

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

# JUSTICE FOR ALL: A REPORT OF THE JUSTICE ACTION GROUP



## STATEWIDE ACCESS TO JUSTICE PLANNING INITIATIVE

# 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 ♦ Mary C. Toole  
Honorable Frank M. Coffin, Of Counsel

October 10, 2007

Colleen A. Khoury  
Professor of Law  
University of Maine  
School of Law  
246 Deering Ave.  
Portland, ME 04102

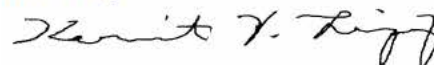
Dear Colleen:

On behalf of the members of the Justice Action Group, I wish to thank you for the extraordinary leadership that you have provided as chair of the Statewide Planning Initiative. I also wish to thank all of the participants in the March 2006 planning retreat, the members of the working groups and the steering committee, and the employees of the legal services providers who staffed the working groups, for the invaluable contributions that they have made to the successful completion of this initiative.

When we announced this Statewide Planning Initiative in March 2006, we did so with a large ambition – the creation of a report that would provide both a vision and a blueprint for the delivery of legal services in Maine for the next decade. You and your colleagues have fulfilled that ambition. With its many recommendations assigning specific responsibilities to every institution and organization involved in the delivery of legal services in Maine, this visionary and pragmatic report challenges those organizations and institutions to rethink their missions and programs and redouble their efforts. With the commitment of the Justice Action Group to oversee and monitor the implementation of those recommendations, this report will be central to all future discussions and decisions about the delivery of legal services in Maine for the next decade. I am confident that those decisions, informed by the wisdom of this report, will greatly enhance access to justice for Maine's neediest and most vulnerable citizens.

Thank you again for this singular achievement.

Sincerely,



Kermit V. Lipez, Chair  
Justice Action Group

---

P.O. Box 2460 ♦ South Portland, ME 04116-2460  
Tel: 207-799-5355 ♦ Fax: 207-767-3927 (call first)  
jag@maine.rr.com ♦ [www.mbf.org/justice.htm](http://www.mbf.org/justice.htm)

## **RESOLUTION OF THE JUSTICE ACTION GROUP REGARDING THE STATEWIDE ACCESS TO JUSTICE PLANNING INITIATIVE**

WHEREAS, the Justice Action Group is a coalition of individuals and organizations established in 1995 to provide leadership and coordination in planning for the provision of civil legal aid to low-income Mainers; and

WHEREAS, the Justice Action Group launched a planning process in March 2006 to expand access to justice and to enhance the delivery of civil legal aid in Maine in response to a recommendation from the Legal Services Corporation; and

WHEREAS, access to justice is defined, for purposes of the planning process, as access to the courts, to administrative agencies and to all other forums in which legal rights are determined; and

WHEREAS, the Justice Action Group has carried out that planning process in partnership with the Maine Bar Foundation, the Maine State Bar Association, the Maine Judicial Branch, Maine's legal aid and social service providers and others; and

WHEREAS, the Steering Committee and more than 100 volunteers participating in the Justice Action Group Statewide Planning Initiative have now completed their work and submitted a report to the Justice Action Group; and

WHEREAS, the Steering Committee, under the leadership of Professor Colleen Khoury of the University of Maine School of Law, has produced an impressive report that will guide the delivery of civil legal aid in Maine for years to come; and

WHEREAS, the report includes many specific recommendations addressed to the institutions and organizations responsible for the delivery of civil legal aid in Maine.

NOW, THEREFORE, be it hereby resolved that:

1. The Justice Action Group extends its appreciation to all the participants in the Statewide Planning Initiative.

2. The Justice Action Group expresses particular gratitude to Professor Colleen Khoury for her inspired leadership and her tireless work.

3. The Justice Action Group endorses the "Big Five" priority strategies of the Steering Committee and will work with the relevant institutions and organizations to implement them. Those five strategies are:

(i) Increase direct State appropriations to expand and enhance provision of legal aid to low-income persons

(ii) Support speedy implementation of and compliance with rule changes that would make participation in Maine's IOLTA Program (Interest on Lawyers' Trust Accounts) comprehensive and ensure comparability in interest rates on IOLTA accounts.

(iii) 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

(iv) 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 Statewide legal resources website

(v) Study adoption of a civil right to counsel in adversarial proceedings in which basic human needs are at stake

4. The Justice Action Group endorses the principles underlying the ten "Priority Strategies that Require Little or No New Funding" set forth in the report and will work with the relevant institutions and organizations toward their implementation. Those ten priority strategies are:

(i) Establish a standing Task Force on Reducing the Need for Crisis Intervention

(ii) Ensure that all materials and resources for self-represented litigants meet standards of accessibility, readability and usability

(iii) Establish a Standing Committee on *Pro Bono* and Public Service

(iv) Create a level of distinction and prestige around attorneys committed to access to justice

(v) Develop an educational forum for private funding sources, e.g., charitable foundations, located within and outside Maine, and the United Way, to increase awareness of the need and support for legal aid

(vi) 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

(vii) Endorse and recommend adoption of the proposed "Statement of Values for Maine's Civil Justice System" by all participants in the civil justice system

(viii) 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 Statewide progress toward goals and priorities

(ix) Build strategic partnerships with and recruit participation in access to justice programs from a diverse audience including businesses, social service agencies, minority communities, the faith community and immigrant and refugee communities

(x) Build a broader coalition for justice through the development of a comprehensive, coordinated access to justice communications and education strategy

5. The Justice Action Group endorses the principles underlying the other recommendations set forth in the report and urges all institutions and organizations identified in the report to consider carefully the recommendations relevant to their responsibilities.



6. The Justice Action Group requests that all institutions and organizations identified in the report as responsible for the implementation of any recommendation either commit to the implementation of the recommendation or explain why such implementation is not desirable or feasible.

7. The Justice Action Group shall assume responsibility for overseeing and monitoring implementation of the recommendations set forth in the report. To that end, an Implementation Task Force will be established immediately by the Executive Committee of the Justice Action Group.

Approved this 10<sup>th</sup> day of October 2007 by the Justice Action Group Board of Directors:

Hon. Kermit V. Lipez, Chairperson  
Judge, United States Court of Appeals,  
First Circuit

Jane Clayton, Board Member  
Pine Tree Legal Assistance

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

Hon. Barry Hobbins  
Maine Senate

Hon. Leigh Ingalls Saufley, Chief Justice  
Maine Supreme Judicial Court

Hon. Joshua Tardy  
Maine House of Representatives

Carter Friend, Chairperson  
Advisory Committee of Providers

Elizabeth Germani, Board Member  
Maine Trial Lawyers Association

Thomas Harnett, Immediate Past President  
Maine Bar Foundation

Jerrold Crouter, Board Member  
Maine Equal Justice Partners

Peter LaFond, President  
Maine State Bar Association

Patrick Ende, Senior Policy Advisor  
Office of the Governor

Elizabeth Scheffee, President  
Maine Bar Foundation

Brett Baber, President Elect  
Maine State Bar Association

Dean Peter Pitegoff  
University of Maine School of Law

Victoria Powers, Board Member  
Legal Services for the Elderly

Janis Cohen, Commissioner  
Maine Civil Legal Services Fund Commission

# **Justice for All: A Report of the Justice Action Group**

## **Statewide Access to Justice Planning Initiative**

**October 10, 2007**

Colleen A. Khoury, Chairperson  
JAG Statewide Planning Initiative  
ckhoury@usm.maine.edu  
207 780-4520

JAG Statewide Access to Justice Planning Initiative Steering Committee Members: Brett Baber, Jon Bradley, Jane Clayton, Hon. Joseph Jabar, Robert Marden, Gilda Nardone, Mary Toole, David Warren

Sally Sutton, JAG Executive Coordinator  
jag@maine.rr.com  
207 799-5355

Justice Action Group  
PO Box 2460 ♦ South Portland, Maine 04116-2460  
207 799-5355  
jag@maine.rr.com ♦ [www.mbf.org/justice.htm](http://www.mbf.org/justice.htm)

*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

## **Chair's Preface**

Sadly, despite all of the progress that has been made in the 17 years since the late Senator Muskie wrote these lines, the core truth of his words remains unchanged. The principle of equal access to justice is a central tenet of our democracy, and yet access to justice is far from a reality for Maine's neediest and most vulnerable citizens. Despite the valiant efforts of Maine's legal aid providers and the private bar, access to justice remains an inspiring, but decidedly elusive goal. Today, as in 1990, more than 80% of those who need legal representation - to meet basic human needs for food, clothing, shelter and health care, to maintain custody of their children, to gain protection from abuse – are unable to obtain it.

Why? What else can we do to ensure access to justice for all? Justice for All: A Report of the Justice Action Group Statewide Access to Justice Planning Initiative attempts to provide answers to these questions by offering an array of concrete strategies – some new and innovative, others excellent old ideas – which the planning group believes can make a measurable difference, over the next decade, in making equal access to justice a reality for all Mainers. Some of the recommended strategies will not require significant additional resources and can be implemented relatively quickly. Others are longer-term in nature and will require years of sustained focus and persistent effort to be brought to fruition. Many of these strategies will require new resources, and the Report contains new approaches to expanding resources from both public and private sources.

The Report also underscores the critical need to create a broader and more diverse coalition of Mainers who understand and are willing to become advocates for justice in our State. Failure to provide equal access to justice has significant implications for Maine that extend far beyond the reach of the bench and bar. The problem is just too big for the legal community to solve alone. Ultimately, as Senator Muskie pointed out in the 1990 Report of the Maine Commission on Legal Needs, providing equal access to justice is a public responsibility and requires a substantial commitment of public dollars, especially in cases where basic human needs are at stake and the individual cannot afford a lawyer. We are all concerned about the cost, of course, but it is important to remember that the costs to society of *not* making this investment are also substantial, in both economic and human terms.

The time frame for implementation of the recommendations of the Report is the coming decade. It is my fervent hope that the next 10 years will come to be seen as “the justice decade” – the decade in which we conquered our tendency to say “this is too big ...it will take too long...it requires too much...it can't be done.” And, by the end of the decade, in 2018, we will be able to say that we have closed the civil justice gap, and that all Mainers, including our poorest and most vulnerable citizens, have equal access to our justice system.

Colleen A. Khoury, Chair



# **Justice for All: A Report of the Justice Action Group**

## **Table of Contents**

<b>Executive Summary</b>	<b>5</b>
<b>Priority Strategies</b>	<b>10</b>
<b>Introduction</b>	<b>12</b>
<b>Maine’s Civil Justice Gap</b>	<b>12</b>
<b>The Justice Action Group’s Planning Initiative</b>	<b>13</b>
<b>Recurring Themes and Systemic Issues</b>	<b>15</b>
<b>Economic Impact of the Provision of Legal Aid</b>	<b>18</b>
<b>Recommendations</b>	<b>19</b>
<b>Recommendation 1:</b> Intervene “Upstream” to Solve Problems Before They Become Legal Crises	<b>19</b>
<b>Recommendation 2:</b> Expand and Improve the Use of Technology	<b>21</b>
<b>Recommendation 3:</b> Ensure Meaningful Assistance to Individuals Who Do Not Have the Services of a Legal Professional	<b>23</b>
<b>Recommendation 4:</b> Increase the Number of Individuals Who Have the Assistance of a Legal Professional	<b>27</b>
<b>Recommendation 5:</b> Expand Resources to Reduce the Unmet Need for Legal Assistance	<b>31</b>
<b>Recommendation 6:</b> Sustain and Ensure the Quality of Maine’s Civil Justice System	<b>34</b>
<b>Recommendation 7:</b> Sustain and Expand Leadership for Justice	<b>37</b>
<b>Recommendation 8:</b> Ensure Continued Focus on Evaluation and Implementation of the Planning Recommendations	<b>39</b>
<b>Conclusion</b>	<b>41</b>
<b>Acknowledgements</b>	<b>42</b>
<b>List of Appendices</b>	<b>44</b>
<b>Action Steps and Suggested Timetable for Implementation of Priorities</b>	<b>45</b>
<b>Appendix A</b>	<b>50</b>



# **Justice for All: A Report of the Justice Action Group**

---

## **Executive Summary**

---

### **Maine's Civil Justice Gap**

At times of crisis, legal assistance or advice can make all the difference. It can help someone meet basic human needs and ensure that they have adequate food and shelter and access to programs that are designed to support them. It can ease personal pain. It can lead to self-sufficiency that may ultimately reduce the need for governmental support. Yet, the vast majority of Maine's low-income and elderly residents are unable to obtain the legal representation or assistance that would make a measurable difference in their lives. Most are forced to navigate the court system and administrative proceedings on their own, without adequate knowledge or assistance, even in proceedings where their basic human needs are at stake. For these individuals, the promise of "equal justice for all" is a hollow promise indeed.

### **The Justice Action Group's Planning Initiative: Why Plan? What are the Issues?**

Maine should be proud of all that has been accomplished over the past decade to expand access to our civil justice system for our most vulnerable and disadvantaged citizens. Yet, despite the progress that has been made, much remains to be done to make equal justice under law a reality in our State. The Justice Action Group (JAG) launched the Statewide Access to Justice Planning Initiative to stimulate further progress and to develop 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.

Since the spring 2006, more than 100 lawyers, judges, consumer advocates, social service providers and others – from diverse backgrounds and experiences and from all over Maine – have worked together to identify, evaluate and recommend strategies and best practices that would expand and enhance access to justice for all Mainers. Access to justice, for this purpose, has been defined broadly to mean access to the courts, to administrative agencies and to all other forums in which legal rights are determined.

The participants in the planning process, working through seven work groups, examined a range of issues that were seen as central to any effort to make equal access to justice a reality in Maine. These include various demographic and systemic issues, as well as some recurring issues and challenges that were identified in the early 1990's in the Reports of the Maine Commission on Legal Needs and the Commission on the Future of Maine's Courts. Among the issues the planning process has sought to address are the following:

**The 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 already overburdened legal aid providers and *pro bono* attorneys. 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.

### **The Need to More Effectively Utilize Lawyers in Providing *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.

**Chronic Underfunding of Legal Aid Providers and the Courts** Resources are at the heart of any effort to ensure access to justice. Funding for legal aid providers 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, studies continue to show that Maine's legal aid providers are still able to represent only one in six of the individuals who turn to them for assistance. In addition, appropriations for the Judicial Branch have not kept pace with the growing demands placed upon it in recent years. The court system does not have enough 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 or develop new programs that have assisted other court systems in providing enhanced access to justice for all citizens.

**The Impact and Costs of Crisis Intervention** The planning participants recognized that clients' lives and the justice system itself – legal aid providers, volunteer lawyers, and the courts – are severely stressed by problems that turn into last-minute legal crises. Currently, significant human and financial resources are focused on crisis intervention which diverts our limited resources away from approaches that could foster earlier and more effective resolution of client problems without resort to the legal system.

**The Importance of Developing a More Consumer Friendly System** The law and the legal process are complicated and are becoming increasingly complex. The current system needs to be more accessible, user-friendly and free of the many barriers that, for some, appear insurmountable.

**Underutilization of Technology to Improve the Provision of Legal Services to Represented and Unrepresented Clients** The planning group recognized that 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 which are investing more resources in developing and harnessing the power of technology in the cause of justice.

**New and Continuing Challenges in Delivering Legal Aid** Some new realities and a few long-term issues pose additional 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.
- 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; it is often hard to recruit legal aid attorneys to the more rural areas of the State; and 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.

**Growing Number of Family Law Cases with Greater Complexity** The number of low-income Mainers seeking assistance and representation in family law matters 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, making them more challenging and time-consuming for *pro bono* attorneys.

**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.

**Need to Continue to 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. In 2006, the American Bar Association echoed this call urging the federal and state governments to provide legal counsel at public expense in cases in which basic human needs are at stake.

**The Importance of Sustaining and Ensuring Quality** 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 those providing assistance (legal aid, court appointed counsel, private bar and non-lawyers), and by administrative agencies.

**The Need to Sustain and Promote Leadership for Justice** Effective leadership has been an essential element in Maine's nationally recognized access to justice work. It is crucial to ensure that new generations, both within and outside the legal community, will share a commitment to equal access to justice that is comparable to past champions like Senator Muskie.

**A Recognition that the Legal Community Cannot Do it Alone** The legal community, of course, 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 crucial 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 to broaden public understanding of the importance of access to justice for all.

## **Recommendations for Achieving Equal Access to Justice in Maine**

The participants in JAG's year-long planning process have developed more than 50 strategies that, when implemented, will have a significant impact on solving the systemic issues and recurring problems outlined above. These strategies are grouped within eight broad Recommendations that seek to address the areas in which challenges must be faced and overcome if we are to ensure access to justice for all Mainers. These broad Recommendations, which are set forth in greater detail in the full Report, are:

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

Principal strategies focus on the creation of processes and tools that can be used to identify the types of client problems that will benefit from early intervention, and to create collaborations with various service providers and other stakeholders to develop strategies that can solve client problems before legal intervention is required. The goal is to reduce the disruption in clients' lives as well as the likelihood that they will need to engage the civil justice system.

### **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 to Assist Court Personnel, Social Service Providers, *Pro Bono* Attorneys and Others to Provide Legal Assistance to Low-Income Persons**

Principal strategies include creation of a Legal Aid Technology Resources Center that would support the maintenance and development of client-oriented technology for legal aid and *pro bono* providers, provide technology support for *pro bono* legal assistance by lawyers and other professionals, and manage Maine's statewide legal resources website ([www.HelpMeLaw.org](http://www.HelpMeLaw.org)).

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

Principal strategies include pursuing the creation of a Division of Self-Represented Litigant Services within the Judicial Branch; the development of a meaningful Courthouse Assistance Program; and working in a variety of ways to remove the barriers that make the civil justice system difficult to navigate for those with physical and other disabilities, language issues and similar problems.

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

Principal strategies include creation of a permanent Standing Committee on *Pro Bono* and Public Service; development of new incentives and innovative strategies to support and expand *pro bono* services by private attorneys, mediators and other professionals; and support of a commission to study the adoption of a publicly-financed right to counsel in civil proceedings in which basic human needs are at stake.

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

Principal strategies include expanding efforts to increase direct appropriations for civil legal aid on the federal, state and local levels, including increasing review of various fees that may generate additional revenue; and a host of new approaches to expand and broaden private fundraising efforts and education of funders.



### **Recommendation 6: Sustain and Ensure the Quality of Maine’s Civil Justice System**

Access to justice must be accompanied by a commitment to the quality of the justice provided by all the participants in the civil justice system – the courts, administrative agencies, legal aid providers, *pro bono* and court appointed attorneys, mediators and non-lawyer advocates. Principal strategies include adoption of a Statement of Values for Maine’s Civil Justice System; establishment of written performance guidelines by all participants; education of funders regarding quality standards; and inclusion of material in continuing legal education programs on the legal needs of vulnerable populations.

### **Recommendation 7: Sustain and Expand Leadership for Justice**

Principal strategies include development and implementation of a comprehensive and coordinated access to justice communications and education program, with the goal of educating the public about the connection between legal justice and social and economic justice and building a broader “coalition for justice”; elevating the profile and prestige of a public commitment to justice; and recruiting participation in access to justice programs from a diverse audience including business, social services organizations, the faith community and minority and immigrant communities.

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

Principal strategies are creation of an Implementation Task Force to help ensure that there is a sustained effort to bring the recommendations of the Planning Report to fruition, and a restructuring of the JAG to expand its reach and increase its ability to oversee implementation.

## **Cost and Economic Impact**

The recommended strategies incorporated within these eight broad Recommendations reflect creative and new approaches that are tailored to Maine, as well as strategies that have been successful in expanding access to justice in other states.

It is understood that many of the recommendations in the Planning Report will cost more money. However, when assessing costs and benefits, it is also important to recognize that failure to provide meaningful legal assistance to people in need also has significant economic impacts and costs. Studies show that putting money into legal aid is a good investment. Significant savings can be achieved for various social service programs and local communities through appropriate legal intervention that obviates the need for additional services. Moreover, state dollars spent on legal aid have been shown to bring in at least as many new dollars in benefits from non-state dollars, e.g., child and spousal support payments, federally-funded disability payments, and reimbursement of improper debt collection or erroneous overpayments. The court system also may realize savings if the people appearing before them are adequately represented. When one side is represented and the other is not, courts must struggle with issues of judicial neutrality and must take time to ensure that the proceedings and outcomes are understood by self-represented litigants. This slows down the justice system for all litigants, including those who are represented.

---

## Priority Strategies

---

The Planning Report seeks to provide a roadmap that can be used by JAG and its partners over the next decade in their efforts to expand and enhance access to Maine’s civil justice system for all Mainers. We recognize that implementation of the recommended strategies will require additional financial resources, significant expenditure of human resources and a sustained focus. It likely will be difficult to work on all of the Recommendations simultaneously. In an effort to assist those charged with implementing the Recommendations, the planning group has selected 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 with little or no new funding. A chart outlining Action Steps and a Suggested Timetable for Implementation of these Priority Strategies appears at the end of this Report.

### **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. Support speedy implementation of and compliance with the rule changes that would make participation in Maine’s IOLTA Program (Interest on Lawyers’ Trust Accounts) comprehensive and ensure comparability in interest rates on IOLTA accounts
3. 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 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 statewide 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, located within and outside Maine, and the United Way, 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 Statewide 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, minority communities, the faith community and immigrant and refugee communities
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.

# Justice for All: A Report of the Justice Action Group

---

## 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 childcare. 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 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 ensure that they have adequate

food and shelter and access to programs that are designed to assist 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 Statewide planning process.

### **Scope of Planning**

The goal of the Statewide 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 the 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?
- **Ensuring 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 ensure 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 Ensuring 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 that of 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 whose names are listed in the Acknowledgements section of this report. 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, additional public comment on the draft recommendations was sought. Interested stakeholders were contacted and offered opportunities to review the draft and provide feedback about the recommendations. Much of the feedback validated the recommendations generated by the work groups. In some instances, the comments that were received pointed out strategies/issues that should be included but were inadvertently skipped over during the planning process. Those comments were taken into consideration and where appropriate, incorporated into the Report. The final Planning Report was 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, have 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 represent 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; and many clients are only marginally literate which adversely affects their ability to access services. The number of individuals incarcerated in Maine's county and state correctional systems continues to grow which puts further strains on the

already limited access prisoners have to legal assistance for civil matters such as family law and access to medical and mental health treatment. 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 difficult 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 that 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 of Maine, 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/justice.htm>.

---

## 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 ensure 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/justice.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. 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 4B 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](http://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, probate courts 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](http://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, probate courts 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 continue to pursue implementation of its plan for electronic filing of documents in a way that ensures inclusion of low-income and self-represented litigants.** Probate courts should begin planning for electronic filing and efforts should be made to coordinate County and State systems.
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 of 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 statewide 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, including the probate courts.

**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. Efforts should also be made to ensure that those who are not able to access a courthouse or a legal aid provider, such as prisoners and institutionalized individuals, have access to materials.

**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, mediators 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 and others on aspects of the system that create bias and inequity**

Court personnel, including probate court personnel, administrative hearing officers, and mediators 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, in coordination with a Courthouse Assistance Program. Outreach to social service providers, low-income litigants, minority, immigrant and refugee communities, 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, public housing, 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](http://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](http://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**

**G. Explore the use of community mediation and other volunteer mediators to help assist people in resolving their disputes**

---

## **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, regardless of the forum, 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 mediators, 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, mediators 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, through such sections as the New Lawyers Section and the Pro Bono Committee of the Women’s Law 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

- **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**

---

### **Principal 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. Support speedy implementation of and compliance with rule changes in Maine’s IOLTA Program (Interest on Lawyers’ Trust Accounts) that would make participation in the IOLTA program comprehensive and ensure comparability in interest rates on deposits in IOLTA accounts**

**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 retired 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. (Coffin Fellowship contributing law firms: Bernstein Shur; Cloutier, Barrett, Cloutier & Conley; Curtis Thaxter Stevens Broder & Micoleau; Drummond Woodsum & MacMahon; Friedman Gaythwaite Wolf & Leavitt; Jensen Baird Gardner & Henry; Lambert Coffin; Murray, Plumb & Murray; Norman, Hanson & DeTroy; Perkins Thompson; Pierce Atwood LLP; Preti, Flaherty Beliveau & Pachios; Thompson & Bowie; and Verrill Dana)

## **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 ensuring 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, which was created by the work group, reflects current standards, proposed benchmarks, responsible parties and the application of the proposed Statement of Values. This Template, which is Appendix C to this Report and can be found at: <http://www.mbf.org/justice.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, probate courts, administrative hearing officers and mediators, 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 civil 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 ensure 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 ensuring 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 ensure 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 ensuring 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 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 system provide this information online, they should ensure 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 ensuring 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 minority, immigrant, 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, minority communities, the faith-based community, and immigrant and refugee communities**

**1. JAG should identify and recruit new leaders from various segments of the Maine community including leaders of business, faith-based, minority, immigrant and refugee 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 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
  - Technology Coordination 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 members from consumer groups, the probate courts and groups beyond the legal community such as the business community and social service agencies**
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**

---

## Conclusion

---

Like a pebble dropped into a still pond, our failure to ensure equal access to justice for our poorest and most vulnerable citizens has an impact that ripples broadly throughout our society. The failure to provide meaningful legal representation to those who cannot afford it not only has devastating consequences for the poor; it also distorts the basic principles of our democracy and has adverse effects on our courts, the broader community and the economy.

We have worked hard in Maine to expand access to justice over the past two decades. Progress has been made, but as the foregoing Report reflects, much remains to be done. The recommendations and strategies in this Report attempt to provide a roadmap that can guide our efforts toward equal access to justice over the next decade. The Report underscores the critical need to create a broader and more diverse coalition of Mainers who understand and are willing to become advocates for justice in our State. It also reaffirms that providing equal access to justice is a public responsibility and requires a substantial commitment of public dollars, especially in cases where basic human needs are at stake and the individual cannot afford a lawyer.

The time frame for implementation of the recommendations of the Report is the coming decade. It is our fervent hope, that at the end of the decade, in 2018, we will be able to say that we have closed the civil justice gap, and that all Mainers, including our poorest and most vulnerable citizens, have equal access to our justice system.

---

## Acknowledgments

---

We wish to acknowledge the following organizations for their provision of financial and/or in-kind assistance which made the JAG Statewide Access to Justice Planning Initiative a reality:

The Institute for Civic Leadership for their guidance and assistance at the early stages of our process and during our Planning Retreat;

The Sam L. Cohen Foundation and the Maine Community Foundation for their generous financial support of the planning process;

The Maine Bar Foundation, the Maine State Bar Association and the Maine Judicial Branch for their generous financial support of JAG;

Pine Tree Legal Assistance and the Maine State Bar Association for providing access to their videoconferencing equipment and facilities for statewide work group meetings;

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

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

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**

#### **Work Group 1 – Reducing the Need for Crisis Intervention**

Jon Bradley, Chair; Cesar Britos, Vice Chair; Crystal Bond, Staff

Members - Helen Bailey, Alice Conway, Frank D'Alessandro, Carla Dickstein, Carter Friend, Nancy Fritz, David Karraker, Chris Northrop, Blanca Santiago, Nora Sosnoff, Catherine Stakeman, Jon Stanley, Beth Stickney, Paul Thibeault, Shawn Yardley

#### **Work Group 2A – Assuring a Consumer Friendly System**

Hon. Joseph Jabar, Chair; Jane Clayton, Vice Chair; Jeff Ashby, Staff

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

Members – Maureen Barron, Kathleen Caldwell, Diane Kenty, Susan Lutton, Regina Phillips, Lynn Randall, Helen Rousseau, Stacy Stitham, Allan Toubman, Patricia Weidler



### **Work Group 3 – Utilizing Lawyers to Enhance Justice**

Brett Baber, Chair; Stanley Marshall, Vice Chair; Mary Richardson, Staff  
Members – Seth Berner, Peter Bickerman, David Cluchey, Aria eee, Penny Hilton, Steve Hoad, Faye Luppi, Arnold McDonald, Tamar Mathieu, Lawrence Reichard, Colby Wallace

### **Work Group 4 – Expanding Resources**

David Warren, Chair; Victoria Powers; Vice Chair; Sara Meerse, Staff  
Members – Lauren Dietlin, Janet Henry, Jennifer Lechner, Jaye Martin, Peter Michaud, Hon. James Mitchell, Margaret Minister O’Keefe, Deborah Shaw, Carol Warren

### **Work Group 5 – Sustaining and Ensuring Quality**

Mary Toole, Chair; Barbara Raimondi, Vice Chair; Nan Heald; Staff  
Members – Janis Cohen, Jami Collins, Nancy Gibson, David Karraker, Calien Lewis, Jaye Martin, Hon. Dan Wathen

### **Work Group 6 – Sustaining and Promoting Leadership for Justice**

Gilda Nardone, Chair; Dana Prescott, Vice Chair; Deirdre Smith, Staff  
Members – Shenna Bellows, Pamela Bovin, Kevin Cuddy, Deb Curtis, Leo Delicata, Judson Esty-Kendall, Peter Felmly, Sara Gagne-Holmes, Cliff Ginn, Thomas Harnett, Bill Harwood, Janet Milley, Marc Mutty, Peter Pitegoff, Mary Schendel, Sally Sutton, Rachel Talbot Ross, Anne Underwood

### **Steering Committee**

Colleen Khoury, Chair; Sally Sutton, Staff  
Brett Baber, Jon Bradley, Jane Clayton, Hon. Joseph Jabar, Robert Marden, Gilda Nardone, Mary Toole, David Warren

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

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  
Pat Ende, Governor’s Office  
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  
Hon. Frank Coffin, Of Counsel

---

## List of Appendices

---

Appendix A – <http://mbf.org/justice.htm> - attached

Glossary of Terms/Organizations

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

Action Steps and Suggested Timetable for Implementation of Recommendations

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

Homelessness Crisis Intervention Model

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

Quality Assurance Template

## Action Steps and Suggested Timetable for Implementation of Priority Strategies

Organizations or groups listed here are those the planning group believes should be involved in the implementation of the recommendation. Those who should take initial ownership or play a major role in implementing the recommendation are indicated in **boldface**. See narrative report for a more complete description.

<b>Summary of Recommendations and Strategies</b> (See narrative report for more complete description of principal and other related strategies)	<b>Short Term Action Steps</b> Prior to 10/1/2008	<b>Medium Term Action Steps</b> 10/1/08 – 10/1/2012	<b>Long Term Action Steps</b> 10/1/2012 - 10/1/2018
<b>The “Big Five” -- Priority Strategies that will Have the Greatest Impact</b>			
<b>1. Increase direct State appropriations to expand and enhance provision of legal services to low-income persons (Recommendation 5A)</b>	<b>JAG Governmental Funding Committee</b>	JAG Governmental Funding Committee	JAG Governmental Funding Committee
<b>2. Support speedy implementation of and compliance with the rule changes that would make participation in Maine’s IOLTA program comprehensive and ensure comparability in interest rates on IOLTA accounts (Recommendation 5B)</b>	<b>Maine Bar Foundation</b>	Maine Bar Foundation	Maine Bar Foundation
<b>3. 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 and to establish and oversee a Courthouse Assistance Program (Recommendations 3A and 3B)</b>	<b>Judicial Branch, Legal Aid Providers</b>	Judicial Branch, Legal Aid Providers	Judicial Branch, Legal Aid Providers
- Revive and make permanent a Self-Represented Litigant Task Force (Recommendation 3B-2)	<b>JAG</b>		
- 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 (Recommendation 3B-1)	<b>Self-Represented Litigant Task Force</b>	Self-Represented Litigant Task Force	Self-Represented Litigant Task Force



<b>Summary of Recommendations and Strategies</b> (See narrative report for more complete description of principal and other related strategies)	<b>Short Term Action Steps</b> Prior to 10/1/2008	<b>Medium Term Action Steps</b> 10/1/08 – 10/1/2012	<b>Long Term Action Steps</b> 10/1/2012 - 10/1/2018
<b>4. Create a Legal Aid Technology Resources Center to support the maintenance and development of client-oriented technology for all legal aid and <i>pro bono</i> and to manage a Statewide legal resources website (Recommendation 2A)</b>	<b>Pine Tree Legal Assistance</b> , Legal Aid Providers, Judicial Branch, Probate Courts	Pine Tree Legal Assistance, Legal Aid Providers, Judicial Branch, Probate Courts	Pine Tree Legal Assistance, Legal Aid Providers, Judicial Branch, Probate Courts
- Client-oriented technology for legal aid and <i>pro bono</i> providers (Recommendation 2A-1)	<b>Pine Tree Legal Assistance</b> , Standing Committee on <i>Pro Bono</i> , Judicial Branch, Probate Courts	Pine Tree Legal Assistance, Standing Committee on <i>Pro Bono</i> , Judicial Branch, Probate Courts	Pine Tree Legal Assistance, Standing Committee on <i>Pro Bono</i> , Judicial Branch, Probate Courts
- Technology support for <i>pro bono</i> legal assistance by lawyers and other legal professionals (Recommendation 2A-2)	<b>Pine Tree Legal Assistance</b> , Maine Volunteer Lawyers Project, Judicial Branch, Probate Courts	Pine Tree Legal Assistance, Maine Volunteer Lawyers Project, Judicial Branch, Probate Courts	Pine Tree Legal Assistance, Maine Volunteer Lawyers Project, Judicial Branch, Probate Courts
-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 (Recommendation 2B)	<b>Legal Aid Technology Resources Center</b>	Legal Aid Technology Resources Center	Legal Aid Technology Resources Center
<b>5. 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 (Recommendation 4A)</b>	<b>JAG</b>	JAG, Commission	
<b>Priority Strategies that Require Little or No New Funding</b>			
<b>1. JAG should create a standing Task Force on</b>	<b>JAG</b> , Legal Aid		

<b>Summary of Recommendations and Strategies</b> (See narrative report for more complete description of principal and other related strategies)	<b>Short Term Action Steps</b> Prior to 10/1/2008	<b>Medium Term Action Steps</b> 10/1/08 – 10/1/2012	<b>Long Term Action Steps</b> 10/1/2012 - 10/1/2018
<b>Reducing the Need for Crisis Intervention (Recommendation 1A)</b>	Providers, Social Service Providers, Policymakers		
- 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. (Recommendation 1B)	<b>Task Force on Reducing the Need for Crisis Intervention</b>	Task Force on Reducing the Need for Crisis Intervention	Task Force on Reducing the Need for Crisis Intervention
<b>2. Ensure that all materials and resources for self-represented litigants meet the standards of accessibility, readability and usability (Recommendation 3C)</b>	<b>Judicial Branch, Probate Courts, Legal Aid Providers, Admin. Agencies, all others producing materials and resources</b>	Judicial Branch, Probate Courts, Legal Aid Providers, Administrative Agencies, all others producing materials and resources	Judicial Branch, Probate Courts, Legal Aid Providers, Administrative Agencies, all others producing materials and resources
<b>3. JAG should advocate the creation of a permanent Standing Committee on Pro Bono and Public Service Representation (Recommendation 4B-1)</b>	<b>JAG</b>	<b>MSBA</b>	<b>MSBA</b>
<b>4. Create a level of distinction and prestige around attorneys committed to access to justice (Recommendation 4C-1)</b>		<b>Standing Committee on Pro Bono and Public Service</b>	
<b>5. Through continued collaboration and coordination among legal aid providers, expand the range of efforts to raise funds from private sources, with an initial focus on the Coffin Fellowships in Family Law Program and</b>	<b>JAG, Joint Development Committee</b>	Joint Development Committee	Joint Development Committee

<b>Summary of Recommendations and Strategies</b> (See narrative report for more complete description of principal and other related strategies)	<b>Short Term Action Steps</b> Prior to 10/1/2008	<b>Medium Term Action Steps</b> 10/1/08 – 10/1/2012	<b>Long Term Action Steps</b> 10/1/2012 - 10/1/2018
<b>sponsoring special events, modeled on the Muskie Dinner, to increase support from the business community and the general public (Recommendation 5C)</b> - JAG Should Establish Joint Development Committee (Recommendation 5C-1)			
<b>6. 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 (Recommendation 5F)</b>	<b>JAG, Joint Development Committee, Maine Bar Foundation</b>	Joint Development Committee, Maine Bar Foundation	Joint Development Committee, Maine Bar Foundation
<b>7. 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 (Recommendation 6A)</b>	<b>JAG</b>		
<b>8. 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 (Recommendation 7B-3)</b>	<b>JAG, Maine State Bar Association, University of Maine School of Law, Legal Aid Providers, Judicial Branch, Probate Courts, Maine Bar Foundation</b>	JAG, Maine State Bar Association, University of Maine School of Law, Legal Aid Providers, Judicial Branch, Probate Courts, Maine Bar Foundation	JAG, Maine State Bar Association, University of Maine School of Law, Legal Aid Providers, Judicial Branch, Probate Courts, Maine Bar Foundation
<b>9. Build strategic partnerships with and recruit participation in access to justice programs from</b>	<b>JAG, Maine State Bar Association, University</b>	JAG, Maine State Bar Association, University	JAG, Maine State Bar Association, University of

<b>Summary of Recommendations and Strategies</b> (See narrative report for more complete description of principal and other related strategies)	<b>Short Term Action Steps</b> Prior to 10/1/2008	<b>Medium Term Action Steps</b> 10/1/08 – 10/1/2012	<b>Long Term Action Steps</b> 10/1/2012 - 10/1/2018
<b>a diverse audience including businesses, social service organizations, minority communities, the faith community, and immigrant and refugee communities (Recommendation 7C)</b>	of Maine School of Law, Judicial Branch, Probate Courts, private attorneys, Legal Aid Providers	of Maine School of Law, Judicial Branch, Probate Courts, private attorneys, Legal Aid Providers	Maine School of Law, Judicial Branch, Probate Courts, private attorneys, Legal Aid Providers
<b>10. Build a broader coalition for justice through the development and implementation of a comprehensive, coordinated access to justice communications and education strategy (Recommendation 7A)</b>	JAG, MBF, MSBA, MTLA, Legal Aid Providers, Judicial Branch, Probate Courts	JAG, MBF, MSBA, MTLA, Legal Aid Providers, Judicial Branch, Probate Courts	JAG, MBF, MSBA, MTLA, Legal Aid Providers, Judicial Branch, Probate Courts
<b>Essential for Implementation</b>			
- 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 (Recommendation 8A)	JAG	JAG	JAG
- Restructure the JAG to expand its reach and increase its ability to oversee implementation of the recommendations of the planning process (Recommendation 8B)	JAG	JAG	JAG



# Justice for All: A Report of the Justice Action Group

---

## Appendix A

---

### Contents

- Glossary of Terms/Organizations
- 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
- Action Steps and Suggested Timetable for Implementation of Recommendations

### 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. Attorneys participating in the IOLTA program 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 herself, as opposed to providing full legal representation to the client on the entire range of possible so-called "bundled" services.

***www.HelpMeLaw.org*** – This statewide 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](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](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](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](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](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 was over the age of 65. By 2025, that percentage will be 21% which means that one person in five 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 the number of elementary students and 11% in the number of 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	36.8
Female head of household	Maine	38.2	61.5	69.1
	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

During **each month** of 2005, Maine's legal aid providers (annual grantees of IOLTA funds) on average received **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). Of the calls that were received, only 496 callers, or less than

14% received full representation; 1,355 or 37% received some form of brief assistance, which for most would have been less than adequate assistance; and 1,851 or more than 51% were turned away without any assistance.

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.

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

### **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.

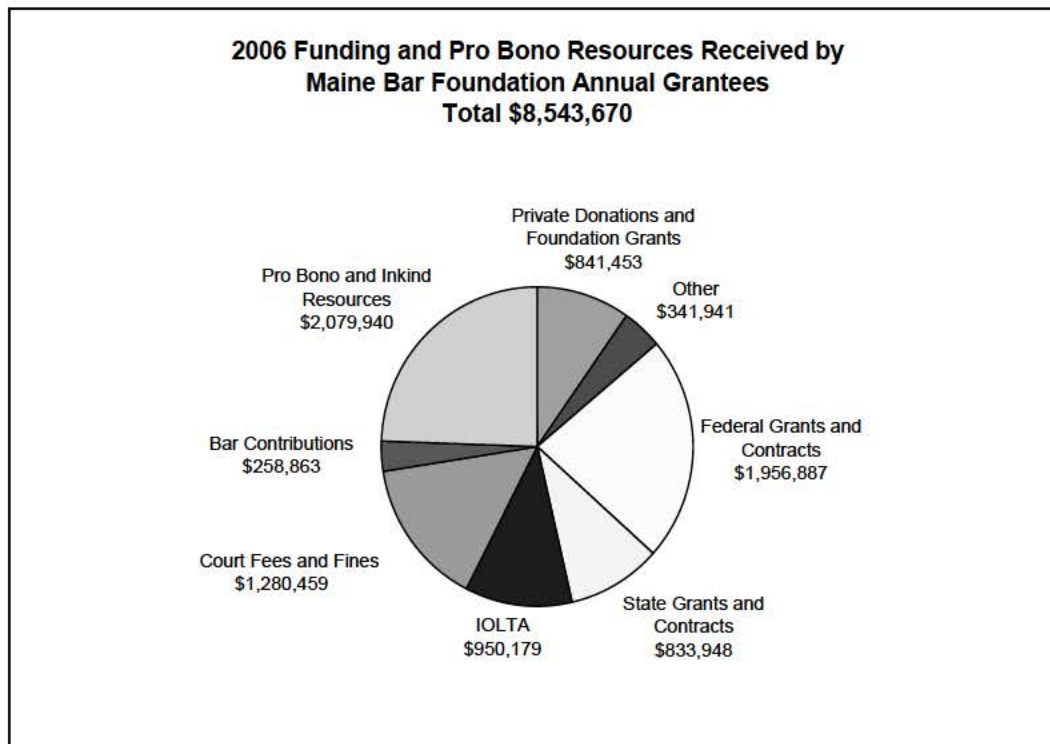
## ***Pro Bono Work through the Maine Volunteer Lawyers Project and other Legal Aid Providers***

The 2006 annual report of the Maine Volunteer Lawyers Project (VLP) indicates that over 1,000 Maine attorneys provided *pro bono* representation during the 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 Partners, 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, 122<sup>nd</sup> Legislature, Second Regular Session, February 1, 2006, and 123<sup>rd</sup> legislature, First Regular Session, February 1, 2007.*

### **2006 Funding for Legal Aid and Pro Bono Resources**





## **Action Steps and Suggested Timetable for Implementation of Recommendations**

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

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

Organizations or groups listed here are those the planning group believes should be involved in the implementation of the recommendation. Those who should take initial ownership or play a major role in implementing the recommendation are indicated in **boldface**. See narrative report for a more complete description.

<b>Recommendations and Strategies</b> (See report for more complete description of principal and other related strategies.)	<b>Short Term Action Steps</b> Prior to 10/1/2008	<b>Medium Term Action Steps</b> 10/1/08 – 10/1/2012	<b>Long Term Action Steps</b> 10/1/2012 - 10/1/2018
<b>Recommendation 1: Intervene “Upstream” to Solve Problems Before They Become Legal Crises</b>			
<b>Principal Strategies</b>			
<i>A. JAG should create a standing Task Force on Reducing the Need for Crisis Intervention (Priority)</i>	<b>JAG</b>		
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. (Appendix B)	<b>Task Force on Reducing the Need for Crisis Intervention</b>	Task Force on Reducing the Need for Crisis Intervention	Task Force on Reducing the Need for Crisis Intervention
<b>Other Strategies:</b>			
C. Develop an Advocacy Institute to provide training to low-income individuals, social service personnel and others	<b>Maine Equal Justice Partners</b>	Maine Equal Justice Partners	
D. Identify and Utilize New Methods of Disseminating Information		<b>Appropriate Participants in Task Force on Reducing the Need for Crisis Intervention</b>	
<b>Recommendation 2: Expand and Improve the Use of Technology</b>			
<b>Principal Strategies</b>			
<i>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)</i>	<b>Pine Tree Legal Assistance, Legal Aid Providers, Judicial Branch, Probate Courts</b>	Pine Tree Legal Assistance, Legal Aid Providers, Judicial Branch, Probate Courts	Pine Tree Legal Assistance, Legal Aid Providers, Judicial Branch, Probate Courts
1. Client-oriented technology for legal aid and pro bono providers	<b>Pine Tree Legal Assistance, Standing Committee on Pro Bono</b>	Pine Tree Legal Assistance, Standing Committee on Pro Bono	Pine Tree Legal Assistance, Standing Committee on Pro Bono
2. Technology support for pro bono legal	Pine Tree Legal Assistance,	Pine Tree Legal Assistance,	Pine Tree Legal Assistance,



<b>Recommendations and Strategies</b> (See report for more complete description of principal and other related strategies.)	<b>Short Term Action Steps</b> Prior to 10/1/2008	<b>Medium Term Action Steps</b> 10/1/08 – 10/1/2012	<b>Long Term Action Steps</b> 10/1/2012 - 10/1/2018
assistance by lawyers and other legal professionals	<b>Maine Volunteer Lawyers Project</b>	Maine Volunteer Lawyers Project	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 aid providers, the public and the private bar	<b>Legal Aid Technology Resources Center</b>	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	<b>JAG</b>	Technology Coordination Task Force	Technology Coordination Task Force
<b>Other Strategies</b>			
D. Courthouse Assistance Touchscreen Kiosks		<b>Technology Coordination Task Force</b> , Judicial Branch, Probate Courts, Legal Aid Providers, Legal Aid Technology Resources Center	
E. The Judicial Branch, probate courts and administrative agencies should utilize the latest technology to provide direct access to justice for litigants and other participants		<b>Judicial Branch, Probate Courts, Administrative Agencies</b>	Judicial Branch, Probate Courts, Pine Tree Legal 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		<b>Judicial Branch</b> , Legal Aid Resources Technology Center, <b>Standing Committee on Pro Bono and Public Service</b>	Judicial Branch, 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		<b>Administrative Agencies</b>	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. Probate courts should begin planning for electronic filing and coordinating county and state systems		<b>Judicial Branch, Probate Courts</b>	Judicial Branch, Probate Courts
4. Administrative agencies should plan for and provide electronic filing for various government benefit programs		<b>Administrative Agencies</b>	Administrative Agencies

<b>Recommendations and Strategies</b> (See report for more complete description of principal and other related strategies.)	<b>Short Term Action Steps</b> Prior to 10/1/2008	<b>Medium Term Action Steps</b> 10/1/08 – 10/1/2012	<b>Long Term Action Steps</b> 10/1/2012 - 10/1/2018
<b>Recommendation 3: Ensure Meaningful Assistance to Individuals Who Do Not Have the Services of a Legal Professional</b>			
<b>Principal Strategies</b>			
<b>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 and to establish and oversee a Courthouse Assistance Program (Big 5)</b>	<b>Judicial Branch, Legal Aid Providers</b>	Judicial Branch, Legal Aid Providers	Judicial Branch, Legal Aid Providers
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	<b>Self- Represented Litigant Task Force</b>	Self-Represented Litigant Task Force	Self-Represented Litigant Task Force
2. Revive and make permanent a Self-Represented Litigant Task Force	<b>JAG</b>		
C. Continue efforts to make the civil justice system more consumer friendly			
<b>1. Ensure that all materials and resources for self-represented litigants meet the standards of accessibility, readability and usability (Priority)</b>	<b>Judicial Branch, Probate Courts, Legal Aid Providers, Administrative Agencies, all others producing materials and resources</b>	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	<b>Judicial Branch, Probate Courts</b>	Courts	
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	<b>Self-Represented Litigant Task Force</b>	Self-Represented Litigant Task Force	Self-Represented Litigant Task Force
D. Expand training and education to remove barriers to effective participation in the civil justice system	<b>Judicial Branch, Probate Courts, Mediators, Administrative Hearing Officers</b>		
1. Expand training and education programs for court personnel and others on aspects of the system that create bias and inequity	<b>Judicial Branch, Probate Courts, Mediators, Administrative Hearing Officers</b>	Judicial Branch, Probate Courts, Mediators, Administrative Hearing Officers	Judicial Branch, Probate Courts, Mediators, Administrative Hearing Officers

<b>Recommendations and Strategies</b> (See report for more complete description of principal and other related strategies.)	<b>Short Term Action Steps</b> Prior to 10/1/2008	<b>Medium Term Action Steps</b> 10/1/08 – 10/1/2012	<b>Long Term Action Steps</b> 10/1/2012 - 10/1/2018
2. Create and deliver substantive and procedural training programs to self-represented litigants		<b>Legal Aid Providers, Maine State Bar Association</b>	Legal Aid Providers, Maine State Bar Association
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.	<b>Maine State Bar Association, Legal Aid Providers</b>	Maine State Bar Association, Legal Aid Providers	
<b>Other Strategies</b>			
E. JAG should revive the Administrative Law Task Force to evaluate and promote recommendations related to access to justice in administrative agency proceedings	<b>JAG</b>		
1. A common website that links adjudicatory units		<b>Administrative Agencies</b>	
2. Expanded use of videoconferencing for administrative hearings		<b>Administrative Agencies</b>	
3. Continuing legal education and training for hearing officers		<b>Administrative Law Task Force, Maine State Bar Association, Administrative Agencies</b>	
4. Inter-departmental cooperation to review and assess the efficacy of a central administration hearing unit		<b>Administrative Law Task Force, Administrative Agencies</b>	
5. Increased cooperation among administrative agencies and legal aid providers		<b>Administrative Law Task Force, Administrative Agencies, Legal Aid Providers</b>	
F. Study the possibility of permitting trained and licensed nonlawyer 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	<b>JAG, Maine State Bar Association, Judicial Branch, Probate Courts, Board of Bar Overseers</b>	JAG, Maine State Bar Association, Judicial Branch, Probate Courts, Board of Bar Overseers	
G. Explore the use of community mediation and other volunteer mediators to help assist people in resolving their disputes.	<b>Standing Committee on Pro Bono and Public Service</b>	Standing Committee on <i>Pro Bono</i> and Public Service	
<b>Recommendation 4: Increase the Number of Individuals Who Have the Assistance of a Legal</b>			



<b>Recommendations and Strategies</b> (See report for more complete description of principal and other related strategies.)	<b>Short Term Action Steps</b> Prior to 10/1/2008	<b>Medium Term Action Steps</b> 10/1/08 – 10/1/2012	<b>Long Term Action Steps</b> 10/1/2012 - 10/1/2018
<b>Professional</b>			
<b>Principal Strategies</b>			
<b>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)</b>	<b>JAG</b>		
B. Evaluate the need for a new structure to provide leadership for <i>pro bono</i> representation on a statewide basis	<b>JAG, Maine Bar Foundation, Maine State Bar Association</b>		
<b>1. JAG should advocate the creation of a permanent Standing Committee on Pro Bono and Public Service (Priority)</b>	<b>JAG</b>		
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:		<b>Standing Committee on Pro Bono and Public Service</b>	
<b>1. Create a level of distinction and prestige around attorneys committed to access to justice (Priority)</b>		<b>Standing Committee on Pro Bono and Public Service</b>	
2. Increase collaboration with the Judicial Branch and Probate Courts to reduce disincentives to <i>pro bono</i> service		<b>Standing Committee on Pro Bono and Public Service, Judicial Branch, Probate Courts</b>	
3. Evaluate the efficacy of <i>pro bono</i> reporting		<b>Standing Committee on Pro Bono and Public Service</b>	
4. Create financial incentives and relief for attorneys to provide <i>pro bono</i> and reduced-fee services and to work in legal services.		<b>Standing Committee on Pro Bono and Public Service, New Lawyers Section of the Maine State Bar Association, University of Maine School of Law</b>	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	<b>Standing Committee on Pro Bono and Public Service</b>	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	<b>Standing Committee on Pro Bono and Public Service</b>	Standing Committee on <i>Pro Bono</i> and Public Service	

<b>Recommendations and Strategies</b> (See report for more complete description of principal and other related strategies.)	<b>Short Term Action Steps</b> Prior to 10/1/2008	<b>Medium Term Action Steps</b> 10/1/08 – 10/1/2012	<b>Long Term Action Steps</b> 10/1/2012 - 10/1/2018
<b>Recommendation 5: Expand Resources to Reduce the Unmet Need for Legal Assistance</b>			
<b>Principal Strategies:</b>			
A. Expand efforts to increase direct appropriations at the federal, state, county, and local levels.			
1. Establish a joint Governmental Funding Committee	<b>JAG</b>		
2. <i>Seek direct state appropriations to expand and enhance provision of legal aid to low-income (Big 5)</i>	<b>Governmental Funding Committee</b>	Governmental Funding Committee	Governmental Funding Committee
3. Expand lobbying and legislative education efforts	<b>Governmental Funding Committee</b>	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.	<b>Governmental Funding Committee</b>	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.	<b>Maine State Bar Association, Governmental Funding Committee</b>	Maine State Bar Association, Governmental Funding Committee	Maine State Bar Association, Governmental Funding Committee
<i>B. Support speedy implementation of and compliance with rule changes that would make participation in Maine's IOLTA program comprehensive and ensure comparability in interest rates on deposits in IOLTA accounts (Big 5)</i>	<b>Maine Bar Foundation</b>	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	<b>Maine Bar Foundation, Legal Aid Providers</b>		
2. <i>Expand the Coffin Fellowships in Family Law Program to include additional firms from both</i>	<b>Joint Development Committee</b>	Joint Development Committee	Joint Development Committee

<b>Recommendations and Strategies</b> (See report for more complete description of principal and other related strategies.)	<b>Short Term Action Steps</b> Prior to 10/1/2008	<b>Medium Term Action Steps</b> 10/1/08 – 10/1/2012	<b>Long Term Action Steps</b> 10/1/2012 - 10/1/2018
<i>Greater Portland, but more importantly firms from other areas of the State (Priority)</i>			
<i>3. Expand development efforts within the business, professional and general communities, including development of special events to enlist business support (Priority)</i>	<b>Joint Development Committee</b>	Joint Development Committee	Joint Development Committee
<b>Other Strategies</b>			
D. Increase financial support from the bar and bench	<b>Joint Development Committee</b>	Joint Development Committee	Joint Development Committee
E. Obtain more and increased federal grants	<b>Joint Development Committee</b>	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>	<b>JAG, Maine Bar Foundation, Joint Development Committee</b>	Joint Development Committee	
G. Continue to support and expand the range of funding opportunities for providers		Joint Development Committee	Joint Development Committee
<b>Recommendation 6: Sustain and Ensure the Quality of Maine's Civil Justice System</b>			
<b>Principal Strategies</b>			
<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>	<b>JAG</b>		
B. Maine's Judicial Branch and Probate Courts, as well as State and local authorities involved in civil justice proceedings, should establish written performance guidelines		<b>Judicial Branch, Probate Courts, Administrative Agencies (State and local authorities)</b>	
C. Maine's civil legal aid providers should adopt performance guidelines	<b>Legal Aid Providers</b>		
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	<b>Legal Aid Providers</b>		



<b>Recommendations and Strategies</b> (See report for more complete description of principal and other related strategies.)	<b>Short Term Action Steps</b> Prior to 10/1/2008	<b>Medium Term Action Steps</b> 10/1/08 – 10/1/2012	<b>Long Term Action Steps</b> 10/1/2012 - 10/1/2018
<i>Pro Bono Legal Services</i>			
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.		<b>JAG</b>	
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		<b>Maine State Bar Association, Legal Aid Providers, Maine Bar Foundation</b>	
<b><u>Other Strategies</u></b>			
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		<b>Legal Aid Provider Boards</b>	
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.			<b>All</b>
<b>Recommendation 7: Sustain and Expand Leadership for Justice</b>			
<b><u>Principal Strategies</u></b>			
<i>A. Develop and implement a comprehensive, coordinated access to justice communications and education strategy to build a broader coalition for justice (Priority)</i>			

<b>Recommendations and Strategies</b> (See report for more complete description of principal and other related strategies.)	<b>Short Term Action Steps</b> Prior to 10/1/2008	<b>Medium Term Action Steps</b> 10/1/08 – 10/1/2012	<b>Long Term Action Steps</b> 10/1/2012 - 10/1/2018
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			
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.	<b>Maine State Bar Association, Maine Trial Lawyers Association, other bar groups, Maine Bar Foundation</b>	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.	<b>Judicial Branch</b>	Judicial Branch	Judicial Branch
<b>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)</b>	<b>JAG, Maine State Bar Association, University of Maine School of Law, Legal Aid Providers, Maine Bar Foundation</b>	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.	<b>University of Maine School of Law</b>	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.	<b>JAG, Maine State Bar Association, University of Maine School of Law, Judicial Branch, private attorneys, Legal Aid Providers</b>	JAG, Maine State Bar Association, University of Maine School of Law, Judicial Branch, private attorneys, Legal Aid Providers	JAG, Maine State Bar Association, University of Maine School of Law, Judicial Branch, private attorneys, Legal Aid Providers
<b>C. Build strategic partnerships with and recruit participation in access to justice programs from a diverse audience including businesses, social service organizations, minority communities, the faith-based community, and immigrant and refugee communities. (Priority)</b>	<b>JAG, Maine State Bar Association, University of Maine School of Law, Judicial Branch, Probate Courts, private attorneys, Legal Aid Providers</b>	JAG, Maine State Bar Association, University of Maine School of Law, Judicial Branch, Probate Courts, private attorneys, Legal Aid Providers	JAG, Maine State Bar Association, University of Maine School of Law, Judicial Branch, Probate Courts, private attorneys, Legal Aid Providers



<b>Recommendations and Strategies</b> (See report for more complete description of principal and other related strategies.)	<b>Short Term Action Steps</b> Prior to 10/1/2008	<b>Medium Term Action Steps</b> 10/1/08 – 10/1/2012	<b>Long Term Action Steps</b> 10/1/2012 - 10/1/2018
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
<b>Recommendation 8: Ensure Continued Focus on Evaluation and Implementation of the Planning Recommendations</b>			
<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 Implementation)</i>	JAG	JAG	JAG
<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  
P.O. Box 2460  
South Portland, Maine 04116-2460  
(207) 799-5355  
[jag@maine.rr.com](mailto:jag@maine.rr.com)  
[www.mbf.org/justice.htm](http://www.mbf.org/justice.htm)