinance that addresses this issue. He explained to us that the current statutes do offer protection to this group of people already; they are entitled to a Forcible Entry and Detainer action the same as other tenants, as long as the establishment is not licensed as a hotel/motel by DHHS.

What will be done: Educate tenants and advocates (Groups C and D) about the current law. Make referrals to Pine Tree Legal Assistance for legal representation. Get copy of current DHHS policy regarding licensing. Work with landlord association to educate owners and managers of rooming houses.

Who should be involved: Advocates, tenant groups, Pine Tree Legal Assistance, and landlord association.

What resources are needed: We did not identify any needed resources.

II. GOAL: ASSURE SPEEDY AND EFFECTIVE ACCESS TO LEGAL SERVICES

Strategy 1: Stabilize and expand funding for high volume Forcible Entry and Detainer (FED) courts (high volume defined as 100+ FEDs in 2005).

Identify people: Patrick Ende (Governor's Office), Nancy Fritz (Statewide Homeless Counsel), Sharon Sprague (DHHS), Nan Heald (Pine Tree Legal), Cesar Britos (Maine Bar Foundation), Sally Sutton (JAG)

Current work: Pine Tree Legal Assistance currently dedicates the equivalent of 2.5 full-time attorneys to the Homeless Advocacy Project (HAP) around the State with additional support from other staff as necessary. These attorneys serve as 'lawyer of the day' (LOD) in District Court when Forcible Entry and Detainer (FEDs) proceedings are scheduled in order to provide representation to low-income tenants. These attorneys prioritize representation where legal services will insure enforcement of Maine laws regarding the eviction procedures and where advocacy can minimize the risk of immediate homelessness. The following 8 courts are covered on a regular basis; they include the five busiest courts in terms of the volume of eviction cases heard on an annual basis around the State:

- Portland District Court (746 FEDs in FY 2005)
- Lewiston District Court (710 FEDs in FY 2005)
- Bangor District Court (573 FEDs in FY 2005)
- Biddeford District Court (418 FEDs in FY 2005)
- Augusta District Court (306 FEDs in FY 2005)
- Springvale District Court (175 FEDs in FY 2005)
- Caribou/Presque Isle District Courts (87 FEDs in FY 2005)

As part of this project the HAP attorney also provides continued legal representation that makes it possible for a homeless adult or household to secure services that will support family stability, especially access to general assistance. The HAP attorneys and support staff prioritize cases where legal services will assist homeless shelters in their communities, including staff training in the general assistance program, and will then accept referral of clients. Enforcement of federal or state laws regarding other benefit programs and housing will be included as part of Pine Tree's general advocacy mix.

Next steps: Four high volume FED courts without LOD services have been identified (Skowhegan, 154 FEDs in 2005; Waterville, 239 FEDs in 2005, West Bath, 249 FEDs in 2005 and Wiscasset, 189 FEDs in 2005). In order to serve those locations Pine Tree would need to add 1.5 attorneys at an approximate cost of \$110,000.00.

Strategy 2: Develop pro bono projects for courts not served by ongoing FED projects.

Identify people: Frank D'Allesandro (Pine Tree Legal), Rebecca Farnum (MSBA Access to Justice Committee), J. Ann Murray (Deputy Chief District Court Judge), Chris Hastedt (Maine Equal Justice Project), Chris Northrop (University of Maine School of Law)

Current work: n/a

Next steps: Need to develop a Continuing Legal Education (CLE) training program, and obtain funding (approx. \$7,500.00) so the CLE program can be offered at no cost to attorneys in areas that do not have a FED-LOD program. Then the committee needs to come up with an effective incentive to secure the involvement of the local bar.

Strategy 3: Create separate scheduled FED dockets so that FEDs are held at specific and predictable times to maximize the impact of the LOD on providing legal assistance.

Identify people: J. Nivison (Chief District Court Judge), Bernard O'Mara (District Court Judge, Caribou), Carrie Leighton (Pine Tree Legal), Wendy Rau (Director of Court Operations)

Current work: n/a

Next steps: Meet with and convince J. O'Mara to rework calendars in Caribou and Presque Isle. No funding required.

III. GOAL: EVALUATION

Clearly, the best evidence of impact would be statistical reductions in the incidence of eviction among the populations we have targeted, starting with a baseline year and comparing results over time. But we also need to track and measure what are sometimes, in the parlance of program evaluation, referred to variously as “outputs” or “intermediate outcomes” or “process outcomes”. Plainly put, we need to determine whether the information delivery mechanisms we implement are actually put in place, and whether the materials we prepare for distribution are available, and whether the changes in resource availability and the increases in the availability of legal representation are actualized.