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Maine Civil Legal Services Fund Commission

Report to the Joint Standing Committee on the Judiciary

125th Legislature, Second Regular Session

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MAINE CIVIL LEGAL SERVICES FUND COMMISSION

January 27, 2012

David R. Hastings, III, Senate Chair
Joan M. Nass, House Chair
Joint Standing Committee on the Judiciary
100 State House Station
Augusta, Maine 04333-0100

RE: 2011 Report of the Maine Civil Legal Services Fund Commission

Dear Senator Hastings and Representative Nass:

I am pleased to submit the Annual Report of the Maine Civil Legal Services Fund Commission to the Joint Standing Committee on the Judiciary. Included in the binder are individual reports from the ten legal services providers who receive funds from the Fund. As you will see, low-income citizens, people with disabilities and needy elderly in Maine continue to benefit from the efforts of the civil legal services providers supported by this Fund. Most of the recipient providers report that the Fund provides a significant portion of the external financial support needed for their programs, and that without this funding the providers would be severely limited in the ability to provide services to their clients.

A partial snapshot of low-income citizens in Maine reveals that, according to the U.S. Census Bureau, in 2009 there were approximately 216,617 Maine individuals living at or below 125% the federal poverty level. And according to the U.S. Department of Health and Human Services, in 2010 the federal poverty level was \$22,050 for a family of four, \$14,570 for a family of 2 and \$10,830 for an individual.

Since its inception, the Maine Civil Legal Services Fund has played a critical role in sustaining and increasing access to justice for Maine citizens in need. In 2011 the Fund distributed \$1,562,685.78 to ten legal services providers according to the following annual distribution formula:

Cumberland Legal Aid Clinic	7% = \$102,738.00
Disability Rights Center	\$30,000.00
Immigrant Legal Advocacy Project	5% = \$73,384.29
Legal Services for the Elderly	20.25% = \$297,206.37

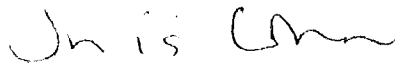
Senator Hastings and Representative Nass
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Maine Center on Deafness	\$15,000.00
Maine Equal Justice Partners	11.25% = \$165,114.65
Penquis CAP Law Project	\$30,000.00
Pine Tree Legal Assistance	50% = \$733,842.89
Volunteers Lawyers Project	6.50% = \$95,399.58
York County Community Action	\$20,000.00

We shall continue to monitor the good work performed by the recipient providers to ensure that the funds of the Maine Civil Legal Services Fund are utilized in a manner that will most efficiently and effectively maintain and enhance access to justice in our State. On behalf of all persons benefited by this Fund, I thank you for your legislative support.

If you or any of the members of the Committee have any questions, please let me know. I can be reached at 207-650-2446 or jbc4567@gmail.com.

Respectfully submitted,



Janis Cohen, Chair
Maine Civil Legal Services Fund Commission

Enclosure

cc: David Fletcher, Esq., Commissioner
Paul Chaiken, Esq., Commissioner

CUMBERLAND

Legal Aid Clinic

UNIVERSITY OF MAINE SCHOOL OF LAW

2011 ANNUAL REPORT TO THE MAINE CIVIL LEGAL SERVICES FUND COMMISSION AND THE JOINT STANDING COMMITTEE ON THE JUDICIARY

OVERVIEW OF THE PROGRAM

The Cumberland Legal Aid Clinic of the University of Maine School of Law is pleased to submit this narrative report on the services provided in 2011 as a result of support received from the Maine Civil Legal Services Fund (“the Fund” or “MCLSF”).

Established in 1970, the Clinic is a program of the University of Maine School of Law and provides legal services to low-income individuals in Maine. Such legal services are provided by third-year law students specially licensed under the court rules to practice under faculty supervisors who are experienced members of the Maine Bar. The Clinic’s mission is two-fold: educating law students through an intense, high-quality clinical and mentoring experience while providing pro bono legal services to indigent Maine citizens.

The Clinic primarily serves clients with legal matters pending in state, probate, and federal courts in Cumberland, York, Androscoggin, and Sagadahoc Counties. On a more limited basis, the Clinic provides assistance to prisoners incarcerated in the Maine state prison system who have cases throughout the state. Cases in the Supreme Judicial Court and federal courts may arise anywhere in the state.

As a general matter, the Clinic provides legal services to low-income residents of Maine (defined as having an adjusted income under 125% of the Federal Poverty Level). The Clinic has four distinct programs, described below, each of which has its own target population. Most individuals qualify for our services when: (1) their household gross income falls within our financial guidelines; (2) the court is within our geographic service area; and (3) we have openings for new clients.¹ Because our resources are very limited, the Clinic cannot accept every case that meets our eligibility requirements. The Clinic staff conducts the initial screening of clients to determine eligibility; the student attorneys complete the intake process and cases are accepted only with faculty approval. Because the Clinic is not able to help all eligible individuals, other considerations in accepting the case are:

- client need
- availability of a student attorney
- availability of alternate sources of legal services or assistance
- Clinic’s ability to provide quality representation
- amount of Clinic resources required to represent the client in the matter
- educational value of the case.

¹ The eligibility requirements are somewhat different for the Prisoner Assistance, Juvenile Justice and Protection from Abuse programs, but each program serves indigent clients almost exclusively.

A total of 45 students enrolled in Clinic courses during 2011. In addition, the Clinic hired five law students hired this summer to work as full-time interns, and one student worked as a part-time fellow doing primarily policy development work. As a result, the Clinic was able to provide much-needed representation to individuals on a year-round basis.

The bulk of the legal services provided through the Clinic are by students enrolled in the **General Practice Clinic**, which is a six-credit clinical course. Each semester, the General Practice Clinic enrolls twelve to fourteen students, each of whom represents from five to ten individuals during the course of a semester. The General Practice Clinic provides full representation, at both the trial and appellate levels, to low-income people living in Southern Maine with any of a broad range of litigation-related matters. The majority of the General Practice Clinic's cases involve family law and domestic matters, but students may also work on state and federal cases involving consumer, criminal, juvenile, probate, administrative and miscellaneous civil issues. Our priorities for representation in the General Practice Clinic include clients with whom we have worked in the Domestic Violence Program and other limited representation programs of the Clinic, referrals from the Immigrant Legal Advocacy Project and other legal aid providers who are unable to provide assistance, and referrals from area courts who have identified litigants as having a particularly acute need for quality legal representation in their legal matters.

This past year, the Clinic continued its work providing civil legal services to those incarcerated in the Maine prison system through its **Prisoner Assistance Clinic**, a three-credit course, enrolling up to five students each semester, with an emphasis on interviewing, counseling and providing "unbundled" legal services (i.e. limited representation) on a wide range of issues. In 2011, the Prisoner Assistance Clinic provided legal information, advice, and, in some cases, full representation to 145 prisoners incarcerated in the Maine state prison system. The Prisoner Assistance Clinic students go to the Maine Correctional Center in Windham every week to meet with prisoners with civil legal matters. The Clinic serves prisoners in other facilities through correspondence and telephone calls.

The **Juvenile Justice Clinic** enrolls up to five students each semester, who work under the supervision of one faculty member, and who have the opportunity to work with troubled youth in a number of contexts. Juvenile Justice Clinic students provide legal representation to children with pending matters in the Maine Juvenile Courts, provide legal information and advice on a wide range of matters to homeless teens and young adults through a Street Law Project at the Preble Street Resource Center, and conduct policy development work on issues such as minority contact with law enforcement, competency, and reducing high school drop-out rates, benefitting children state-wide.

All students enrolled in the Clinic courses or working as summer interns participate in the **Protection From Abuse Program**, through which students attend the protection from abuse docket calls in Lewiston, and represent any victims there who need representation. That program receives top marks from the students, the courts, and clients alike. The Clinic represented 210 victims in 2011 in protection from abuse or protection from harassments matters in Lewiston District Court. The Clinic provided such representation in 2011 through support from the Fund, as well as federal funding received from the United States Department of Justice Office of Violence Against Women during the final quarter of the year.

INFORMATION REQUESTED BY THE COMMISSION

The Fund provided nearly twenty-one percent of the total funds used by the Clinic for its programs in 2011 and approximately 56% of external funds received, making it the Clinic's largest single source of external funding. Accordingly, the Clinic relies upon money received from the Fund for nearly all of the programs described above, but especially for the work of the General Practice Clinic and Protection from Abuse Program.² In 2011, the Fund provided the resources by which the Clinic was able to retain a third full-time faculty supervisor and a part-time adjunct faculty member and to operate the Clinic on a year-round basis by hiring two of the five student interns this summer to cover the ongoing cases. Therefore, absent the support provided by the Fund the Clinic would be approximately two-thirds its present size. These funds also enable us to purchase training and legal research materials for our Clinic library and to cover other important expenses (such as hiring interpreters, travel to court, printing, telephone, and mail) directly related to providing legal services. Through the Clinic, the Fund has directly supported the training of new lawyers in Maine's strong pro bono tradition, and enabled hundreds of Maine's poor to have access to justice.

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

Family law (not including Protection from Abuse proceedings) comprised approximately 53% of the Clinic's General Practice and Prisoner Assistance caseloads in 2011 (a total of 239 cases) and we also assisted 4 teens and young adults with family law matters through the Street Law Program. The Clinic handled a total of 227 Protection from Abuse/Harassment cases, for a total of 357 family-related cases last year. The family law caseload, however, is varied. While the majority of cases in the General Practice Clinic, for example, involve disputes regarding parental rights and responsibilities, child support, and divorce, the Clinic has also taken on cases involving guardianship, termination of parental rights, adoption, *de facto* parent status, and protective custody. Other areas of civil legal services in the General Practice Clinic 2011 caseload have included foreclosure, breach of fiduciary duty of a personal representative, adversary proceeding in bankruptcy, violation of duties of trustee and conservator, consumer, civil rights, other public benefits, immigration, wills/estates, establishing a non-profit corporation, disability discrimination, and other miscellaneous issues. The Prisoner Assistance Clinic addresses an even wider range of civil legal issues. In addition to many of the above categories of legal cases, the Prisoner Assistance Clinic student attorneys assisted clients with matters involving paternity, advanced health care directives, contract claims, conversion of personal and real property, name change, social security disability benefits, tort defense, attorneys fee arbitration, real estate disputes, landlord/tenant, powers of attorney, individual rights, and bankruptcy. Juvenile Justice Clinic students provide information and advice to teens and young adult on civil matters such as emancipation, guardianship, education rights, public benefits, immigration, disability, wage/hour disputes, housing and family law through the Street Law Program at the Preble Street Teen Center.

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

² The Clinic does some work in the areas of criminal and juvenile law, and those clients (a total of approximately 128 cases) have not been included in the client totals for this report, although some of these clients, particularly the juvenile clients, also had civil legal matters for which we provided assistance.

In 2011, the Clinic provided civil legal assistance to a total of 421 individuals.³

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

The primary demographic information tracked by the Clinic is the client's county of residence. The county-by-county breakdown of our clients' places of residence is as follows: Androscoggin 210; Cumberland 150; Franklin 4; Hancock 1; Kennebec 7; Knox 3; Lincoln 1; Oxford 7; Penobscot 6; Sagadahoc 5; Somerset 2; Washington 1; York County 19; Out of State 5.⁴ In recent years the Clinic has assisted a growing number of clients with Limited English Proficiency and/or who were born outside of the United States. During 2011, our clients' countries of origin included: Djibouti, Honduras, Belize, Trinidad, Jamaica, Haiti, India, Canada, Democratic Republic of Congo, Sudan, Burundi, Somalia, and Iraq. The Clinic also represents a large number of people with disabilities, particularly those with serious mental and cognitive illnesses.

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

Because the legal work is performed entirely by law students who are also enrolled in other law school courses, the Clinic's geographic coverage is generally limited to courts within a one-hour drive of the Law School in Portland. Therefore, in 2011 we provided full representation to clients with cases in Portland (including the Maine Supreme Judicial Court and federal court), Augusta, Bridgton, Biddeford, Springvale, Alfred, York, Lewiston, Auburn, West Bath, and Bath courts. We also represented a juvenile with a matter pending in Skowhegan District Court. However, through the Prisoner Assistance Clinic, the Clinic also serves on a more limited basis clients with legal matters arising anywhere in the state.

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

The Clinic had 86 civil cases open at the start of 2011. During the year, the Clinic opened 380 new cases and closed 381. The Clinic has 85 civil cases open at this time. With the start of the new semester in January 2012, we expect to take on several new clients in the upcoming weeks.

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

The Clinic has complied in all respects with the proposal submitted in November 2009. As set forth in the Overview provided in this report, the Clinic has maintained or expanded all programs described in the proposal. The Clinic's central focus of providing high-quality full

³ We have excluded from our calculations 33 prisoners with whom we had some contact but who were not eligible for our services due to their case type, who did not follow up after an initial contact, for whom the Clinic had to decline representation due to a conflict of interest, or there was some other reason that services were not provided. We have also excluded from our count the individuals, totaling 2151, who contacted the Clinic for legal assistance last year by calling or walk-in and who were provide referrals to other agencies due to a lack of available openings or ineligibility for representation by the Clinic.

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

representation to low-income individuals has remained unchanged, while the Clinic continues to develop innovative ways to serve an even larger group of individuals on a more limited basis.

7. *Outcomes measurements used to determine compliance.*

The Clinic tracks data regarding its cases through the same case management system used by many of the other legal services providers. With this data-tracking software, the Clinic is able to review the type and volume of cases handled each year. The caseload size is usually a direct result of the complexity of the cases, as well as student enrollment, which can depend upon the number of Clinic faculty supervisors, student interest, and overall law school enrollment. During 2011, there was full enrollment in all clinical courses. Faculty supervisor approval is required for every case acceptance to ensure that the case falls within the Clinic's case acceptance parameters, including those set to ensure that we are complying with our 2009 proposal to the Commission.

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

Each client served receives a questionnaire when his or her case is closed. Completed questionnaires are reviewed by the student attorney, faculty supervisor, and Clinic director. While the response rate is not especially high, those who do respond nearly always have high praise for the students' work and express their deep appreciation for the assistance provided through the Clinic. Also, all Clinic students are asked to complete detailed evaluations of the Clinic program. As an educational program, the Clinic is also part of the ongoing evaluations in the Law School and the University, including extensive evaluations of the members of the faculty. The Clinic regularly contacts those who work with our program (judges, clerks, and social service providers) to solicit feedback.

One measure of the program's success is our students' career choices after they graduate. Our recent graduates have taken positions with Maine Equal Justice Partners, National Juvenile Defender Center, Alaska Legal Services, Maine Legal Services for the Elderly, KIDS Legal, Vermont Legal Aid, and several domestic violence agencies. A number of our recent graduates tell us that, as a result of their experiences working in the Clinic, they have decided to become rostered guardians *ad litem* and/or take court-appointed work in the areas of child protection, juvenile defense, and criminal defense. Other graduates have signed on with the Maine Volunteer Lawyers Project to accept *pro bono* cases.

8. *Information particular to each recipient organization regarding unmet and underserved needs.*

The Clinic receives a few thousand calls from individuals seeking legal assistance every year and also receives dozens of referrals from courts and agencies. Unfortunately, the Clinic's small size limits the number of individuals that we can serve. Given the enormous unmet need for civil legal assistance among low-income Mainers, the Clinic designates as priorities for case

acceptance those low-income clients who would otherwise have particular difficulty representing themselves due to mental illness or other disability, language barriers, immigration status, history of domestic violence, youth, sexual orientation, or geographic isolation. We also provide legal representation in those areas of the law where there is a particularly acute need for representation, such as complex family law matters with issues of family violence, substance abuse, mental illness, or conflicting jurisdiction. We make every effort to accommodate referrals from courts and other organizations that have identified specific individuals who would benefit from the Clinic's assistance, particular due to the limitations of other legal aid programs. Some of our programs provide a broad range of limited assistance to many people – Street Law Project, Protection from Abuse Program, and Prisoner Assistance Clinic – enabling us to identify those individuals with a particular need for extensive legal assistance, thus ensuring that our resources are applied to those for whom the need is most acute.

CONCLUSION

The faculty, staff, and students of the Cumberland Legal Aid Clinic wish to express their appreciation for the continued support of the Maine Civil Legal Services Fund, without which our program would be severely limited in its ability to serve its dual mission of providing much-needed legal services to chronically under-served populations while educating the next generation of attorneys. The continued cut-backs in state funding for higher education renders the Clinic increasingly reliant on external sources of funding to continue its work at current or higher levels. The Fund is also a particularly valuable source of support as it allows the Clinic the flexibility to explore and develop innovative ways to serve its mission.

Please let us know if you have any questions or if there is any additional information that we can provide.

Respectfully submitted,

/s/ Deirdre M. Smith

Deirdre M. Smith

Director and Professor of Law

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**DISABILITY RIGHTS CENTER
2011 ANNUAL REPORT TO THE
MAINE CIVIL LEGAL SERVICES FUND COMMISSION**

JANUARY 13, 2012

Introduction

In 2008, DRC first sought funding for a full time attorney position because our federal funding had been flat or cut for four years running. Our capacity to provide legal services for Mainers with disabilities living in poverty was thus compromised. It is worse now. DRC initially received an award of 2% of the total Fund which was then reduced to a set amount of \$30,000 in 2010, representing a cut of more than \$6000.000. In September 2011, DRC again sought MCLFC funding for a full time attorney and again DRC received a cut. DRC was awarded 1.3% of the fund or \$20,800.00.

Even though the Fund award is still insufficient to hire a full time attorney, it supplements DRC's ability to provide needed legal representation to Maine's low-income citizens with disabilities – Maine's most vulnerable population. Adults with a disability in Maine are more than three times as likely to live in poverty relative to adults without a disability.

Unfortunately however, because of funding cuts, we were forced to lay off a staff attorney in 2010. Then, in August 2011, a staff attorney left DRC. Because of the lack of funds, DRC was unable to fill that position. In two years, due to funding cuts, DRC has gone from having six staff attorneys to four. That inevitably means that more Maine citizens with disabilities are without necessary legal representation in meritorious matters of discrimination and rights violations. The funding for our core purpose is inadequate.

The Fund award is used exclusively within the legal budget and not for any administrative costs, support staff salaries, or advocate salaries. In 2011, DRC had cases pending in courts at every level in Maine; Federal District Court, Law Court, Superior Court, Probate Court and District Court.

About DRC

The Disability Rights Center (DRC), Maine's statewide protection and advocacy agency (P&A) for people with disabilities, is a private, nonprofit corporation. DRC is dedicated to enhancing and promoting the equality, self-determination, independence, productivity, integration and inclusion of people with disabilities through education, strategic advocacy and legal intervention. Our mission is to advance and enforce the rights of people with disabilities. DRC employs 23 people.

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

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

The history of the DRC is tied to the creation and growth of the federal P&A system. DRC receives funding under 7 federal grants (described in Appendix A), one state funded program and one state contract.

DRC gets an appropriation from the Legislature to represent children with disabilities in special education matters. In order to serve students with disabilities, DRC created an Education Team, consisting of an advocate and directed by a staff attorney. The team's focus has been on children with severe disabilities who have either been excluded from school or who have been denied the right to receive a free appropriate public education. The staff attorney closely supervises the advocates to frame cases and to provide legal intervention when necessary. For example, the staff attorney becomes involved in negotiations when the schools involve their lawyer, administrative hearings and appeals. Generally, the team has become so effective that few cases require a due process hearing.

Our state funding for special education advocacy has also received cuts over the past 5 years from \$135,543 to \$122,979. This year, the Governor has proposed an additional \$3,468 cut in our special education funding in the Supplemental budget prior to expected curtailments. The critical and increasing need for special education advocacy funding for Maine's most vulnerable kids- those living in poverty and out

of school through no fault of their own - is worrisome. DRC achieves remarkable results for these children but is sorely underfunded. There remains no earmarked federal funding for this vitally important work.

DRC has one contract to provide mental health advocacy in the two state psychiatric facilities; Riverview Psychiatric Center (RPC) and Dorothea Dix Psychiatric Center (DDPC). DRC also has a contract with Acadia Hospital for an advocate.

Maine Civil Legal Services Fund Commission

DRC's Maine Civil Legal Services Fund Commission (MCLSFC) funding is essential in ensuring that Maine citizens with disabilities living in poverty have access to the free legal services they need and deserve.

The funding that DRC receives from the MCLSFC allows DRC to supplement its federal funding so it can provide legal services to low income Mainers with disabilities who would not otherwise receive legal assistance. DRC's federal funding includes significant eligibility restrictions which prevent DRC from representing many Mainers who are in need of legal assistance. The MCLSFC funding broadens DRC's ability to provide access to justice for these people with disabilities.

DRC uses the MCLSFC funding in conjunction with our federal funding in cases where the caller has a disability, lives in poverty and has experienced disability based discrimination or rights violation.

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

Appendix A includes 31 specific case examples providing a detailed description of the types of cases DRC attorneys handled during 2011. The Fund award is used to supplement the provision of legal services to low-income Maine citizens with disabilities subjected to abuse or neglect or other rights violations. For example, DRC uses the Fund award to represent low-income Maine citizens who either want to live in the community or who want to continue to live in the community, including those who are involved with the long term care system through MaineCare, such as individuals with personal care attendant (PCA) waiver services who are challenging service reductions, terminations or suspensions that might lead to their placement in an institution.

DRC's efforts to support community integration mean that DRC also represents individuals who are currently institutionalized and want a community placement near

their friends and family. DRC also uses the Fund to represent low-income individuals with disabilities who are facing eviction or need accessible housing, individuals with disabilities who are having trouble accessing government services or public accommodations, individuals with disabilities who lose their jobs and individuals who are eligible to receive public benefits because they lost their job or who are attempting to transition from public benefits to employment but are wrongfully denied employment because of their disability.

The types of cases DRC attorneys handled in 2011 are listed below:

Problem	<u>No. of Cases</u>
Abuse	40
Architectural Accessibility	8
Education	13
Employment	37
Gov't Services and Benefits	9
Guardianship/Conservatorship	5
Healthcare	63
Housing	19
Neglect	22
Non-Gov't Services	22
Program Access	1
Rights Violations	109
Voting	3
Other	4

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

In 2011, the fund allocation was the equivalent of a half-time staff attorney position. For most of 2011, DRC had 5 full time staff attorneys who provided direct legal representation to 321 clients on 355 cases.

3. Demographic information about the people served as a result of money received from the fund.

<u>Active by Gender</u>	<u>No. of Clients</u>
Female	167
Male	154

Active by Ethnicity

Native American	5
Afro-American	2
Hispanic	6
Multi-Ethnic	4
Multiracial	1
Somali	6
White	280
Arab	2
Asian	1
Unknown	14

Active by Disability

Absence of Extremities	3
AIDS/HIV	2
Autism/Developmental Delay	16
Blindness/Visual Impairment	7
Brain Injury	25
Cerebral Palsy	20
Deaf/Hard of Hearing	4
Epilepsy	5
Heart and Circulatory	4
Learning Disability/SLD	3
Mental Illness	112
Intellectual Disability (formerly Mental Retardation)	24
Neurological	22
Physical/Orthopedic	60
Respiratory	8
Spina Bifida	3
Substance Abuse	1
Tourette Syndrome	2

Active by Age when Case Opened

Birth-18	59
19-30	51
31-40	61
41-50	64
51-60	64
61-70	15
71-89	7

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

DRC provides statewide services and uses the Fund to supplement our ability to do so. Clients served by the Fund live statewide and come to us through our training and outreach, referrals from providers, relatives, friends and state agencies, our website or other means.

A breakdown by County is listed below:

Active by County	No. of Clients
Androscoggin	28
Aroostook	13
Cumberland	71
Franklin	6
Hancock	7
Kennebec	50
Knox	9
Lincoln	9
Oxford	7
Penobscot	50
Piscataquis	3
Somerset	15
Waldo	8
Washington	5
York	34
Unknown	6

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

	<u>No. of Cases</u>
Opened	221
Closed	213
Active	355

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

DRC's proposal was for the hiring of a full-time attorney, which was not feasible with the amount we received from the Fund.

DRC has complied with the terms of the award by exclusively using the Fund only for staff attorney salaries to represent low-income Maine citizens with disabilities and have not used the funds for any other expenses such as administrative costs, support staff salaries, or advocate salaries. When DRC received the first fund award, we expanded our case eligibility under the Fund, first to representing select eligible children in special education matters but then made a decision to broaden eligibility to represent those Maine citizens living in poverty who have a disability. This allowed us to be as flexible and as broad as possible in using MCLSFC funds. In other words, we assess any case that comes through for merit, and as long as the caller has a disability, lives in poverty and has experienced discrimination or a violation of rights, they are eligible to be served using MCLSFC funding.

7. Outcome measurements used to determine compliance;

Most cases come to the DRC through our intake unit but many are direct referrals to staff or "field intakes" brought back from facilities, trainings and outreach. After an in-depth intake interview, all cases are reviewed by one of DRC's four teams. DRC has a Developmental Disabilities Team, Children's Team (children's mental health and special education), Mental Health Team and Employment & Public Accommodations Team. The teams review intakes, assess eligibility and merit and then assign a lawyer to each case. DRC's teams meet weekly to monitor cases and projects and to assess and record team progress on annual program priorities.

In addition, DRC's Litigation Team meets once a month to discuss legal trends and case strategies and issues of mutual concern. The Legal Director conducts periodic in-depth case reviews with each lawyer to ensure appropriate, timely and vigorous representation. The Executive Director conducts an annual "snapshot" case review with every lawyer, to ensure compliance with DRC mission, vision, casework and representation standards and eligibility requirements and to assess each lawyer's general knowledge of the disability service system and civil rights movement. The Legal Director is always available to consult about an issue in a case and daily engages in general discussions regarding cases. In addition, for best practices, lawyers always discuss their cases with other lawyers in the office.

When a case is ready to be closed, the lawyer assigned to the case enters a closed case narrative into DRC's nationally based client management database and notifies

the Legal Director that the case is ready to be closed. The Legal Director reviews the case for appropriateness of intervention, timely client contact, accuracy of data and quality of outcomes. The rare case that does not meet these standards is returned for correction and reviewed with the staff attorney during supervision. The Legal Director then places a note in the file approving the closing. A quarterly report, with sample case summaries is prepared and sent to the Executive Director and the Board of Directors.

When a case is closed at DRC a two page questionnaire is mailed to clients with a cover letter from the Executive Director requesting that they complete the survey and return it to the agency in the self-addressed stamped envelope. The questionnaire is designed to generate feedback from clients on all aspects of DRC services including input on annual priorities. When the surveys are returned, the responses are entered into a database, the compiled results of which are shared quarterly with the DRC Board of Directors.

Responses that indicate problems with DRC services are shared with the Legal Director, the Executive Director, and other members of the management team for review and action. The Legal Director will contact the client to resolve the problem. If need be, the case will be reopened. A detailed written report is then provided to the Executive Director.

The DRC management team meets regularly to assess quality of services, to streamline operations, and improve data collection and reporting.

Every year DRC prepares comprehensive program reports for our federal funders, called Program Performance Reports (PPRs). In these detailed reports, DRC outlines all of its activities in each of the programs, including cases and non-case activity and explains how our actions furthered the priorities DRC has established for each of its programs.

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

8. Information particular to each recipient organization regarding unmet and underserved needs.

With the loss of a two attorneys, DRC has had to again cut back on services. We reluctantly turned away more individuals in 2011 than in prior years. DRC must be much more selective in taking certain cases, such as referrals from the Long Term Care Ombudsman. We are even more selective in taking cases involving requests for accommodations in housing, employment and public accommodations than we have been in years past. Sometimes we offer individuals technical assistance or send them materials rather than provide representation. On average, DRC staff attorneys handle 90 cases per year so losing 2 staff attorneys means turning away 180 more people who we would have determined to have a meritorious case of discrimination or rights violation. The Legal Director has taken on many more cases in 2011 in order to attempt to represent those with the most egregious need. Unfortunately however, the need for DRC services has dramatically increased in 2011 and those callers are people with disabilities who have lost critical services; people who would not have needed to call DRC in 2010 or before but people who are at great risk.

At the time of this annual report, the Governor has proposed drastic cuts to MaineCare. According to some estimates, as many as 63,000 low income Maine citizens may lose benefits. Many, if not the majority of those citizens are Mainers with a disability. DRC has already been involved with efforts to educate legislators and policymakers of the potential impact to low income citizens with disabilities. DRC may have to divert resources currently used for existing priorities to protecting Maine citizens adversely affected by the budget cuts. If this becomes necessary, Fund resources may prove even more vital.

The only state or federal money earmarked for special education advocacy in Maine is the legislative appropriation to the Disability Rights Center, which continues to be cut each year. The State Department of Education (DOE) reimburses districts for a portion of the costs they spend on special education attorneys, but fail to provide any funding whatsoever for legal services for parents. While some parents are fortunate enough to have the resources to hire private attorneys, most do not. DRC believes that all children are entitled to due process when districts fail to meet their needs and that it is fundamentally unfair that people can only get a special education lawyer if they can afford it.

While DRC uses some federal funding to address special education issues, we can only take cases of children who have developmental disabilities or mental health issues. Nationally, 30-40% of P&A cases involve issues arising under the Individuals with Disabilities Education Act (IDEA), such as concerns regarding inclusive

education, appropriate programming and availability of related services. DRC is only able to take a very small percentage of the cases that come through our intake. We prioritize cases in which the child with a disability is simply not in school so not being educated at all or is restrained or secluded in school. P&As are the single largest enforcer of IDEA and yet receive no federal funds earmarked for this purpose.

The legal needs of low-income Mainers with children who need special education services have long been ignored. Education officials at both the state and local levels have in the past sought, and probably will be again seeking, cuts in education budgets by restricting eligibility for special education services. Low-income Maine citizens who cannot afford legal representation are more affected than those who can afford an attorney and need assistance now more than ever. In this era of budget cutbacks, DRC is facing another cut in special education funding. The Supplemental Budget includes yet \$3,468 cut to DRC's already meager special education appropriation. DRC needs the resources to represent children and families with disabilities involved with the child protective and foster care systems. This includes the denial of parental/family rights; particularly taking custody of the children from adults with disabilities, the termination of parental rights involving either children or parents with disabilities and parents with disabilities who have children in these systems.

Another area of need is privacy violations. DRC does not have the resources to address issues of individuals who have violations of their privacy.

DRC also needs to do more to make public accommodations accessible for people with disabilities. However, with limited resources, we understandably give priority to cases involving people unnecessarily institutionalized, losing their job or being evicted. With more resources, DRC could represent the many people who call us to report accessibility problems.

Finally, DRC should be doing far more work in the area of juvenile justice and children's mental health.

APPENDIX A

Sample Cases

Due Process

- As a result of DRC's appeal to the Law Court, if a judge who is presiding over a commitment hearing learns that an individual has been involuntarily medicated, the judge must inquire from the individual, his or her attorney, or an expert medical witness in order to determine whether, and to what extent, the effects of the medications involuntarily administered to the individual prior to the hearing, interfere with the individual's ability to be present and participate in the hearing. The judge must then decide whether a continuance would be required. This vitally important ruling came about because DRC represented a 21 year old man with mental illness who had been involuntarily committed to a large state run psychiatric hospital. After the hearing, the client contacted the DRC seeking representation in an appeal of the commitment order because the client claimed that as a result of being involuntarily medicated prior to the hearing, he was too sedated to assist in his defense at the hearing. DRC obtained transcript of the hearing which confirmed the client's claims. The transcript also showed that the judge presiding over the hearing made no inquiry regarding the effects that these medications were having on the client's ability to assist in his own defense. After DRC appealed the commitment order, the intermediate appellate court denied the appeal. DRC then appealed to the Law Court which vacated the intermediate appellate court's denial. In its published decision the Court issued the new substantive rule that must be followed in all future commitment hearings.

Guardianship

- DRC successfully represented a 78 year old man with mental illness in court proceedings to terminate his public guardianship. The client's adult son initially obtained guardianship and conservatorship over his father. Due to concerns regarding the Son's possible financial exploitation of the client, the court removed the son as guardian and appointed the state as guardian. The client contacted the DRC after obtaining independent medical opinions stating that he did not require a guardian or conservator. A DRC attorney contacted the state guardian representative who agreed that the client did not need a guardian. The state then filed a petition to terminate the guardianship, but the son objected. DRC entered its appearance in the Probate proceeding and represented the client at the hearing on the termination petition. The court granted the petition to terminate the guardianship. The client's rights are now fully restored.

- A 43 year old man with a traumatic brain injury who has been under guardianship since 1990, contacted the probate court seeking to be his own guardian after client's guardian (his aunt) passed away. His request resulted in the probate court setting a hearing on the matter. Client contacted DRC seeking assistance with the hearing. The DRC attorney researched the matter and determined that client was, by operation of law, his own guardian upon the death of his guardian. Lacking anyone else stepping forward to assert that he requires guardianship, he was already "his own guardian". After discussion, the client decided to simply dismiss the pending case as being unnecessary and let the matter remain as it is. The DRC attorney drafted an uncontested motion to dismiss and submitted it.

A few months later, the client contacted the DRC because his bank would not recognize that he was no longer under guardianship and refused to give him access to his money. At that time, he sought assistance with obtaining a formal court order so that he could access his account.

Government Services & Public Accommodations

- A 60-year-old male with Multiple Sclerosis underwent an amputation and had not yet been fitted for a leg prosthesis. He resides in a very small town where the privately owned general store is also the Post Office. The building is not accessible. There are only stairs at the entrance, no ramp, and in the area where the mail boxes are, the owner stores grain and other surplus items. The Post Master owns the store. He refused to make the building accessible. There's no mail delivery – people get their mail at the PO or they don't get it at all.

The DRC attorney spoke to the Post Master who offered to drive the client's mail to his house but the client was reasonably concerned about getting his mail, particularly financial benefits, and did not accept this solution as a reasonable accommodation. In the past the postmaster had said he would walk client's mail out to him at the store but then refused to do so. Postmaster had also expressed anger at the client and had called the client names.

The staff attorney finally filed a formal complaint with the USPS. As a result, the post office in the nearest major town became involved. They forced the postmaster to accommodate the client at the post office itself.

- A homeless shelter will institute a policy of nondiscrimination, post a notice of the policy, institute a client grievance policy, compensate the client and pay attorneys' fees to DRC because a 43 year old woman and domestic abuse

survivor was terminated from a homeless shelter due to her disability. Client has a neurological disorder, obesity and mental illness. Prior to her admission to the shelter, client was assured that it was fully accessible, however, the handicap accessible areas lacked heat and the shelter failed to keep entry ways free of barriers, which caused unsafe conditions for client. The shelter refused to allow the client back in the shelter after she was discharged from the hospital and physical rehabilitation. The shelter personnel informed her that she was terminated and that they could not take care of her 24/7. Client requested reconsideration but the shelter refused and they had no grievance policy to allow client to appeal. DRC represented client at the Maine Human Rights Commission and negotiated a confidential settlement agreement.

- A rural convenience store is accessible to people with mobility impairments due to DRC's advocacy. A man who uses a wheelchair contacted DRC complaining that a convenience store near to his house was inaccessible to him due to the lack of a wheelchair ramp at the main entrance. DRC wrote a demand letter to the store asking them to voluntarily comply with the law by making their main entrance accessible. Shortly after sending the letter, DRC received a call indicating that a ramp had been constructed and the store was now accessible. DRC confirmed this fact with the client.
- As a result of DRC's advocacy, a 57-year-old female with quadriplegia and stage IV lung cancer, has a wheelchair that meets her needs. More than a year before, the client had been fitted for a power wheelchair that was ordered and delivered. However, when she sat in the chair it was not fitted for her. She spoke with the pharmacy but they refused to adjust it. DRC attorney advocated for her and the pharmacy finally relented, without the need for litigation.

Community Integration

- DRC assisted a 30 year old woman with a developmental disability to move out of a nursing facility and into her own apartment in the community. The client initially sought DRC's assistance in appealing her discharge from her assisted living facility and appealing her assessment, which concluded that she was eligible to receive the maximum number of hours in an assisted living facility. As a result of her discharge from the assisted living facility, the client was forced to live in a nursing facility for four months. DRC assisted the client in finding an apartment and securing, through a waiver program, personal care services that would permit her to live in the community. Although the DRC attorney prepared the client and witnesses for an administrative hearing, the

client ultimately withdrew her hearing request because she preferred to live in her apartment in the community, rather than returning to her assisted living facility.

- As a result of DRC's assistance, a young woman with an intellectual disability and mental illness successfully transitioned from a psychiatric hospital to the community. The client's father contacted the DRC 6 weeks after the client had been determined ready to be discharged but the hospital refused to discharge her because she lacked an appropriate, community placement. DRC advocated for her discharge and she was discharged from the psychiatric hospital to a community, crisis placement. Later, the client was placed on the home and community based waiver, which enabled her to receive long-term, appropriate, community-based services.
- A young man with significant physical disabilities, medical conditions and an intellectual disability contacted DRC after his services were threatened. The client needs constant care and supervision and his needs were being met through a MaineCare program that provides in-home personal care attendant services, and by attending his MaineCare day habilitation program twenty-five hours per week. The client's mother was his primary care giver. DHHS initially threatened to end this client's day hab services. At that time, DRC filed an Olmstead claim in Federal Court. The parties entered into a settlement agreement and DHHS agreed to continue providing the same level of services to the client. Later, the client's guardian contacted DRC because DHHS was seeking to change the client's programming- which would have had the result of reducing his services to the point that he would no longer be able to continue living at home. DRC negotiated with DHHS and the client was placed on Maine's Medicaid Home and Community Based Waiver Program. Through the Waiver, the client will continue to receive medically necessary day habilitation services and personal care supports. As a result, the client continues to live in the community with his mother.
- A 36-year old woman with mental illness stayed in her community placement as a result of DRC's intervention. The client was living in a 4 bed waiver home that was funded by a state mental health contract. The arrangement was authorized by the department in order to discharge her from the state psychiatric hospital. Once she was in the community, the mental health authority decided it would no longer fund the placement and client was told she would have to leave the home and move to a larger home. DRC negotiated with the department about seeking Private Non-Medical Institution funding for

the current placement but at first, the Department maintained the provider could not operate both a MH PNMI and a waiver home but ultimately the Department agreed that the client would be permitted to remain in the home if the provider would apply for a license.

- A 50-year-old man with multiple sclerosis and a traumatic brain injury will have adequate in-home personal care due to DRC's advocacy. The client had recently been assessed as needing fewer home care hours than the previous year. The client appealed the assessment because he felt that the recommended hours would not be sufficient to provide him with enough assistance with all of his daily needs. DRC represented him at a hearing challenging the assessment. While the hearing officer found that the assessment was correct in some areas, she recommended that additional time be added to his plan of care for personal care activities that were not properly accounted for. This recommendation was affirmed by the Department's Commissioner.
- DRC successfully challenged a decision that a 48 year old woman with co-occurring physical impairments and mental illness no longer needed the level of behavioral health rehabilitation and personal care Medicaid funded services she was receiving. The agency charged with conducting medical necessity reviews determined that she could live more independently in a supported apartment. In fact, the services were being provided in her own apartment by staff who had an office in the same complex. Because the apartment complex staff saw the client for medication administration, insulin related checks, C-PAP checks, and daily organization, on average 6 times per day, it was unlikely that any other model with visiting personal care or rehabilitation staff would meet her needs. The agency that provided the services recommended that if she needed to move, she seek board and care services, which, of course would be far more restrictive. After an administrative hearing, the agency reversed its decision and authorized continuation of services. As the client liked her apartment and has lived there for several years, she was much relieved that she would not be losing the services that permit her to maintain her independence.

Healthcare

- DRC successfully represented a 5 year old medically fragile boy from Somalia in an administrative hearing after DHHS tried to reduce the number of RN hours he receives. The client has cerebral palsy, microcephaly, seizure disorder and developmental delays. He has a tracheostomy for breathing that must be closely monitored and suctioned. He has a gastrostomy tube that he is dependent on for nutrition, hydration and some medication. He is nonverbal,

relying on subtle clues to indicate illness, pain or some change in his condition that trained staff must be able to understand, respond to and treat. The hearing officer recommended that he receive all the care that he was currently receiving and that the care continue to be delivered by RNs. The Commissioner adopted the findings and recommendations of the hearing officer.

- DRC represents a 6 year old boy with developmental delays, whose doctors, as a result of a prolonged seizure, induced a 4 month long phenobarbital coma that resulted in his brain actually shrinking in size. The boy lost all of his developmental milestones due to his brain shrinking. The Department of Health and Human Services then sought to reduce the 84 private duty nursing hours he was assessed as needing when he was released from the hospital, to 2 hours of nursing care a week, 3 months later, even though his condition had not improved, but, in fact, had deteriorated. The parents appealed, a hearing was held and we awaiting a recommended decision from the administrative hearing officer. This is one of a dozen similar cases where DRC is representing a child with severe disabilities threatened with dramatic nursing care reductions.
- A 32 year old woman with an intellectual disability from Iraq who spoke only Arabic was assessed as not eligible for services since she has family around who can provide her with services. After DRC inter-vened, the assessing agency agreed to reassess her and she was found eligible for out of the home services, which is what she wanted.

Housing

- A 62 year old man with mental illness was able to avoid eviction after the client's landlord alleged that the client was harassing his neighbors. The client wanted to move but needed more time. According to client's mental health providers, client's actions were related to his disability. DRC entered its appearance on behalf of client in the eviction proceeding and negotiated a reasonable accommodation whereby the landlord did not seek an immediate hearing on the eviction and client was given additional time to move. Client moved during this agreed upon time and the eviction action was dismissed.
- A 46 year old man with mental illness was renting a federally subsidized apartment located in a complex and received a notice terminating his lease due to verbal threats he made against one of his neighbors. The client thought the

neighbor was spying on him when the neighbor was not. Client's social workers confirmed that this unfounded belief was due to his disability. DRC requested a reasonable accommodation on behalf of the client to have the landlord withdraw the termination notice and in the future the client would access additional social work services to ensure that he would not threaten his neighbor and that if he had a complaint regarding the neighbor he would contact his social worker in order to resolve it. The landlord agreed to the accommodation, the notice was rescinded, and the client remained in his apartment.

- An application for a Section 8 voucher was denied to a 49 year old man with mental illness based on a prior criminal conviction more than 15 years old that involved behaviors related to his disability. At the time of the conviction client had not been receiving mental health services. DRC represented the client at a hearing with the Housing Authority and requested a reasonable accommodation that the Housing Authority would reverse its denial of his application and client would continue to receive the mental health services he had been receiving for the last ten years. The Housing Authority agreed.
- The landlord of a 57 year old man with mental illness who was living in a subsidized housing project filed for an eviction alleging that the three dogs in his apartment were not service animals and thus violated the project's pet rules. The client's medical providers were of the opinion that without the dogs the client would be at increased risk of suicide. DRC represented the client in the eviction proceedings and informed the landlord that the affirmative defense of failure to accommodate the client's use of his service animals would be raised at the hearing. The landlord agreed to not seek immediate eviction and allowed client to remain in the apartment until the end of his lease. Prior to the expiration of the lease the client found another subsidized apartment and the eviction action was dismissed.
- A 29 year old woman with mental illness had recently become pregnant and was unable to continue taking medications for her depression. Her primary care physician prescribed a dog as a service animal in lieu of these medications. Client's landlord served her with a notice terminating her lease on the basis of violating the no pet policy. DRC sent the landlord a letter explaining that under state law the animal was a service animal and asked the landlord to withdraw the eviction notice. After receiving the letter and consulting with legal counsel, the landlord withdrew the eviction notice.

- DRC successfully negotiated a Veteran's continued residency in a supported apartment program designed for previously homeless veterans with mental illness. The 49 year old veteran contacted DRC after he received a notice saying that he had to be out of his apartment within 3 days. The director of the program maintained that the terms of the agreement the veteran had signed upon entering the program, permitted eviction with 3 days notice. DRC spoke with the director's supervisor and was able to obtain agreement that notice was insufficient and that the veteran would be entitled to the protections of a subsequent eviction proceeding in order for them to take possession of the apartment. The supervisor reported that the veteran had been given the notice because he was in arrears in paying his rent and had had negative interactions with other tenants and staff. DRC negotiated terms of an agreement whereby the agency would withdraw the notice, forbear on eviction and develop a treatment plan with the client whereby they would address any negative behaviors that might arise in the future. The agreement also included an installment plan for becoming current on rent. The client was very pleased with the outcome, especially so since if he were evicted, his relationship with his 10 year old daughter whom he is now seeing at least 4 days per week would have been seriously disrupted.
- A 45 year old woman with mental illness was able to avoid continued institutionalization in a large state run psychiatric facility due to DRC intervention. Client was clinically ready to be discharged from the institution but did not have an apartment she could move into. She applied for housing in an apartment that was owned by a mental health agency which provided both housing and supports. The mental health agency denied her request based upon a previous landlord reference for non-payment of rent and a conviction for operating under the influence. DRC obtained information showing that the operating under the influence conviction was due to effects of client's prescribed psychotropic medications and that client had obtained a representative payee to assist in managing her finances. DRC requested a reasonable accommodation on behalf of the client to have the mental health agency modify their policy of denying applications for housing based upon criminal convictions and poor landlord references and allow client to move into the apartment. Mental health agency granted the request and client was subsequently discharged from the institution to the apartment.
- A 33 year old woman with mental illness was living in a subsidized apartment through a Section 8 voucher. During her tenancy she was civilly committed to a private psychiatric hospital. During this commitment client received notices

from the Housing Authority requiring her to submit certain paperwork to the Housing Authority or risk losing her voucher. The notices were sent to client's apartment and she therefore never received them. When the HA did not receive the required paperwork they terminated her voucher and instituted eviction proceedings. DRC negotiated with HA's attorney to dismiss the eviction proceedings as client had already vacated the apartment. DRC then sent letter to the HA requesting a reasonable accommodation on behalf of the client pursuant to both state and federal housing law. The accommodation requested was to waive the policy that automatically terminated client's voucher, allow client to submit the necessary paperwork late and obtain a case manager who could receive copies of any further correspondence from the HA. HA agreed to the request and issued the client a new Section 8 voucher.

- The landlord of a 54 year old woman with mental illness who was living in a project based federally subsidized apartment issued her a 10 day notice to vacate her apartment or face eviction. The notice stated that client had engaged in destructive activities while in her apartment. DRC negotiated an agreement that would allow client to continue to live in her apartment as long as she did not engage in those activities in the future. Landlord rescinded the notice to vacate and client was allowed to continue to live in her apartment.
- A 50 year old woman with Traumatic Brain Injury was living in a second floor apartment when she was admitted to a hospital after having a stroke. She had sufficient in-home supports to be able to live in her apartment but due to the effects of the stroke, she would no longer be able to climb the stairs. Her partner requested that the landlord allow her to move into a first floor apartment. The landlord refused, stating there was a waiting list and the client would have to be placed at the end of the list. As the client could not return to her apartment she was discharged into a nursing facility. DRC requested a reasonable accommodation to have the landlord waive the waiting list requirement and allow client to move into a first floor apartment. Landlord agreed to the accommodation and allowed the client to move into a first floor apartment.

Rights Violation

- As the result of DRC's intervention, a 35 year old man with mental illness who was a patient at a large free standing psychiatric hospital was allowed his privacy. The client claimed that the hospital was not allowing him to make or receive calls in a confidential manner. DRC contacted the hospital administrator who instituted a policy whereby all patients would be provided

reasonable access to telephones for placing and receiving confidential calls, including access to telecommunication devices for individuals with hearing disabilities, as well as having available to all patients cordless telephones. The policy also stated that staff would assist patients in securing necessary space to ensure privacy during telephone calls. Hospital policy continued to allow restrictions in compliance with state regulations.

- A 31 year old woman with mental illness who had been involuntarily committed to a psychiatric hospital was able to change hospital policy to better honor patient's rights. The hospital had denied the woman the right to participate in treatment groups and to access off unit group walks. DRC represented woman in a grievance against the hospital asserting that the hospital had not complied with patient rights regulations prior to restricting her freedoms. Hospital instituted a policy requiring them to comply with the regulations when restricting patient freedoms, including providing documentation to support restricting patient freedoms. Hospital also instituted a review of all policies to ensure that policies were in compliance with relevant patient rights regulations.
- A 36 years old man with mental illness and autism was able to have the termination of his weekly therapy sessions reinstated due to DRC's intervention. The man was a client of a large mental health agency and had been receiving weekly therapy sessions from one specific therapist for over a year. The client, as well as his mother, attributed much of client's progress over the course of the year to the services the client had received from this therapist. A few days prior to a scheduled counseling session, the client was informed by the agency that all his services were being terminated because the client was now eligible for Medicare and the agency did not take this type of insurance. DRC represented client in the filing of an administrative grievance against the agency pursuant to state client rights regulations. The grievance alleged that under state insurance regulations the agency was required to serve client. After the filing of the grievance the agency reinstated the client's services, including the weekly counseling sessions with that particular therapist.

Neglect

- DRC prevented a 20 year old woman with an intellectual disability from being discharged from her educational and residential program without an appropriate discharge plan, which would have left her at risk of homelessness. The client was attending school in a neighboring state and had a planned discharge date of April 2012. The Maine Department of Education (MDOE)

and DHHS Children's Behavioral Health Services (CBHS) were paying for her program jointly. Her guardian contacted the DRC when he was informed that the MDOE had just determined that the client was no longer eligible for special education services because she had aged out and as a result, MDOE would not continue to fund its portion of her program and the client would be discharged in a week. Because there were no adult services readily available in Maine, the client's guardian feared she would have no services if she returned. The DRC attorney contacted representatives from DHHS Office of Adults with Cognitive and Physical Disability Services (OACPDS) and CBHS and advocated on behalf of the client for a transition to adult services. Ultimately, the parties agreed to continue her funding at her residential, academic placement until April 2012 or until the client could be appropriately transitioned to adult services in Ivlaine.

Voting

- As a result of DRC's advocacy efforts, a woman with an intellectual disability and schizophrenia will be allowed to vote with reasonable modifications. The woman, who has limitations in the way she processes information, requires assistance from a reader of her choice when voting. She contacted DRC after she attempted to cast her ballot and it was taken away and she was given the choice of voting by machine (which was not possible due to her disability) or absentee ballot in a separate room with a clerk. DRC informed the town that their actions violated the Help America Vote Act, the Maine Human Rights Act and the ADA and requested that client be permitted to have reasonable modifications, including a reader of her choice, with her in future elections. The Town also consulted with the Secretary of State for guidance and assured DRC that reasonable modifications will be permitted in the future.

Appendix B

AboutDRC

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

In order to receive federal funding under the DD Act, states were required to create and designate a P&A agency. In 1977, the Maine Legislature had the foresight to create Maine's P&A agency independent of state government. Later that year, then Governor James Longley designated the Advocates for the Developmentally Disabled (ADD) as the state's P&A agency. ADD later changed its name to Maine Advocacy Services, and then to DRC. The state statute, 5 M.R.S.A. §19501 et seq., is modeled on the DD Act and PAIMI Act, discussed below.

2. In 1986, following hearings and investigations that substantiated numerous reports of abuse and neglect in state psychiatric hospitals, Congress passed the Protection and Advocacy for Individuals with Mental Illness Act (PAIMI), 42 U.S.C. §10801 et seq. Modeled after the DD Act, the PAIMI Act extends similar protections to persons with mental illness. Congress recognized when it passed the PAIMI Act that state systems responsible for protecting the rights of individuals with mental illness varied widely and were frequently inadequate. Eligibility under the PAIMI Act is limited to those persons with a significant mental illness, with priority given to people residing in facilities.

3. The third federal grant established the Protection and Advocacy for Individual Rights (PAIR) program, 29 U.S.C. §794e. Established under the Rehabilitation Act Amendments of 1978, PAIR was not funded until 1994. PAIR funds were intended to serve all individuals with disabilities not covered under the DD Act or the PAIMI Act. Because the PAIR funding is so limited and yet the eligibility is so broad, DRC

developed case selection criteria prioritizing civil rights. DRC's PAIR cases involve violations of the Maine Human Rights Act, the Americans with Disabilities Act, the Fair Housing Amendments Act, and/or the Rehabilitation Act. Additionally, PAIR provides legal services to MaineCare recipients who have experienced a denial, reduction or suspension of services.

4. In 1994 Congress created another advocacy program when it passed amendments to the Technology-Related Assistance for Individuals with Disabilities Act, now known as the Assistive Technology Act of 1998, 29 U.S.C. §3001 et seq. Under the Protection and Advocacy for Assistive Technology program (PAAT), P&As are funded to assist individuals with disabilities in accessing assistive technology devices and services, such as wheelchairs, computers, limbs, adaptive computer software and augmentative communication devices. The DRC facilitates changes in laws, regulations, policies and procedures that impede the availability of assistive technology devices and services, as well as representing individuals in technology related matters.

5. In 2000, Congress created a program to provide legal services to individuals with traumatic brain injury (PATBI).

6. In 2001, the Social Security Administration created a program for P&As to work with social security recipients to assist them to either enter the workforce or to return to work

7. Following the 2000 election, Congress passed the Help America Vote Act (HAVA), 42 U.S.C. §15301 et seq., which charged P&As with ensuring that people with disabilities are able to fully and equally participate in the electoral process by being able to register to vote, cast a vote, and access polling places. Seven percent of the funds allocated to P&As must be used for training and technical support. No HAVA funds can be used for litigation. DRC has conducted numerous trainings for hundreds of local clerks throughout the state as well as for state officials, on how to make voting accessible for people with disabilities.

Each funder requires DRC to report back on how funds from each program were spent. As a result, DRC has developed a very sophisticated accounting and reporting systems. When cases are opened, they are assigned to a funding source and to a lawyer. That lawyer bills his or her time to the program that the case is assigned to. For example, an attorney may be assigned two eviction cases. One case may be billed to the developmental disabilities program (PADD) and the other to the mental health program (PAIMI).

ILAP
REPORT



IMMIGRANT LEGAL ADVOCACY PROJECT

FY 2011 Annual Report (January 1, 2011 – December 31, 2011)

The Immigrant Legal Advocacy Project (ILAP) is pleased to present the Maine Civil Legal Services Fund Commission with its 2011 Annual Report.

I. Introduction

ILAP serves indigent and low-income noncitizens and their US citizen family members, and service providers from other fields who encounter them, who need immigration information and legal assistance. ILAP presently offers the following services: *Education and Outreach* to immigrant communities and to service providers regarding immigration law and policy; an *Immigration Clinic* offering attorney consultations, group legal informational workshops with eligibility screenings, *pro se* immigration application assistance, and brief intervention for persons with slight immigration complications; and full legal representation for persons with complicated immigration issues by attorneys volunteering with our *Pro Bono Immigration Project* and by ILAP staff through our *Full Representation Program*. ILAP also deals with systemic issues via its *Impact Project*.

ILAP serves clients with incomes up to 200% of the annual federal poverty guidelines. Those who are within 150 – 200% of poverty are charged low fees for ILAP's services; those whose incomes are below 150% of poverty are not charged legal fees. In 2011, 91% of our clients were not charged fees for the legal aid provided to them by ILAP.

ILAP's grant from the Maine Civil Legal Services Fund (MCLSF) helps sustain the free legal services we provide, across all of our legal programs. Funds received from MCLSF for 2011 were instrumental to ILAP's ability to provide free legal assistance benefiting 2,804 individuals residing in every county in the State. The MCLSF grant was applied in the manner that ILAP proposed in its request for funding and indeed, ILAP delivered more direct services than in any year in the organization's history.

2. Types of Cases Handled by ILAP

ILAP specializes in Immigration and Nationality Law matters, representing clients in civil proceedings before the Department of Homeland Security's Citizenship and Immigration Services, Immigration and Customs Enforcement, and Customs and Border Protection bureaus; before the State Department, the Executive Office for Immigration Review, including the Immigration Court of Boston and the Board of Immigration Appeals, and before the Federal District Court of the District of Maine, and the First Circuit Court of Appeals. Virtually all of ILAP's work is in these Federal venues. ILAP also provides a very limited amount of advocacy with State administrative agencies, specifically the Department of Health and Human Services or the Bureau of Motor Vehicles, strictly concerning immigrant eligibility for public benefits or for Maine drivers' licenses and ID cards, respectively, or proving U.S. citizenship for U.S. citizens born abroad who have no proof of their U.S. citizenship.

ILAP prioritizes cases of asylum seekers, noncitizen domestic violence, crime, or trafficking victims' cases, cases involving family reunification, and cases of individuals in removal proceedings who would be separated from their U.S. citizen or permanent resident immediate family members if they were to be deported. ILAP also handles applications for citizenship, "Temporary Protected Status," work permits, replacement documents, and other immigration matters as our capacity allows. We do not handle any employment based immigration matters, referring those cases to private attorneys.

3. Number and Demographics of People Served under the Grant

In 2011, the MSCLF grant supported direct legal aid provided at no fee to **2,804 individuals**¹, 2,322 of whom received various services through ILAP's *Immigration Clinic*, and the remainder were full representation clients, including those whose cases were opened in 2011, and those whose cases were opened in prior years and still ongoing in 2011. In 2011, ILAP's clients came from all 16 Maine counties. The following demographics were represented: Males: 56%, Females: 44%, under 18: 13%, ages 18-60: 81%, over 60: 6%, US citizens by birth: 8%, US citizens by naturalization: 7%, noncitizens: 85%, Africans: 63%, Latinos: 17%, Caucasians: 14%, Asians: 6%.

ILAP also collaborated in 2011 with dozens of entities statewide to assist immigrants with whom they and we were working or had contact, including domestic violence prevention programs from York to Aroostook counties, city governments, hospitals, schools, Maine's Congressional delegation, adult education centers, churches, counseling centers, homelessness prevention programs, and Immigration authorities and the Immigration Court of Boston.

4. Status of Matters Handled Under the Grant

In FY 2011, ILAP's **7.4 legal staff**, augmented by volunteers, provided the following free legal services:

Immigration Clinic: The *Immigration Clinic* is ILAP's first point of contact with clients. Services range from intake screening and referral, to attorney consultations in-person in Portland or Lewiston. Consultations are also conducted in conjunction with outreach events across the state. Persons served in the *Immigration Clinic* may also be offered additional *Immigration Clinic* services such as Forms Assistance or Brief Intervention, or, where warranted, full legal representation. Forms Assistance includes providing *pro se* immigration application assistance or other assistance to persons needing legal help but lacking major complications. Brief Interventions occur when ILAP helps a client resolve a complication without entering a notice of appearance. ILAP is prepared in all cases to accept these individuals as full representation clients if needed.

All Clinic Services: **1,668 services, directly benefiting 2,322 individuals.** Services included:

- **596 attorney consultations for 966 individuals**
- **568 intake screenings** with referrals
- **66 persons detained** for civil immigration law infractions by Immigration authorities at Cumberland County Jail attended weekly group **legal rights orientations**, followed by individual relief eligibility screenings, and received **written *pro se* assistance materials**
- **106 persons received brief interventions** (without ILAP entering its appearance as the person's attorney)
- **622 *pro se* immigration forms assists were completed, and 114 were in progress at year's end, including:**
 - **167 permanent residency applications** (10 in preparation at year's end);
 - **58 citizenship (naturalization) applications** (15 in preparation at year's end);
 - **137 family based visa petitions** to allow immediate family members immigrate (42 in preparation at year's end); and
 - **261 other types of applications or assists** (47 in preparation at year's end).

¹ The total number of clients directly served by ILAP in 2011, including those who were charged low fees for their services and were not funded by the MCLSC grant, was 3,081. 91% of ILAP's clients received free services in 2011. Those who attend our education and outreach events, all provided without charge, are not included in the "direct services" number.

Because decisions regarding applications filed *pro se* go directly to the client, not to ILAP, ILAP cannot track the final outcomes of these matters, though we encourage clients to contact us once they receive decisions. ILAP therefore measures our performance by the number of applications successfully filed without being rejected by USCIS (the Immigration Service) or the State Department. Of the 375 applications prepared, none were returned to ILAP due to errors. **Non-attorney volunteers** contributed **2202 hours** of attorney-supervised immigration forms preparation and other assistance in ILAP's *Clinic*.

Full Legal Representation: In 2011, ILAP's staff and *Pro bono Immigration Panel* attorneys provided free full representation services under the MCLSF grant in **258 cases benefiting 481 clients with complicated immigration issues** (including cases still open from prior years). Case activity under the grant included²:

Cases opened: 86 for 115 individuals Cases closed: 102 for 173 individuals
Cases open at year-end: 157 for 308 individuals
Defensive cases served (in removal proceedings): 57 for 103 individuals

Individual Outcomes:

- **Asylum applications granted: 22 (with 33 individuals deriving asylum from grants, and including 10 individuals in removal proceedings)**
 - Asylum applications pending or in preparation: **74** (including 11 in removal proceedings)
- **Initial stage of residency granted: 30 (including 2 domestic violence survivor's cases)**
 - Initial stage of residency applications pending or in preparation: **72** (including 18 domestic violence survivors' cases)
- **Permanent residency (final stage) granted: 15 (including 3 domestic violence victims' cases)**
 - Permanent residency (final stage) applications pending or in preparation: **87** (including 4 domestic violence survivors' cases)
- **Employment authorization applications granted: 50**
 - Employment authorization applications pending or in preparation: **5**
- **Naturalization to U.S. citizenship applications granted: 23**
- **Removal proceedings successfully terminated (to allow applications to be pursued affirmatively before USCIS), or closed (because relief granted): 3**
- **Cases finally denied (including after appeals): 2**

ILAP measures the quality of its full representation work by tracking the outcomes of all intermediate or final decisions received. In 2011, 98% of all applications in full representation cases that received final decisions were approved. The approval rate for interim decisions received was 96%. Immigration cases can take years in the ordinary course to receive final decisions; three to five years is common. ILAP's *Pro bono Immigration Panel* attorneys contributed 4,140 hours valued by them at \$855,397 to ILAP's clients in 2011.

² The total number of services does not equal the total number of cases open. Some clients received more than one service, and some cases had no activity as client(s) waited to reach the top of Immigration waiting lists, or for processing backlogs to clear before they could proceed further. In addition, receiving a decision in a case or on an application does not necessarily result in the closing of a case. For example, the case of a permanent resident whose petition for his wife is approved remains open for years while we await the date the wife will reach the top of the waiting list so the final stage of the residency application with Immigration or the State Department can begin.

Education and Outreach: During 2011, ILAP conducted **53 education and outreach events** throughout the State **attended by 965** immigrant community members and service providers, regarding relevant Constitutional and immigration laws. This number also includes 116 individuals who attended ILAP's monthly group naturalization orientations. Other education and outreach events included monthly orientations for newly-arrived refugees, annual outreach to migrant workers employed in Maine's agricultural harvests, a Know Your Rights presentation for members of Maine's Latino community in the wake of several high-profile raids by Immigration agents and an informational presentation for individuals seeking asylum. Additionally, ILAP was quoted in the media (radio, TV and print) around various immigration issues.

Impact Project: ILAP continued to address issues that affect high numbers of noncitizens in Maine, in an effort both to improve the quality of their lives here, and also to reduce the numbers of persons who need to seek individual legal representation due to certain systemic issues. Highlights of ILAP's impact work in 2011 include:

- *The Maine Compact:* Understanding that immigrants are crucial not only to Maine's cultural and political diversity, but also to Maine's economic future, ILAP reached out to members of the business community to broaden the range of voices speaking out in support of fair laws and policies affecting Maine's immigrants. In coalition with the American Civil Liberties Union of Maine, ILAP initiated "The Maine Compact," announcing 5 principles to guide policy conversations around immigration in Maine. On February 10, David Barber, CEO of Barber Foods, Adam Lee, President of Lee Auto Group, Joe Appel of Rosemont Market and Bakery, John Paterson, Esq., and Dr. Jacob Gerritsen joined ILAP in the public launch of the Maine Compact. A copy of the Compact is available at www.mainecompact.com.
- *Opposition to LD 1496 Bill:* Inspired by Arizona's harsh anti-immigrant bill, LD 1496 would have required anyone stopped in Maine for an offense, including traffic violations, to provide proof of legal residency, or be charged with a crime. The bill would have been an invitation to law enforcement to profile those deemed to "look" or "sound" foreign and ask for their immigration papers. ILAP worked closely with Maine Immigrant Rights Coalition (MIRC) partners including the American Civil Liberties Union of Maine (ACLU) and the National Association for the Advancement of Colored People (NAACP) to educate the bill's sponsor about its unconstitutionality, and the economic and moral damage it would do to Maine. Our efforts resulted in the Maine State Chamber of Commerce and the Maine Chiefs of Police Association standing ready to oppose the bill, which died when the bill's sponsor withdrew support.
- *Advocacy efforts around the 2012-2013 State Budget:* ILAP joined with MIRC partners to provide accurate information about possible consequences to low-income immigrants of the proposed State budget for 2012-2013, which would have eliminated state-funded public assistance for all legal immigrants who do not qualify for federal benefits during their first five years in the United States. These efforts helped to halt some measures of the proposal that could have been most harmful to immigrants. The final budget eliminated state-funded MaineCare benefits for all legal immigrants. However, SSI benefits remained unchanged and those who were receiving TANF or food supplements before July 1, 2011 were grandfathered for eligibility. New applicants for food supplements or TANF will also continue to qualify if they are elderly and/or disabled, domestic violence survivors, or fit into some other hardship category. Hundreds of individuals will remain eligible for the safety net benefits as a result of these efforts.

- *Comments on DHHS Changes to State Benefits for Immigrants:* ILAP worked with partners at MEJP to provide comments on the Department of Health and Human Services (DHHS) rules to implement the changes in State benefits for immigrations. ILAP also provided comments for the notices that went out to benefits recipients, explaining the benefit changes.
- *State Advisory Committee on Bias-Based Profiling:* ILAP continued its participation in the State's Bias Based Profiling Advisory Committee. The committee comprises advocates from civil and minority rights organizations, as well as key representatives of law enforcement, the Attorney General's office, and the Commissioner of Public Safety, and resulted from legislation passed in 2009. The committee is planning to present a symposium on the issue in 2012.

5. Unmet or Underserved Needs

Although ILAP provides a tremendous amount of services while remaining an extremely lean organization, over a third of those seeking ILAP's assistance cannot be served or can only be provided with limited legal assistance due to lack of capacity. The demand for Immigration law assistance grows each year, but our funding does not allow ILAP to continue to grow in a corresponding fashion. The decline of important recurring funding sources remains a particular challenge to ILAP's ability to meet increased demand. Important steps were taken in 2011 to expand staff and *Pro Bono* Panel capacity, but ILAP continues to be outpaced by the demand for Immigration legal services, in general, and asylum representation, in particular. At the close of 2011, ILAP was able expand the intake process for asylum seekers, but still lacked the capacity to place 99 individuals seeking asylum, despite growing the *Pro Bono* Panel from 81 to 101 members.

Aware of the aforementioned challenges, ILAP developed a strategic plan for the organization to examine how ILAP will position itself in the future to sustainably meet the continual high demand for immigration and related legal assistance. In 2011, ILAP also underwent significant internal changes, including the departure of founding Executive Director Beth Stickney. The Executive Director Search Committee plans to have a new ED in place by early 2012, whose first directive will be to put the new strategic plan into action.

6. Conclusion

The MCLS Fund was a critical partner in ILAP's mission in 2011, as we successfully provided information and advice to thousands of Maine's low-income residents, and helped hundreds of them to pursue their dreams of permanent residency and citizenship, or attain safe haven from persecution or domestic violence, or reunite with immediate family members, or defeat removal proceedings so that they could remain with their families here in the U.S. The MCLSF grant was an essential component of our funding mix, helping to sustain all of the free legal services, education and outreach, and systemic advocacy efforts that ILAP provided to benefit Maine's low-income immigrants and their U.S. citizen families in 2011. As Maine's only non-profit legal aid agency offering comprehensive immigration law assistance, ILAP offers a vital service to low-income individuals throughout the State who have nowhere else to turn. With the support of the Maine Civil Legal Services Fund, in 2011 ILAP changed the lives of many of our newest Mainers. ILAP is extremely grateful for the MCLS Fund's support.

Legal Services for the Elderly

Annual Report to the Maine Civil Legal Services Fund Commission

Calendar Year 2011

This is the Annual Report from Legal Services for the Elderly (“LSE”) to the Maine Civil Legal Services Fund Commission (the “Commission”) regarding LSE’s services and accomplishments in 2011. The financial support provided to LSE by the Maine Civil Legal Services Fund (“MCLSF” or the “Fund”) is used to provide free legal help to disadvantaged seniors when their basic human needs are at stake.

This report describes only LSE services that are supported in part by the Fund. See **Attachment A** for summary information about additional services provided by LSE that are not supported by the Fund.

STATISTICAL INFORMATION

Number of People Served

In 2011, LSE provided free legal help to 3,727 Maine seniors in 4,542 cases involving a broad range of civil legal problems, including the following.

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

LSE provided all of the core legal services described in the request for funding that was submitted to the Commission. The number of elders represented by LSE is slightly lower than the number served in 2010 (see **Attachment A** for a summary chart of historic and current service levels). LSE should see some increase in service levels every year due to the increasing elderly population. This slight decrease in the level of service is due to staffing reductions and reflects the reality that LSE is operating at or very near maximum capacity.

This level of legal services was provided through a small staff: 1.0 full time equivalent (FTE) Deputy Director; 1.0 FTE Intake Paralegal; 3.2 FTE Helpline Attorney; 1.0 FTE Consumer Debt Paralegal; 4.70 FTE Staff Attorneys; and .80 FTE Area Office Paralegal.

Types of Cases Handled by LSE

The following chart breaks down the number of cases handled in 2011 by general case type. **Attachment B** to this report provides a detailed chart of case types.

LSE CLIENT SERVICES BY GENERAL CSE TYPE	
Case Type	Total
Consumer/Finance (1251)	28%
Self Determination (1027)	23%
Housing (856)	19%
Health Care (468)	10%
Miscellaneous (300)	7%
Family (252)	5%
Income Maintenance (187)	4%
Individual Rights (includes elder abuse and exploitation) (111)	2%
Employment (90)	2%
Total Cases (4542)	100%

The greatest overall demand for LSE services was in the areas of consumer issues (debt collection, consumer fraud, creditor harassment), self determination/aging preparedness (probate, powers of attorney, advance directives, will referrals), housing (public and private housing, foreclosures, evictions), and access to health care (Medicare and MaineCare). Overall, the largest and fastest growing area of demand for LSE's services involves elders facing a financial crisis. As compared to three years ago, before the economic downturn, LSE has seen a 37% increase in consumer debt cases (1,251 versus 912) and a 205% increase in the number of foreclosure cases (128 versus 42). LSE's clients continue to be among the most needy and vulnerable of Maine's seniors.

Geographic Distribution of Cases Handled by LSE

This chart provides data regarding the geographic distribution of LSE's clients in 2011. As the chart reflects, services were provided on a statewide basis at levels generally consistent with the distribution of the low income elderly by county.

	LSE 2011 STATISTICS		COUNTY STATISTICS¹	
	Total Clients Served	% of Total LSE Clients Served by County	% of Maine's 60+ Population by County	% of Maine's 65+ Population below 100% FPL by County
Androscoggin	333	9%	8%	9%
Aroostook	335	9%	7%	10%
Cumberland	661	18%	19%	14%
Franklin	63	2%	2%	2%
Hancock	140	4%	4%	4%
Kennebec	297	8%	9%	9%
Knox	106	3%	4%	3%
Lincoln	91	2%	3%	3%
Oxford	156	4%	5%	5%
Penobscot	515	14%	11%	11%
Piscataquis	70	2%	2%	2%
Sagadahoc	82	2%	2%	2%
Somerset	126	3%	4%	5%
Waldo	128	3%	3%	3%
Washington	139	4%	3%	6%
York	485	13%	14%	12%
Total	3727	100%	100%	100%

Each year LSE evaluates its service statistics by county as compared to the statewide demographics and targets customized outreach efforts in the next year to any underserved areas of the state.

¹ U.S. Census 2000. Current poverty data by age and by county is not available at this time.

Demographic Information

The clients served were 33% male and 67% female. All clients served were sixty years of age or older and 40% were 75 years of age or older. LSE does not inquire about the race of clients unless we are required to do so by a specific funder and only obtains financial information if it is required in order to assist the client.

LSE'S STATEWIDE DELIVERY SYSTEM

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

The four types of service provided by LSE include the following: 1) brief services, advice and counseling to clients throughout Maine by the LSE Helpline attorneys; 2) extended representation by staff attorneys and paralegals in LSE's five local offices in Augusta, Bangor, Lewiston, Presque Isle, and Scarborough ("Area Offices"); 3) special local projects that focus on particular regions of the state where poverty rates are high and LSE has been able to obtain local sources of financial support; and 4) client education and outreach conducted throughout the state by LSE attorneys and other LSE staff. Most LSE clients receive help only via telephone. The most intensive level of service, providing a staff attorney to represent an elder in a court or administrative proceeding, is offered only where an elder is at risk of losing their home, can't access essential health or other public benefits, or is a victim of abuse or exploitation, and there is no other legal resource available to help the elder.

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

Statewide Helpline Services

LSE operates a statewide Helpline that provides all Maine seniors regardless of where they live in the state with direct and free access to an attorney toll-free over the telephone. The Helpline is the centralized point of intake for the vast majority of the legal services provided by LSE. The Helpline enables LSE to overcome three substantial service barriers for Maine seniors: distance, mobility limitations and poverty. LSE's Helpline is located in Augusta and accepts calls Monday through Friday during regular business hours. Calls are answered in person by an intake paralegal. Those calling after hours are able to leave a message and calls are returned by the intake paralegal the next business day. Once an intake is complete, all eligible callers with legal problems, except those calling about an emergency situation, receive a call back from a Helpline Attorney in the order the calls were received. Emergency calls are handled as priority calls.

The Helpline Attorneys provide legal assistance to seniors exclusively via telephone. This is the level of service received by about 75% of the Helpline callers though most desire and could benefit from more extensive help. Only a small subset of case types are referred on to the nearest LSE Area Office for in person representation. Because Helpline services are much less expensive to deliver than the Area Office services, this overall approach stretches LSE's limited resources as far as possible.

The Helpline received in excess of 8,000 calls for help in 2011 and these calls were handled by a single intake paralegal. The LSE Helpline acts as a referral service for calls that are outside LSE's mission or areas of priority or where the caller actually requires social or other services rather than legal services. In addition to making social service referrals, referrals are made by the Helpline, when appropriate, to other legal services providers (in particular, for those under 60), private attorneys, and other existing resources (e.g., the Attorney General's Consumer Division or Adult Protective Services) to take advantage of and ensure there is not any duplication of other available resources. In addition, LSE maintains a panel of referral attorneys who have agreed to accept reduced fees when a client is between 125% and 200% of the federal poverty level. LSE's panel includes lawyers who practice in substantive areas that are in great demand by callers to the Helpline, but are not handled by LSE, including things like probate, MaineCare planning, real estate, and estate planning. LSE made 331 pro bono or reduced fee referrals to referral panel members in 2011. LSE also makes but does not track full fee referrals.

Area Office Services

The other primary component of LSE's service delivery system is the five Area Offices in Augusta, Bangor, Lewiston, Scarborough, and Presque Isle. With the exception of the administrative office in Augusta, the Area Offices are located within the local Area Agency on Aging. This unique co-location relationship between LSE and the Area Agencies is very important for Maine's elderly and cost effective. Elderly Mainers are able to address many of their problems in one location – a type of one-stop shopping – which removes what is often another barrier to needed services. This is particularly important for clients (and efficient for LSE) when underlying non-legal problems, if unresolved, would manifest themselves as recurring legal problems.

The Area Office attorneys and paralegals provide legal services for seniors with legal problems implicating their basic human needs that may require an appearance in an administrative or court proceeding. This includes things like elder abuse/financial exploitation, MaineCare and other public benefit appeals, and evictions and foreclosures. LSE staff attorneys must be thoroughly familiar with District, Superior and Probate Court procedures as well as with administrative hearing procedures. Staff Attorneys also assist clients of very limited means in executing financial powers of attorney and health care advance directives.

Special Projects

In addition to providing services on a statewide basis through the Helpline and Area Offices, LSE conducts special projects that operate on a regional basis and target specific substantive areas of unmet need. These projects are all supported in part by local funding sources such as United Way as well as by private foundations. The **ten special regional projects in 2011** included the following:

- York County Long Term Care Project;
- York County Senior Helpline (includes Franklin and Oxford Counties);
- Cumberland County Long Term Care Project;
- Cumberland County Elder Abuse Law Project;
- Cumberland County Senior Helpline;
- Androscoggin County Elder Abuse Law Project;
- Androscoggin County Senior Helpline;
- Aroostook County Elder Access to Justice Project;
- Kennebec County Elder Abuse Law Project; and
- Eastern Maine Long Term Care Project (targeting Piscataquis, Penobscot, Washington, and Hancock Counties).

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

Outreach and Education

LSE provides legal information to the public through public presentations, print material and its website. LSE materials are distributed directly to homebound residents through the Meals on Wheels program and by direct mail to all town offices, assisted living facilities, home health agencies, hospice programs, and nursing facilities. LSE information is also posted at the courts, Community Action Programs, Social Security offices, senior meal sites, DHHS offices and Area Agencies on Aging. In addition to the distribution of print materials, LSE's staff made 63 educational presentations in 2011 that reached over 1,600 people across the state. LSE staff also contributed articles to Area Agency newsletters and local newspapers, participated in senior fairs all over the state, and appeared on cable television and local radio programs on several occasions. In some underserved areas, television and print advertising was done as funding permitted.

The LSE website includes information on powers of attorney, financial exploitation, advance directives, MaineCare estate recovery, MaineCare eligibility for nursing home coverage, Medicare Part D, and many other topics. The website provides a valuable resource not just to Maine's seniors, but also to their family members and caregivers. In 2011, there were 98,000 visitors to the website and 169,000 page views

UNMET AND UNDERSERVED NEEDS

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

Maine's Growing Elderly Population. Maine is already the oldest state in the nation when measured by median age and Maine's elderly population is growing at a rapid rate. Between 2000 and 2030, Maine's elderly population is expected to more than double, with the bulk of that growth taking place between 2011 and 2025. By 2030, it is projected that 32.9% of Maine's population, or 464,692, will be over 60.² Most of Maine's elderly live in isolated rural areas. Maine has the nation's second highest percentage (61%) of its older population living in rural areas. In contrast, the national rate is 20%.³

High Poverty Rate Among Maine's Elderly. Of those 65 and over living in Maine, the U. S. Census Bureau American Community Survey reported 10.1% live below 100% of the federal poverty level, 39% live below 200% of the poverty level and 57% live below 300% of the poverty level.⁴ It is important to note that this American Community Survey poverty data significantly underestimates the actual poverty rate among the nation's elderly. The U. S. Census Bureau has acknowledged that the National Academy of Science ("NAS") poverty formula, which takes into account living costs such as medical expenses and transportation, is more accurate. The NAS puts the poverty rate for elderly Americans at twice the rate reported by the American Community Survey. This is because factors such as high medical and other living costs disproportionately impact the elderly

Low Income Elders in Maine Frequently Experience Legal Problems. In September, 2010, the University of Maine Center on Aging published the first statewide study of legal needs among seniors living in Maine. This study found that from 45% to 86% of the low income elderly surveyed experienced legal problems in the prior three years. The report also found that without free legal assistance, elders who can't afford a lawyer are most likely to 'do nothing' about their legal problem.

² U.S. Census Bureau, Population Division, Interim State Population Projections, 2008.

³ Across the States 2011: Profiles of Long-Term Care, AARP, 2011.

⁴ U. S. Census Bureau, 2005-2007 American Community Survey and Across the States 2011: Profiles of Long-Term Care, AARP 2011.

LSE handles approximately 5,000 cases per year, representing fewer than 2% of the 270,000+ older Mainers. Living on fixed incomes, often dependent upon others for assistance, and frequently facing medical, transportation and other challenges, the elderly are particularly vulnerable when facing a threatened loss of public benefits, housing or health care services such as home care. The elderly are also more vulnerable to being victimized by consumer scams and exploited by family members and caretakers due to their isolation and dependency on others. Without free or low cost assistance being available, low income Mainers who face legal issues that implicate their most basic human needs, things such as health care, housing, and safety, simply go without the legal help they need. The consequences are potentially devastating.

SUMMARY

LSE remains committed to working on behalf of Maine seniors to protect their safety, shelter, income, health, autonomy, independence, and dignity. MCLSF funding supports LSE in providing statewide legal services to Maine's most vulnerable elderly. The support provided to LSE by the Fund directly benefits the lives of Maine's elders by increasing and improving their access to justice, which in turn, helps to ensure a better overall quality of life for Maine's growing population of elders.

Respectfully submitted,

Jaye L. Martin
Executive Director

**ATTACHMENT A
LEGAL SERVICES FOR THE ELDERLY
Additional Services Not Supported by the Fund**

Services Complementary to LSE's Core Legal Service

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

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

Systemic Work and Public Policy Advocacy

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

Client Services Summary—All Services

	2007	2008	2009	2010	2011
Total Legal Matters Opened (these are the <u>only</u> LSE services supported by the Fund)	3,411	3,738 (9.5% increase)	4,217 (12.8% increase)	4,668 (10.7% increase)	4,542 (should have been at least 4-5% increase)
Medicare Part D Appeals	912	595	775	808	748
State Health Insurance Assistance Program (SHIP) services	1,303	955	1,000	1,073	1,139
Total of all individual/direct services	5,626	5,288	5,992	6,549	6,429

ATTACHMENT B
LEGAL SERVICES FOR THE ELDERLY--2011 DETAILED CASE TYPE
REPORT

CASE TYPE	CY 11
CONSUMER/FINANCE	
Bankruptcy/Debtor Relief	20
Collection/including Repossession	124
Collection Practices/Creditor Harassment	657
Contracts/Warranties	40
Funeral/Burial Arrangements	15
Loans/Installment Purchase (Other than Collection)	32
Non-Mortgage Predatory Lending	3
Other Consumer/Finance	259
Public Utilities	34
Unfair & Deceptive Sales & Practices	67
TOTAL	1251
EMPLOYMENT	
Employee Rights	6
Job Discrimination	12
Other Employment	25
Taxes	47
TOTAL	90
FAMILY	
Adoption	2
Child Support	10
Custody/Visitation	0
Divorce/Separation/Annulment	92
Domestic Violence	22
Name Change	0
Other Family	126
TOTAL	252

CASE TYPE	CY 11
HEALTH	
Home & Community Based Care	19
Long Term Health Care Facilities & Services	43
Medical Malpractice	26
Medicare	38
Maine Care	329
Private Health Insurance	13
TOTAL	468
HOUSING	
Federally Subsidized Housing	138
Homeownership/Real Property (Not Foreclosure)	299
Housing Discrimination	1
Mobile Homes	36
Mortgage Foreclosures (Not Predatory Lending/Practices)	128
Mortgage Predatory Lending/Practices	1
Other Housing	52
Private Landlord/Tenant	158
Public Housing	43
TOTAL	856
INCOME MAINTENANCE	
Food Stamps	28
Other Income Maintenance	24
Social Security (Not SSDI)	676
SSDI	8
SSI	17
State & Local Income Maintenance	21
Unemployment Compensation	12
Veterans Benefits	10
TOTAL	187

CASE TYPE	CY 11
INDIVIDUAL RIGHTS	
Civil Rights	0
Disability Rights	2
Elder Neglect, Abuse, & Financial Exploitation	87
Immigration/Naturalization	3
Mental Health	1
Other Individual Rights	18
TOTAL	111
MISCELLANEOUS	
Indian/Tribal Law	0
License (Auto, Occupational, & Others)	16
Municipal Legal Needs	5
Other Miscellaneous	244
Torts	35
TOTAL	300
SELF DETERMINATION	
Adult Guardian/Conservatorship	30
Advance Directives/Powers of Attorney	462
Wills/Estates	535
TOTAL	1027
GRAND TOTAL	4542

The reported matters were all opened during 2011 and are reported regardless of whether or not they were closed in 2011 (only 127 remained open at the end of the year). LSE consistently reports matters opened for the reporting period in question to all funders unless specifically asked for other data. This ensures the data provided by LSE may be compared from year to year and does not include any duplicate information.

The level of service provided in these 4,542 matters breaks down as follows (from most to least intensive): 5% extended representation services; 15% limited action taken/brief services provided; 54% counsel and advice only; 8% information only and successful pro bono or reduced fee referral; 1% information only and attempted but failed pro bono or reduced fee referral; 12% information, advice and referral (may be for social services or full fee legal services); and 5% clients who no longer desired services after making initial contact with LSE.

Additional Required Information

Outcomes Measurement

Using the Legal Files Software that is shared by several of the legal services providers and Crystal Reports to run reports, LSE is able to collect, maintain, and analyze comprehensive data regarding the scope and nature of its services. This includes things like the location of the individual served, the type of case, and the outcomes achieved. Information from this database is used to monitor compliance with all funder requirements and commitments, including the MCLSF. LSE service and outcome data is also reviewed on a regular basis by the LSE Executive Director and its Board of Directors and this data analysis influences decisions regarding how to allocate resources across the state and how to focus ongoing outreach efforts. In addition to monitoring for compliance with MCLSF commitments, LSE routinely provides extensive statistical and narrative reports to other key funders, including the Maine Bar Foundation, United Way agencies, the Area Agencies on Aging, and the Office of Elder Services.

**MCD
REPORT**

**THE MAINE CENTER ON DEAFNESS
CIVIL RIGHTS PROGRAM**

**2011 ANNUAL REPORT
TO THE MAINE CIVIL LEGAL SERVICES FUND
COMMISSION**

PREPARED BY:
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JANUARY 12, 2012



THE MAINE CENTER ON DEAFNESS CIVIL RIGHTS PROGRAM

2011 ANNUAL REPORT TO THE MAINE CIVIL LEGAL SERVICES FUND COMMISSION

The Maine Center on Deafness is pleased to submit this report to the Maine Civil Legal Services Fund Commission ("MCLSF") regarding the 2011 services MCD's Civil Rights Program provided utilizing MCLSF funds. The support of the Maine Civil Legal Services Fund was integral to MCD's ability to ensure that D/deaf, Hard-of-Hearing and Late-Deafened people in Maine had legal assistance in gaining equal access to, and preventing discrimination in the offering of, the services and benefits offered in Maine.

Established in 1988, the Maine Center on Deafness ("MCD") is an independent non-profit agency that serves people in Maine who have hearing loss. Hearing loss is one of the most prevalent chronic conditions in the United States. According to statistical models¹ and recent federal and state census records, there are approximately 130,000 persons in Maine whose hearing is impaired to an extent that impacts their daily lives. Of that number, approximately 10% are profoundly deaf and communicate primarily through American Sign Language ("Deaf"). Historically, Deaf persons have been segregated and excluded from community institutions due to communication barriers. Approximately 110,000 Mainers are Hard-of-Hearing ("HOH") or Late-Deafened ("LD") people who typically access communication through English. The ranks of "graying" Mainers who are HOH or LD are growing every day in Maine.

MCD's mission is to assist persons with hearing loss by providing resources, advocating for social equality, and helping the general public to better understand and appreciate Deaf culture and effective methods of communication. MCD has many different programs: a Telecommunications Equipment Program, which provides equipment to make telephone systems accessible to persons with disabilities and sells adaptive equipment for persons with hearing loss; an HIV program; outreach to promote the Maine Relay telephone system for persons with speech or hearing loss; a Peer Support Group/Visual Gestural Communication program to assist persons with hearing loss and developmental disabilities; a training program for service providers about hearing loss issues; and the Civil Rights Program.

The Civil Rights Program at MCD provides legal advocacy to and on behalf of persons relating to issues affected by their hearing loss. We assist Deaf, HOH and LD ("D/HOH/LD") people in seeking meaningful access, communication and participation in Maine communities, workplaces and services. We work with clients and community service providers and organizations in consultations, and help with informal resolutions to access issues every day. We also provide representation in dispute resolution matters, including formal litigation in administrative forums and state and federal court.

¹ (Sergei Kochkin, Ph.D., *Better Hearing Institute, The Prevalence of Hearing Loss and MarkeTrak VII: Hearing Loss Population Tops 31 Million People, The Hearing Review*, 2005, Vol. 12, No. 7, at 16).

i. Types of cases handled by the organization as a result of money received from the Fund.

Over the past year, the Civil Rights Program at MCD – which has one full-time attorney² and one part-time attorney – has handled a wide variety of cases relating to Maine’s D/deaf, Hard-of-Hearing and Late-Deafened (collectively referred to herein as “D/HOH/LD”) citizens. One of the key issues that led to the founding of the MCD Civil Rights Program two decades ago was Deaf consumers’ need for access to sign language interpreters. Sadly, this issue remains our most prominent type of case, reflecting far less change than one might have expected over 20 years. In 2011, MCD’s lawyers represented clients in at least 16 cases seeking sign language interpreters. These cases occurred across the spectrum of life in Maine: in alcohol, drug, and mental health treatment facilities; banks; hospitals; schools; police departments; schools; federal programs and facilities; courts; and jails. We continued to facilitate understanding about the needs of D/HOH/LD consumers with our peers in the Maine Bar and courts as well.

Discrimination in or by private entities open to the public – “public accommodations” – or by public entities continues to be a significant issue for D/HOH/LD persons. Some public accommodation/public entity cases involve interpreter requests that are denied, and are captured in the above paragraph’s description. Other growing types of public accommodation/public entity cases include: refusal to accept calls from communication devices used by the D/HOH/LD populations (*i.e.*, teletypewriters, calls through the Telecommunication Relay System and internet- or video-based relay calling, or e-mail or text messages); refusal to provide captioning to HOH/LD persons; and refusing to allow service animals to accompany D/HOH/LD persons. At least 12 disputes relating to public accommodations/public entities required sustained individual legal advocacy in 2011. These cases involved landlord/tenant situations, banks, hospitals, courts, police departments, libraries, Social Security Administration offices, Veterans Affairs facilities, television stations, the State of Maine’s programs, and nonprofit organizations. In 2011, the CR Program successfully completed one long-running case against a physician’s practice that refused sign language interpreters; litigation in federal district court by MCD and the Maine Human Rights Commission ultimately resulted in a consent decree and individual relief for the Deaf consumer. We also negotiated a strong resolution to a complaint against a police department for failing to provide sign language interpreters to a witness to an accident, including relief for the Deaf consumer and training and policy changes for the police department. The CR Program is representing complainants in eight ongoing cases relating to public accommodations/public entity cases before the Maine Human Rights Commissions.

Employment discrimination, which was the focal issue in approximately 12 of our 2011 cases, also continues to be a significant issue for D/HOH/LD people. These cases involved both federal and state employers, including post offices, nonprofit agencies,

² MCD’s current CR Program manager, who is also our full-time attorney, has given notice that she will depart MCD employment at the end of January 2012. MCD has advertised the CR Program Manager position in multiple forums and will hold interviews for to fill this position immediately.

hospital clinics, lumber yards, supermarkets, and national chain stores. The CR Program successfully negotiated excellent resolutions to one long-running case against a federal agency which had failed to provide accommodations to a Deaf employee and a second, newer case against a different federal agency that refused to provide sign language interpreters in a hiring process for a Deaf applicant. The CR Program is representing complainants in four ongoing cases relating to employment before federal agencies and the Maine Human Rights Commission.

Educational rights cases continue to represent a significant portion of MCD's attorney time, with at least three new cases in 2011 arising under the Individuals with Disabilities in Education Act and Section 504 of the Rehabilitation Act of 1973. MCD's attorneys informed parents about their rights under these education laws, helped parents prepare for team meetings, accompanied them to meetings to assist them in advocating for their D/HOH children, and achieved significant success in obtaining the parents' desired outcomes for their children.

MCD's 1.5 attorneys advocated for consumers before the Maine Human Rights Commission, the United States Postal Service, the Social Security Administration, the United States Department of Veterans Affairs, the Department of Health and Human Services Hearing Division, Maine Unemployment Insurance Commission, and several Maine District and Superior Courts. Of course, MCD attorneys also pursued and resolved numerous disputes to client satisfaction without needing litigation.

Aside from actual "cases", or contested matters, MCD spoke daily with D/HOH/LD clients, their families, and the professionals who work with them regarding the clients' rights under Maine and federal laws. As part of this service, MCD attorneys regularly informed physicians, landlords, attorneys, dentists, courts, educational institutions, banks and employers about their legal responsibilities to provide effective communication, and how to do so. MCD attorneys also helped Deaf clients get court-appointed attorneys for which they might not otherwise qualify, and helped Deaf clients address consumer complaints that are particularly troublesome for the Deaf, such as internet fraud.

Oftentimes, MCD attorneys helped D/HOH/LD clients understand and clarify what their legal problems actually were, and directed or referred them to other attorneys, a situation which often arose concerning Worker's Compensation issues, Unemployment Insurance issues, and Social Security issues. In so doing, MCD provided much-needed education to a portion of the public whose isolation from everyday communication left them largely unaware of their basic rights. Helping D/HOH/LD clients understand which problems are truly "legal" problems and which are not is an important service MCD's lawyers provide for MCD's clients, one that benefits Maine's entire legal system.

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

In 2011, our 1.5 attorneys and our one non-attorney interpreter/advocate fielded hundreds upon hundreds of phone calls, TTY calls, calls made via videophone using the Telecommunications Relay System (between D/HOH/LD persons and hearing persons through a relay communication assistant or sign language interpreter), e-mails and walk-in client visits over the past year. MCD attempts to quantify this constant influx of contacts about new matters, capturing this data as “intake” contacts in our computer database. Intakes are matters that are resolved quickly, with a relatively short amount of attorney attention. In 2011, MCD’s Civil Rights Program documented receiving intakes for at least 443 matters relating to D/HH/LD consumers.³ Since MCD’s attorneys routinely answer questions regarding legal issues and civil rights at meetings and in impromptu formats that do not result in the creation of a new “intake” for the tracking program, the actual number of people served in 2011 greatly exceeds 443.

These 443 intakes resulted in 30 new “cases” being opened within the Civil Rights Program. We categorize “cases” as matters that require extended attorney attention and/or litigation. The small percentage of cases opened from a large number of intakes indicates that the Civil Rights Program’s lawyers were extremely effective in resolving disputes without the necessity of litigation. The 30 new cases opened in 2011 were not the only cases handled by MCD’s lawyers in 2011, though; 29 existing cases were carried into 2011 from 2010. MCD’s total load of “cases” requiring sustained involvement in 2011 was 59.

It is worth mentioning that the lawyers from the MCD Civil Rights Program have other contractual obligations from state contracts that keep them busy, but which are not supported by MCLSF monies. MCD Civil Rights Program attorneys planned and led quarterly meetings for the Deaf Rights Group (“DRG”), a statewide cross-disciplinary group helmed by MCD; the DRG advocates for all Deaf citizens around Maine, across all agencies, with one voice. MCD’s Civil Rights Manager also was Vice-Chair of the Commission for the Deaf, Hard-of-Hearing and Late-Deafened, and in that capacity was frequently asked to contribute civil rights and other legal expertise on behalf of D/HOH/LD communities. MCD’s Civil Rights Program also was responsible for holding twice-monthly meetings around the state for American Sign Language users. Finally, and not least, during the 2011 year, the MCD Civil Rights Program lawyers advocated on behalf of D/HOH/LD persons at the Maine Legislature. All of this important work for systemic change that benefits Maine’s D/HOH/LD persons – which is not paid for by MCLSF dollars – is in addition to the individual representation MCD’s Civil Rights Program offers utilizing MCLSF monies.

³ In 2010, MCD’s Civil Rights Program received 495 new intakes. In 2009, MCD’s Civil Rights Program received 446 new intakes. In 2008, MCD’s Civil Rights Program received 345 new intakes. In 2007, the Civil Rights Program took in 173 new intakes.

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

A substantial portion of our legal work involves Deaf consumers, most of which have limited or no employment resulting from a lack of educational and vocational opportunities. These consumers' historical lack of educational opportunities was the result of exclusion, substandard academic standards in residential schools, communication barriers and lost incidental learning opportunities. Academic approaches to educating D/HOH children are improving, fortunately. At the same time, though, the growing ranks of HOH/LD consumers are being forced out of educational and employment opportunities by their reliance on hard-to-find and expensive technological accommodations like real-time captioning, hearing aids and cochlear implants. This is leading many to rely on federal and state financial assistance and/or low paying jobs and family to support them.

Many low-income Mainers are led to MCD's Civil Rights Program when they access MCD's other programs to provide services to low-income Mainers. Frequently, a consumer who comes into MCD for free adaptive equipment (due to meeting state funding poverty requirements) will present a civil rights issue that will then be referred to a Civil Rights Program attorney. The vast majority of MCD's Equipment Program consumers meet program income requirements that they earn less than 135% or 220% of federal poverty guidelines. Additionally, the growing use of internet-based Relay and videophone communications has led to an increase in requests for civil rights assistance from far-flung Maine communities that often are rural and have low employment rates and generally low incomes.

Maine's D/HOH/LD populations tend to have disproportionately high rates of mental health issues, whether as a result of isolation, depression, histories of abuse, educational deprivation, or decreased communication opportunities. Although the Civil Rights Program does not separately screen our clients' incomes, almost all are considered to have low incomes as a result of limited or no employment, lack of educational opportunities, and lack of communication and learning opportunities.

It is also worth noting that virtually all of the Deaf clients assisted by the MCD Civil Rights Program lawyers are not native English speakers – commonly, the native language for Deaf persons is American Sign Language (“ASL”). ASL is *not* the same as manually-signed English, so often working on legal issues with Deaf consumers can be time-consuming and complex, as some legal terms and theories simply have no equivalent in ASL. Using a sign language interpreter also roughly doubles the length of time required for meetings with Deaf clients, as legal concepts that do not exist in ASL must be translated from English into ASL and back again.

Additionally, many D/HOH/LD consumers have supplementary challenges that heighten communication difficulties. During 2011, MCD handled three civil rights cases on behalf of D/HOH/LD clients who cannot communicate using typical sign language, 16 cases on behalf of D/HOH/LD clients who have persistent mental health issues, and three

cases on behalf of D/HOH/LD clients who are developmentally disabled. MCD lawyers spend a significant amount of time each year assisting Deaf consumers in understanding legal documents they receive, even if they do not present pending civil rights matters.

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

MCD does not track Civil Rights Program intake contacts by county, so this report cannot identify how many civil rights questions MCD's attorneys answered for or regarding D/HOH/LD clients around the state. Anecdotally, we strongly believe that we have served consumers in every county in Maine. As noted above, with the increasing use of technology such as videophones and internet-based communication, rural areas of Maine are more "linked in" and able to contact MCD than ever. MCD actually handled civil rights cases – sustained advocacy and representation in legal matters – on behalf of clients in the following counties in 2011:

No County Identified:	3
Androscoggin:	8
Cumberland:	20
Hancock:	1
Kennebec:	8
Knox:	1
Penobscot:	4
Somerset:	2
York:	11
Out of state:	1

MCD is actively working to serve its clients in areas of Maine that are remote and/or underserved by public service organizations. In 2011, MCD physically brought Civil Rights Program services around all of Maine.

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

Of the 59 cases that were open at some time in 2011, 32 were resolved. MCD met the clients' needs in 21 cases. Eight cases appear in MCD's database as unspecified resolutions. Clients withdrew from representation in three cases, and there are no identified cases in which MCD did not meet the clients' needs. Because we have closed a significant number of cases, MCD currently has 27 open cases.

The complexities of working with and on behalf of D/HOH/LD clients also should be mentioned here. The legal matters that affect D/HOH/LD clients are frequently multifaceted, and explaining complex legal issues through an interpreter means that attorney-client relations take roughly double the time than they might for hearing clients. Meeting and/or communicating remotely through technology accessible to D/HOH/LD

clients can be extremely challenging. Those factors should be considered when reviewing the 2011 reporting.

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

As stated in MCD's application for MCLSF funds in October 2009, MCD's Civil Rights Program intended to use the funds to continue to provide legal representation for our clients and to expand and improve the services we already provide. We have complied with that intent. MCD answered approximately 443 Civil Rights Program intakes/contacts concerning D/HOH/LD issues in 2011. MCD also provided sustained individual legal representation in 59 cases during 2011. MCD's commitment to legal representation has not wavered.

MCD's 2009 application stated that "funds from the Commission would be used toward salary, additional hours, training, legal reference, interpreter services, and hopefully access to web based legal research, such as Westlaw." MCD's 2011 use of MCLSF funds has been in conformity with that intent, as MCD has utilized MCLSF monies toward attorney salary, legal research, and attorney professional training. Our ability to use MCLSF dollars toward attorney salary and related research and training needs has enabled us to utilize our other funding sources for advocacy to expand our program in a meaningful and cost-efficient fashion.

Our October 2010 application to the MCLSF stated our plan to direct 60% of the attorney hours funded by the grant to individual advocacy. We estimated this to equate to 375 attorney hours annually. We complied with this proposal in 2011. We also stated our plan to direct the other 40% of the attorney hours funded by the MCLSF grant to collaborative work with our legal services colleagues. We estimated this to equate to 250 hours. In 2011, MCD spent many hours facilitating referrals of D/HOH/LD individuals to and from our peers with the Volunteer Lawyers' Project, Disability Rights Center, Legal Services for the Elderly, and Pine Tree Legal Assistance, and consulting with each about how to appropriately serve persons with hearing loss. We believe this work goes a long way toward meeting our original goal of substantial collaborative work within Maine's nonprofit legal services community.

vii. Outcomes measurements used to determine compliance.

MCD has a database system to monitor intakes and cases for the various services and programs it provides. Each MCD employee inputs data when receiving contacts by phone, Telecommunications Relay call, videophone call, or walk-in, each time documenting the contact and content. Our system tracks intakes by subject matter, by department of referral, by county, by issue, and in several other manners. It also tracks actual cases opened or resolved, and the nature and date of each resolution. Monitoring detailed reports created by this system (cases per advocate, client problems by issue, number of cases by issue, a client-by-client listing, cases for clients with mental health or mental retardation or lack of signing ability) assists the Civil Rights Program in ensuring

that our workload is appropriately apportioned and proceeding in an efficient manner. Additionally, MCD's other major contracts require quarterly reporting that keeps MCD's Civil Rights Program on track through the year.

In order to obtain more specific feedback about our clients' experience with our services, in 2009, the Civil Rights Program distributed a customer satisfaction survey to our previous clients. We prepared one survey in English and one that was more "Deaf friendly" for consumers whose primary language was American Sign Language. In May 2009, we sent out approximately 70 surveys, and received back 30 completed surveys. The results have been overwhelmingly positive, as our program attorneys were rated as "excellent" or "great" by 20 consumers, "good" by 7 consumers, "fair" by 1 consumer, and "poor" by one consumer.⁴ We plan to distribute a new customer satisfaction survey in 2012.

viii. Information particular to MCD regarding unmet and underserved needs.

MCD's D/HOH/LD clients continue to have many unmet and underserved legal and advocacy needs, and barriers to access, education, employment, communication, and community services remain an everyday problem for persons with hearing loss in Maine. For twenty years, MCD has been a trusted member of the Deaf and hearing loss communities in Maine, and a strong partner in addressing these unmet and underserved needs. Unfortunately, in the past year, MCD's Civil Rights Program has lost funding that allows us to provide needed advocacy to Maine's 130,000 D/HOH/LD persons.

In 2011, MCD had three funding sources for our CR Program: (1) an advocacy contract with the Maine Department of Labor's Division for the Deaf, Hard-of-Hearing and Late-Deafened; (2) funding from the MCLSF, which was decreased in 2011 from its prior levels; and (3) settlement proceeds from civil rights cases. With state budget shortfalls continuing, we remain aware of the risk of curtailment of our state contract and of shrinking MCLSF dollars.

Conclusion

As a direct result of the funding provided by the MCLSF, Maine's Deaf, Hard-of-Hearing and Late-Deafened consumers received high-quality legal representation from MCD's Civil Rights Program in 2011. People with hearing loss throughout Maine were included in Maine life and programs when they might otherwise have been excluded. Without the MCLSF continued confidence in MCD's Civil Rights Program, Maine's Deaf, Hard-of-Hearing and Late-Deafened populations will lose access to the only legal advocates with expertise in Deafness and hearing loss in the State of Maine.

⁴ The survey was anonymous, but some consumers' responses did allow us to identify them. The one consumer who rated MCD's lawyers as "poor" is unhappy because his discrimination case remains in abeyance at a federal agency while related lawsuits continue in another jurisdiction. MCD has been diligent in checking on the status of our client's lawsuit and the related litigation, and has kept the client advised at all times of that status.

MCD's lawyers are deeply committed to these populations and their particular issues and needs. That commitment, and the expertise that develops with sustained attention to the Deaf, Hard-of-Hearing and Late-Deafened, are irreplaceable to our clients and their families. With the growing population of elderly people in Maine, MCD's ranks of Late-Deafened clients will grow as well. Given the economic situation in Maine and nationally, more and more of these older people will delay retirement and remain in Maine's workplaces. MCD's unique knowledge of the distinct needs of – and specific accommodations appropriate for – Late-Deafened persons will be much needed.

With the Governor's current budget proposals and a terrifying fiscal scenario looming for the upcoming few years, MCD's Civil Rights Program is facing an uneasy budgetary future. In this time of uncertainty, the Commission's continued support for MCD is absolutely critical – without it the very existence of MCD's Civil Rights Program would be in jeopardy.

Thank you for the opportunity to submit this report reflecting our MCLSF-funded work in 2011. We would be glad to answer any questions, as needed.

Respectfully submitted,

A handwritten signature in black ink that reads "Elissa J. Moran". The signature is fluid and cursive, with a large, stylized "E" and "M".

Elissa J. Moran
Executive Director
Maine Center on Deafness

Maine Equal Justice Partners
2011 Annual Report to the
Maine Civil Legal Services Fund Commission
January 2012

Maine Equal Justice Partners (MEJP) is pleased to provide the Maine Civil Legal Services Fund Commission with its annual report for 2011.

BACKGROUND

In 1996, Congress passed legislation prohibiting the federal Legal Services Corporation from funding organizations such as Pine Tree Legal Assistance, if they provided legal representation to people with low income in class action litigation, “welfare reform litigation,” and legislative advocacy. Maine Equal Justice was formed to fill this void in legal representation of Maine’s low-income individuals and families in the legislature, the courts, and before administrative agencies.

MEJP’s mission is to find solutions to poverty and improve the lives of people with low income in Maine. We accomplish our mission through (1) public policy advocacy in the legislature¹ and with governmental agencies; (2) legal representation and impact litigation on systemic issues; and (3) statewide outreach and training on issues affecting people with low income and the supports that can help them prevent or move out of poverty. MEJP focuses its work on issues that affect people’s daily lives – access to adequate health care, food assistance, income supports, housing issues, fair working conditions, and higher education and training opportunities.

Maine Equal Justice’s legal work is on behalf of and informed by our primary client, the Maine Association of Interdependent Neighborhoods (MAIN). MAIN is a statewide coalition of low-income individuals and their allies, which was formed in 1980 for the purpose of creating a network of people and organizations that seek economic and social justice for Maine’s low-income families and individuals. MEJP’s staff meets monthly with MAIN members to learn about emerging issues that low-income individuals are facing and to update MAIN members about changes or proposed changes in the laws and regulations that affect public benefit programs. MEJP also holds client meetings with MAIN’s leadership team when issues arise in-between monthly meetings that require MAIN’s immediate attention.

The issues of concern raised during MAIN’s regular monthly and ad hoc meetings comprise the majority of the initiatives MEJP pursues in every forum necessary to accomplish

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

systemic change in public policy. MEJP regularly seeks MAIN members to participate in administrative and legislative advocacy. Members share their stories and experiences with administrative and legislative officials and provide the “human face” on issues under consideration and in regulatory proceedings.

INFORMATION REQUESTED by the COMMISSION

MEJP relies upon money received from the MCLSF to support the services described below.

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

MEJP handles several different categories of cases, which require different levels of representation in order to provide services to the greatest number of people possible. The three types of services offered are as follows: (1) direct legal representation in the form of advice and referrals, limited and full representation to clients located statewide; (2) administrative advocacy; and (3) training and outreach.²

Direct Legal Representation (Advice, Referrals, Limited and Extended Representation)

MEJP provides direct legal representation through its toll-free telephone intake system on issues involving the denial, termination or reduction of benefits under programs, including: MaineCare, Temporary Assistance for Needy Families (TANF), ASPIRE, the Food Supplement Program (Food Stamps), General Assistance, low-wage worker programs, and training and educational programs. This legal work provides important input for our systemic legal work on the same subjects. These services require a thorough understanding of the state and federal statutes and rules governing these various programs as well as on-the-ground working knowledge of the particular programs. In addition to providing direct representation to income-eligible clients, MEJP also serves as a legal resource regarding these programs for other civil legal aid organizations in Maine.

In providing direct legal representation to income-eligible individuals on these subject matters, MEJP seeks to determine whether or not a particular issue raised by a client has systemic impact, i.e. an impact on more than the single individual presenting the legal issue. Where MEJP identifies a systemic issue, MEJP has been very successful in working with those responsible for the oversight of these programs to make changes so that the same legal issues do not reoccur. In the rare cases where this representation is not sufficient to resolve a case, MEJP works with other civil legal aid providers and/or *pro bono* attorneys to provide more extensive legal representation.

The initial benefit of providing direct representation on an individualized basis is that individuals get the legal services they need to resolve their immediate issue. Beyond this MEJP is able, through these direct representation engagements, to maintain its “pulse” on

² Although MEJP also represents the interest of people with low income at the legislature, discussion of these services is omitted from this report as Maine Civil Legal Services Funds are prohibited from supporting our legislative activities.

what beneficiaries are encountering daily. This in turn enables MEJP to identify systemic issues in a timely manner, which, when corrected, benefit thousands of Maine people, thereby using limited civil legal aid resources efficiently.

In 2011, MEJP handled a total of 358 cases (this number does not include our administrative advocacy cases). Maine Civil Legal Services funds provided funding for 175 of those cases; two of which are ongoing impact litigation cases summarized below:

- Van Meter, et. al. v. Mary Mayhew, Commissioner, Maine Department of Health and Human Services. This lawsuit was initiated in late 2009.³ In January 2011, the United States District Court for Maine certified the case as a class action on behalf of all MaineCare recipients residing in nursing homes in Maine who have certain conditions, including Cerebral Palsy and Epilepsy. The lawsuit seeks to reform the process of evaluating people with certain conditions for needed services in nursing homes and to develop options for people in these circumstances to live in the community, rather than in nursing homes. In September 2011 the case was settled, pending court approval (which is expected in 2012) on a basis that achieves the goals of the lawsuit. Implementation of the systemic reforms agreed to, however, will take place over the next 3 years. MEJP will spend significant time and effort on the implementation of the new system. Specifically, the settlement agreement envisions extensive involvement of plaintiffs' counsel in the following processes:
 1. Participate in the shaping of the new evaluation system, which will be designed to adequately evaluate the need for services for those who reside in nursing facilities;
 2. Monitor the delivery of services that are actually received; and
 3. Work with the DHHS to develop the details of the options for people to reside outside of the nursing home. This includes getting approval from the federal government for a Medicaid Home and Community-based waiver.
- Kilroy v. Mary Mayhew, Commissioner, Maine Department of Health and Human Services. MEJP has filed suit in the U.S. District Court for Maine on behalf of Tim Kilroy. He is disabled and receives benefits under the federal SNAP or Food Stamp program. His benefits were reduced when the state decided to include as income his child's Social Security benefits. The child's benefits, however, by court order go directly to Mr. Kilroy's ex-wife, in part, to pay Mr. Kilroy's child support obligation. Since federal law prohibits counting income that is not "received" by the Food Stamp household, this case was filed. The state has since sought to have the case dismissed on the basis of abstention, arguing that these types of cases should only be heard in state court, not federal court. Given the importance of federal court access, this case raises important issues not only about the federal SNAP program, but also about access to justice.

³ When this case was filed in 2009, Brenda Harvey was the Commissioner of the Department of Health and Human Services. When Mary Mayhew was appointed Commissioner under the new administration, her name was substituted for Ms. Harvey's.

Administrative Advocacy

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

The last category often requires a significant time commitment for our attorneys and policy analysts due to related legal research and analysis as well as the number of meetings scheduled. It is not unusual for MEJP's staff to collectively serve on 20-plus such bodies in any year. (Please see Appendix A for a list of the various groups in which MEJP participated during 2011.) Our presence is often requested because we (1) have expertise with regard to public benefits programs; (2) work directly with clients with low income; and (3) are strategic about how to move an issue forward. Our presence is vital to the protection of our clients' interests on a systemic level.

MEJP conducts administrative advocacy at the federal and state level in all of its focus areas. MEJP's goal is to resolve grey areas in the applicable governing statutes or regulations. By so doing we clarify eligibility and services covered, which, in turn improves the ability of other providers to more efficiently use civil legal aid resources. It also enables our clients to navigate a complex and confusing system more successfully.

In 2011, MEJP either advocated or submitted rulemaking comments at the state and federal level on a wide range of issues, including the following:

- MaineCare – Prior Authorization for Medical Supplies and Durable Medical Equipment. DHHS proposed a rule that would have created a secured website and proprietary medical criteria that MaineCare member or their representatives would not be able to access. MEJP submitted rulemaking comments asserting that if such rules were adopted they would violate the Maine Administrative Procedures Act, Federal due process laws, as well as 42 CFR § 431.18 (availability of agency program manuals) and a 1998 “Dear State Medicaid Director” letter from the Centers for Medicare and Medicaid Services. MEJP also indicated that we intended to sue if the agency adopted the rule as proposed. In late October, the final rule was promulgated **without** the adoption of a secured website or the proprietary medical criteria.
- Legal Immigrants and MaineCare. Due to recent changes in Maine Law, many legal non-citizens will now only be eligible for Emergency MaineCare coverage. DHHS regulations need to be revised in order to accurately reflect these changes. MEJP conducted research and analysis of the federal law and did a state comparison of policies regarding coverage for legal immigrants. We then submitted a memo to DHHS with our legal analysis and suggested language for the new rule. Our

recommendations suggest a broadening of the definition of emergency services and a streamlined reimbursement approach. This initiative is ongoing.

- Improving the Delivery of Public Benefits in Maine: Working strategically with Maine's Department of Health and Human Services and several community partners since 2009, Maine Equal Justice was successful in its administrative advocacy for the implementation of an electronic web-based "portal", which permits people to apply and recertify for public benefits online. The new system, known as *My Maine Connection* went 'live' in September 2011. It has a screening tool to help people determine if they are eligible for programs such as MaineCare, Food Supplement and TANF, and an online application form. In early 2012, we anticipate the portal will also allow people to recertify their benefits online. This will likely reduce the number of people who lose benefits and then have those benefits reinstated.
- Standard Utility Allowance for Food Supplement Program. In 2008 when fuel prices increased sharply, MEJP analyzed provisions of federal law that would allow Maine's Food Supplement program to respond to this change and then worked with Maine's DHHS to increase the standard utility allowance for the Food Supplement program, resulting in higher FS allotments. In the fall of 2010 DHHS, in response to new federal requirements, proposed to dramatically lower the utility allowance to reflect the decrease in fuel prices since 2008. This would have resulted in decreased FS allotments for approximately 45,000 households in Maine, disproportionately impacting the elderly and people with disabilities. MEJP, in coalition with other organizations and working with our Congressional delegation, was successful in its legal advocacy to convince the federal government to temporarily freeze the utility allowances at 2008 levels.

That reprieve lasted until March 2011 when the lower allowance went into effect, pursuant to the federal requirement. MEJP then assisted the DHHS in developing a proposal for a modified methodology in calculating the standard utility allowance for beneficiaries of the FS program. The federal government approved the Department's request in August 2011 for federal fiscal year 2012 (October 1, 2011.) The methodology uses the fuel and utilities CPI index.

- Temporary Assistance for Needy Families Program. In January 2011 MEJP released a yearlong study of Maine's Temporary Assistance for Needy Families program. The report, *Families in Focus: Moving Beyond Anecdotes*, details the experiences of more than 1,000 families who responded to a random survey of TANF households in 2010. Our research found that families seek help from TANF for three principal reasons: 1) the instability of work in the low wage job market; 2) disability in the household, either a parent with a working limiting disability or a family member receiving SSI; and 3) family-related crises stemming from domestic violence, separation or divorce. This research also highlighted that nearly 90% of the families who have been on Maine's TANF program for more than 5 years had a parent or a child or another family member with a disability.

After the release of the study, MEJP conducted additional research and analysis of cases brought by the Office of Civil Rights in other states with regard to TANF programs and special accommodations for families with disabilities. The ultimate goal of this initiative is to make the TANF program flexible enough to meet the needs of all families requiring assistance. Our immediate focus is on families with disabilities, because they tend to be on TANF for longer periods of time. They are the most likely to be negatively impacted by a new Maine law creating a five year lifetime limit. This initiative is ongoing.

- Insurance – Geographic Access Standards (Rule 850). In 2011, the legislature enacted a new law that required Rule 850 to be reviewed and amended in order to conform to the new law. In August of 2011, the Superintendent of Insurance called a meeting of stakeholders and encouraged consumer advocates to attend. Following this meeting advocates for Consumers for Affordable Health Care, the Maine Hospital Association and MEJP submitted comments highlighting the importance of the geographic access standards for the public, especially those with low income. Official rulemaking was initiated in late December with comments due in January 2012. This initiative is ongoing.
- Health care reform implementation. MEJP advocated with the Dirigo Health Agency and the Advisory Committee on Maine's Health Insurance Exchange as the two bodies considered the design, governance and implementation issues associated with the creation of a Maine's Exchange. We made recommendations regarding the integration and coordination between MaineCare (Medicaid) and the Exchange; steps that will maximize coverage opportunities for people with low and moderate income as envisioned by the Affordable Care Act (ACA). In addition to this advocacy, MEJP also submitted comments to the Centers on Medicaid and Medicare (CMS) regarding proposed federal rules implementing changes to the Medicaid program under the ACA. This initiative is ongoing.

Training, Education and Outreach

Maine Equal Justice complements its direct legal services and administrative advocacy with education and training activities for health and social service providers at CAP agencies, Head Start programs, health centers, homeless shelters, hospitals and other organizations throughout the state. Our aim is to help these staffs understand Maine's public assistance programs so that they are better equipped to help their clients. In 2011 MEJP conducted more than 45 separate training events, reaching close to 1,400 individuals.

- Trainings Focused on Statutory Changes to Maine's Safety Net Programs. As a result of the 2011 state legislative session, MEJP developed a plan for extensive training throughout the state regarding significant changes to some of Maine's public benefit programs. Changes to the various programs affect thousands of low-income families with young children, and budget cuts to MaineCare, TANF, and Food Supplements impact many Maine families, including legal immigrants. The DHHS is modifying the rules and scope of services for these programs to comply with changes to the law.

Providers at the agencies noted above need to be informed of the changes so that they can assist their clients in navigating new policies and procedures. From September to early December MEJP conducted 20 training workshops throughout the state for more than 420 participants.

- Language Access Initiative. Maine Equal Justice made great progress in 2011 in improving its accessibility to non-English speaking residents of Maine. MEJP's website now has a welcome page with links to further information and assistance translated into five languages; French, Farsi, Russian, Somali and Spanish. Should an individual who speaks one of these five languages call us for assistance, they will reach a voicemail box in their language where they can leave a message. A language interpreter service will then translate their message and assist MEJP staff in responding with appropriate information.
- Addressing Immigrant Changes to Maine's Safety Net Programs. MEJP addressed a critical and immediate need for particular immigrant communities and migrant workers by developing a series of educational materials on Maine's public benefit programs. We prepared five client ed fact sheets covering general information on public assistance programs in Maine, and eligibility and benefits in MaineCare, TANF, Food Supplement, and SSI and General Assistance for immigrants. The materials were translated in the following languages; French, Spanish, Arabic, Farsi, Somali, Swahili, and Kinyarwanda for distribution in immigrant communities. They were also posted on MEJP's website.
- MEJP's 6th Annual Advocacy Conference. MEJP held its annual advocacy conference in Presque Isle in 2011, attracting more than 75 service providers and advocates from Aroostook, Penobscot and Piscataquis Counties. With workshops on family law, health care, TANF, housing, SSI/SSDI and special education, the conference provided participants with the opportunity to learn more about Maine's supports for families with low income so that they can be more effective advocates for their clients.

MEJP's direct training, education and outreach is supplemented by our website (www.mejp.org), which contains a wealth of client education materials and information on MaineCare, TANF/ASPIRE, Parents as Scholars, prescription drugs, Food Supplement, Alternative Aid, General Assistance and more.

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

In 2011, MEJP opened a total of 358 cases (= full intakes and advice and referral cases *only*) of which 175 were funded by MCLSF. The services provided impacted a total of 823 individuals, of which 403 were assisted with MCLSF. These numbers, however, do not include the individuals that are impacted by our administrative advocacy or our training, education and outreach efforts, as the precise number is impossible to know.

Activity	Total # of Cases Served	Cases Served with MCLSF ⁴
Full intakes – Advice; limited and full representation	141	69
Advice and Referral – -Advocates/social service providers	41	20
-Individual callers	176	86
Administrative Advocacy	17	8
	Total # of Individuals Participating	MCLSF
Training, Education & Outreach – presentations	1400	686

3. *Demographic information about the people served as a result of money received from the Fund;*

MEJP offers free legal services to individuals with income below 150% of the Federal Poverty Level (FPL). In some instances, primarily health care related matters, MEJP provides free legal services to individuals with income up to 200% of FPL.⁵ We focus specifically on efforts to benefit:

- Approximately 13,503 families, including 23,922 children who receive TANF benefits and 598 TANF parents receiving Parents as Scholars benefits;
- Approximately 334,591 individuals who receive MaineCare benefits;
- Approximately 71,600 individuals, including elderly and disabled individuals, who are eligible for prescription drug assistance;
- Approximately 133,273 families, representing over 254,416 individuals, who receive food stamp benefits; and
- Low-wage workers and their families whose wages are below 150% of the poverty guidelines.

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

In 2011, Maine Equal Justice provided legal services to individuals residing in all sixteen Maine counties.

⁴ MCLSF funding represents 49% of the total legal aid funding (MBF, CFJ, and MCLSF) received by MEJP in 2011.

⁵ MEJP provides free legal services for individuals with income up to 200% of FPL with regard to health care coverage issues because Maine's MaineCare program provides health care coverage for parents up to 200% of FPL.

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

In 2011, MEJP opened a total of 375 cases (141 limited/full representation; 217 advice and referral) of which 184 were funded with MCLS funds. Of the 375 cases opened MEJP closed 354. MEJP achieved favorable results on behalf of its clients in 109 instances.

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

MEJP complied in all respects with the proposal submitted in October 2009. MEJP has maintained all services described in the proposal. If we deviated from our proposal at all, it was to expand the breadth and depth of the number of issues we undertook.

7. *Outcomes measurements used to determine compliance.*

The proposal submitted for 2010-2011 is based upon the core legal representation and substantive work that MEJP pursues; therefore, we evaluate our work using outcome measurements that reflect our ability to achieve systemic reform.

- Brief services, advice, referrals and extended representation: MEJP measures its success by the number of cases resolved favorably and in which litigation was avoided through negotiation.
- Administrative Advocacy: MEJP measures its success by the extent to which its rulemaking comments are accepted in whole or in part; by the implementation of policy changes made at the administrative level that improve the lives of low-income people; the number of task forces, work groups and commissions MEJP is appointed to or asked to participate on as a result of our expertise and knowledge; and the number of requests from the State for MEJP's analysis and assistance with meeting federal requirements.
- Training, Outreach and Education: MEJP measures its success by the extent of its outreach and training activities throughout the state and the number of individuals trained during the year. MEJP believes that the number of requests for trainings and our success in providing valuable information are due to the fact that various social service organizations and advocates view MEJP as a valuable legal resource and expert on issues affecting low-income individuals. MEJP's training and outreach sessions were requested and or attended by a diverse number of organizations, including but not limited to, social service providers, family practice residency programs, provider associations, community actions programs, homeless shelters, tenants organizations, domestic violence programs, Head Start parent groups, seniors, disability rights groups, immigrant communities and coalitions, municipal representatives and grass root coalitions. The evaluations sheets submitted by workshop and training participants in 2011 were extremely favorable and stressed the

need for MEJP's expertise and knowledge within the local communities throughout the state.

8. *Information particular to each recipient organization regarding unmet and underserved needs.*

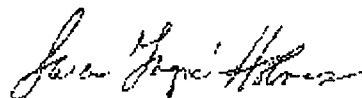
Maine Equal Justice Partners receives funding from the MCLSF, the Maine Bar Foundation, the Campaign for Justice (a joint collaboration of six civil legal aid providers) as well as individual donations and grants from Maine and national foundations. Over the last several years, we have seen a significant decrease in our core legal aid funding due to low interest rates and lower than anticipated MCLSF collections. While our funding has decreased, the number of individuals who qualify for our services has increased due to the challenging economic environment. The need for our services will continue to increase as state fiscal issues result in comprehensive changes to eligibility and other criteria within Maine's safety net programs.

In addition, despite identifying unmet needs related to systemic advocacy relating to consumer law and housing related issues in 2010, MEJP has been unable to expand its representation to include these areas. The consumer law area is of particular concern to MEJP, because there is no agency currently handling systemic consumer. In order to expand our representation into these areas, MEJP would need to hire a full time employee with expertise in these areas. At this time, our funding is insufficient to sustain an additional position.

CONCLUSION

MCLSF is vital to MEJP's ability to pursue systemic reform on behalf of Maine's most vulnerable people. Quite simply, our organization could not provide the level and breadth of services it currently offers without this funding. We are grateful to MCLSF and its Commission for making the work of MEJP possible. On behalf of the Board, staff, and clients of Maine Equal Justice, we thank the Commission for its continued support.

Respectfully submitted:



Sara B. Gagné-Holmes, Esq.
Executive Director

APPENDIX A

The bulleted items listed below represent work groups, advisory committees, coalitions and boards that MEJP staff was actively involved in during 2011. These commitments consume a great deal of our time; however, it is vital that we participate in these forums as we are often the only public benefit experts serving and, more often than not, the only consumer voice for low-income individuals at the table. The relationships and information gained from serving enables MEJP to build broad coalitions and shape systemic policy reform that benefits Maine people with low income.

Health Care

- Dirigo Board of Trustees
- Maine Health Access Foundation Board of Trustees
- MaineCare Advisory Committee (MEJP chairs this committee)
- Maine Voices for Coverage – promoting access to health care
- Campaign for Better Care – promoting patient involvement quality of care
- Health Care For Maine Steering Committee
- MaineCare Non-categorical Workgroup
- MaineCare Managed Care Stakeholders Advisory Committee

Oral Health

- Maine Dental Access Coalition
- Oral Health Advisory Committee (related to the Dental Bond RFP)

Housing

- Tedford Housing Board of Directors

Legal

- Maine Civil Rules Advisory Committee
- Maine State Bar Association Board of Governors
- Campaign for Justice Steering Committee
- Justice Action Group (JAG) (non-voting member)
- Advisory Committee of Providers to the JAG
- The Girls' Action Group

Poverty

- Maine Council of Churches' Policy Committee
- Temporary Assistance to Needy Families Advisory Council and Parents as Scholars Subcommittee
- Maine State Portal Steering Committee (creating a State portal by which people can apply for public benefits electronically)

Jobs

- Maine Jobs Council and Policy Committee of the Maine Jobs Council

Social and Economic Security

- Coalition for Maine Women
- Maine Can Do Better Steering Committee
- Working Families Coalition
- Maine Immigrants Right Coalition
- Commission on Women

Maine Volunteer Lawyers Project
Report to the Maine Civil Legal Services Fund Commission
January 2011

Overview

The Maine Volunteer Lawyers Project (VLP) is pleased to submit this year-end narrative report on its operations and services provided to Maine people during 2011. Funding from the Maine Civil Legal Services Fund (MCLSF) enabled VLP to continue to provide a wide range of legal services to thousands of clients and to further develop its operational and organizational capacity.

VLP was formed in 1983 as a joint project of the Maine Bar Foundation and Pine Tree Legal Assistance for the purpose of organizing, encouraging, and coordinating the *pro bono* efforts of private attorneys on behalf of low-income Maine residents with civil legal problems. VLP services are limited to Maine people with low incomes, generally those individuals whose gross household incomes are at or below 200% of the federal poverty guidelines and whose net incomes following the deduction of certain basic living expenses fall at or below 125% of the federal poverty guidelines. Clients are also subject to asset limitations based on household size. (These eligibility requirements are determined by the federal Legal Services Corporation which provided approximately 20% of VLP's overall funding in 2010.)

VLP has three broadly stated goals:

- to maximize private bar involvement in providing *pro bono* legal representation and assistance to low-income clients;
- to focus VLP services on the most pressing legal needs of clients; and
- to give all individuals contacting the VLP some meaningful information and assistance with their legal problem

VLP has been a recipient of MCLSF funding since the Fund's inception in 1998. In addition to supporting the Project's overall provision of client services through all the mechanisms described below, MCLSF funding is used to support *pro bono* representation for a small number of clients with particularly compelling cases who do not meet the restrictive criteria imposed by other funding sources. MCLSF funding also may be used when a private attorney contacts VLP requesting permission to provide *pro bono* representation to a particular client who falls within VLP's service priorities but does not meet the letter of VLP's traditional eligibility requirements. MCLSF funding makes it possible for VLP to provide support and encouragement to these attorneys' commendable *pro bono* efforts without violating restrictions on other sources of program funding.

Services

Initial requests for assistance are made through a statewide telephone Hotline staffed by non-attorney volunteers and supervised by VLP staff in its main Portland office. Hotline volunteers screen all prospective clients for eligibility and provide every caller with legal information relevant to their problem, together with referrals to other organizations where appropriate. Some callers may also receive written legal education materials developed by Pine Tree Legal Assistance for people living in Maine.

Law students and participating *pro bono* attorneys provide limited legal services through several special VLP initiatives: the Family Law Helpline, the Domestic Violence *Pro Bono* Panel, the Court House Assistance Project (CHAP), and the Penobscot Clinic. Clients for the Helpline and Penobscot Clinic are referred by VLP intake volunteers; the clients for the Domestic Violence *Pro Bono* Panel and CHAP are typically self-referred during Court hours. All Clinic services are also supported by undergraduate student volunteers, who provide invaluable help with “on the ground” organization and intake.

In addition, VLP utilizes attorney volunteers to refer cases for full *pro bono* representation, (and occasionally for more limited service), to private attorneys around the state both from its Portland office and from a satellite office in Bangor. Cases are chosen for referral for *pro bono* representation, based on a series of service priorities which are periodically reviewed by the VLP Advisory Committee and staff. In general, these priorities are designed to ensure that VLP’s services complement the assistance provided by Maine’s other legal service providers and that the impact of donated legal services is maximized.

In 2011, MCLSF funds represented 17% of VLP’s total funding.

Cases Handled in 2011

In 2011, VLP staff or volunteers provided service in **5,249** cases:

- Hotline volunteers provided **legal information** to clients in 1441 cases
- *Pro bono* attorneys provided **limited representation** in 2199 cases
- *Pro bono* attorneys provided **full representation** in 1334 cases
- Cases pending for *pro bono* service: 275 cases

Total: **5,249**

VLP closed 4,165 cases in 2011, while 832 full representation cases remained open.

VLP opened **4,103 new** cases in 2011, which break down into the following law categories:

Case Type	Total Cases Handled
Consumer	409
Education	12
Employment	47
Family	2,913
Juvenile	138
Health	2
Housing	174
Income Maintenance	284
Individual Rights	15
Miscellaneous (Torts, licenses, wills & estates, etc.)	109
TOTAL	4,103

Clients Served in 2011

- VLP's direct services benefited 5,249 Maine households and benefited an estimated 13,800 individuals. The average annual household income was \$14,331 and the median annual household income was \$12,240.
- The average age of a client at intake was 38 years.
- 88.9% of clients identified as White, 3.9% as Black, 1.2% as Asian, 2% as Hispanic, and 3.1% as Native American.
- 36.7% of clients had a disability.
- 4.4% were veterans and .5% were active military.
- 66.2% of clients were female and 33.8% were male. (7.8% were unknown/missing data).

Geographic Areas Served in 2011

Geographic distribution of VLP clients shown by county:

County	
Androscoggin	12.5%
Aroostook	1.6%
Cumberland	29%
Franklin	1.7%
Hancock	<1%
Kennebec	11.4%
Knox	1.8%
Lincoln	1.5%
Oxford	3.5%
Penobscot	13.5%
Piscataquis	1.2%
Sagadahoc	2.3%
Somerset	2.6%
Waldo	2.1%
Washington	2.1%
York	13.2%

Unmet Need

Most qualifying clients who receive an intake would benefit from full representation, but we are able to provide less than one in four with that service because of lack of resources. Most of these under served clients are seeking help with Family Law. VLP is well positioned to help clients with low incomes who need help in Family Law cases. This is because as a referral project, VLP can find different pro bono attorneys for each party avoiding the conflicts that arise in other direct legal service programs. Further, the Family Law Court has responded to the needs of the many unrepresented litigants who have Family Law cases in Maine. VLP has been able to respond by creating limited representation family law projects that offer meaningful service to many clients. In fact, client numbers rise in every county where a court house clinic is opened. Still, VLP lacks the resources to respond to all callers or to provide service to all clients, even when those clients fit with in our priorities.

Compliance of Services Delivered to Services Proposed

In its application to the Maine Civil Legal Services Fund for 2011, VLP proposed using its MCLSF Funding to support general legal services to clients from around the state in all areas of law and at all levels of service including: brief legal assistance via the Hotline; limited representation via the Family Law Helpline and clinic projects, and full *pro bono* representation provided by volunteer attorneys. As reported above, VLP provided legal information and representation to clients across Maine, including service from the expanded Bangor office, and in a wide variety of legal areas. Client services supported by MCLSF funding ranged from the provision of brief information and assistance to extended representation in cases that will continue well beyond 2011. While VLP was not able to increase the number of clients served as has been possible over the last few years, VLP was able to maintain services and numbers of clients served at 2010 levels, despite decreasing income from IOLTA and LSC which necessitated the loss of one full time staff position. VLP has done this through innovative programming and increased efficiency, all supported by MCLSF funding.

Outcomes Measures Used to Determine Compliance

VLP utilizes a number of systems and measures to document information about the clients it serves, case types and outcomes. An intake interview which includes the collection of demographic, geographic, eligibility and case data is conducted for each case and the client and case data is entered into VLP's computerized case management system, Practice Manager. Starting at the beginning of 2010, VLP switched to new case management software, Legal Files, as part of technology collaboration with other legal service providers in Maine. Each case continues to be assigned codes indicating law type, funding source, level of service provided (including the total number of volunteer and staff hours) and, at the time of the case's completion, case outcome. Clients selected for service from a volunteer attorney must submit additional documentation including a signed financial and citizenship eligibility form.

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

Conclusion

By organizing donated services of private attorneys and community volunteers, VLP is able to leverage extraordinary levels of legal service for Maine people. This year, VLP continued to work on increasing opportunities to provide *pro bono* service while, at the same time, increasing the number of people able to access these services. In 2011, the

value of services donated to clients with low incomes under the auspices of VLP again exceeded \$2 million, providing almost \$2.5 of service for every \$1 in funding actually received. MCLSF funding was critical to supporting VLP in 2011 in its efforts to improve the delivery of legal services through the work of volunteers, and in VLP's efforts to expand limited representation projects that enable VLP to efficiently help a greater number of Maine people with low incomes.

Respectfully submitted,

Juliet Holmes-Smith
Director
Maine Volunteer Lawyers Project

PENQUIS

Helping Today • Building Tomorrow

To: Maine Civil Legal Services Fund Commission
From: Penquis Law Project
Date: January 11, 2012
Re: Annual Progress Report, January-December 2011

OVERVIEW

The Penquis Law Project is a program operated by Penquis. It was established in 1995 in response to a grassroots effort to help meet the civil legal needs of the poor. The mission of the Law Project is to assist low-income individuals, primarily victims/survivors of domestic violence, dating violence, sexual assault and stalking, to become safe, self-sufficient community members through access to free civil legal assistance. The Penquis Law Project primarily serves individuals who have experienced or are experiencing domestic violence, sexual assault, dating violence, and/or stalking. Assistance is available for protection orders; family matters such as divorce, parental rights and post-judgment cases; as well as other civil matters related to sexual assault and stalking. The Law Project currently serves Penobscot and Piscataquis counties.

Without access to free civil legal services, many victims would be unable to navigate the civil legal system on their own. While some individuals without complex legal issues may be able to proceed without an attorney or *pro se*, other individuals face complex legal issues which may prevent them from proceeding *pro se*, or some individuals may be too intimidated by their abuser to enter a courtroom alone. Individuals can easily be re-victimized by an intimidating legal system, and some may choose to drop their case rather than proceed on their own. Law Project attorneys provide individualized representation to clients, as well as one-time consultations to individuals who are ultimately able to handle their legal matters *pro se*.

ANTICIPATED RESULTS

By creating access to comprehensive civil legal assistance, the Law Project seeks to increase the ability of victims of domestic violence, sexual assault, and stalking to become free – physically, financially, and emotionally – from their abusers.

LAW PROJECT

262 Harlow Street	(207) 973-3671
PO Box 1162	Fax (207) 973-3699
Bangor, Maine 04402	TDD (207) 973-3520
www.penquis.org	1-800-215-4942

Client Impacts

Representation: Attorneys represent clients throughout the court process, including preparing filings, court appearances, and negotiations. Clients will receive a final court order, usually an Order for Protection, Divorce Judgment, Parental Rights and Responsibilities Order, or an Amended/Modified Judgment or Order (post-judgment modification of an original judgment or order). Final orders may include a child support order, primary residence and visitation schedule, division of debts and personal property, division of real estate, and an award of spousal support, if appropriate. Clients who chose to dismiss their case and reunite with their abuser will receive information and support and the option to reengage in services when the client is ready to proceed with their case.

One-time Consultation: Attorneys meet one time with an individual to answer questions about the legal process and/or help an individual complete court forms. Individuals receive answers to their legal questions and thus are better able to proceed *pro se*.

Projected Outcomes

Initial Outcomes: Individuals who are victims of domestic violence, sexual assault or stalking and would otherwise be unable to afford or have access to an attorney receive direct representation and are therefore able to successfully negotiate the court process.

Intermediate Outcomes: Clients increase their physical, emotional, and economic safety.

Long term Outcomes: Clients maintain their physical, emotional, and economic safety.

PROGRESS REPORT

In our 2009 application to the MCLSF we proposed to serve Penobscot, Piscataquis and Knox counties with a staffing structure consisting of three full-time attorneys, one of whom would be fully funded by the MCLSF. In addition, we requested MCLSF monies to also support our part-time directing attorney and part-time legal secretary. These positions are necessary for the overall operation of the Law Project; the directing attorney provides administrative oversight and supervision while the legal secretary is crucial to our ability to field intake calls, serve our clients, and provide secretarial support to the attorneys. The legal secretary also fulfills some paralegal duties as the part-time paralegal position was eliminated in 2008.

Because the Law Project's request was not fully funded by MCLSF, we were unable to support an attorney position for 2010 or 2011. However, the funding we received from the MCLSF was used, as proposed, to support our part-time directing attorney and legal secretary. Thus, MCLSF funds provided crucial operating support to the Law Project as a whole. Numbers reported reflect the individuals served by the Law Project as a whole during 2011.

Funding from the MCLSF originally allowed us to expand to Knox County in 2006. We sought to expand Law Project services to the mid-coast region when Knox County became part of the Penquis service area. As a result of having only two attorney positions, in 2010 we refocused our efforts on Penobscot and Piscataquis counties in order to maximize the attorneys' time and travel.

We continued this focus in 2011. We have also continued new outreach and service delivery methods in order to best serve communities with the resources available. For instance, we have continued our "attorney for the day" program on Order for Protection ("PFA") days in the Dover-Foxcroft District Court which was started in 2010. An attorney from the Law Project is available for the Judge to refer unrepresented litigants for limited representation that day. This has allowed us to reach individuals we may not have served otherwise; some have been served for their PFA only and others have subsequently entered into extended representation. We also continue to provide office hours at Womancare/Aegis Association, the domestic violence project in Piscataquis County, and continue our collaborative relationship with the University of Maine Safe Campus Project.

In addition to these continued outreach efforts, in 2011 we were also fortunate to have both attorney positions filled throughout the year by experienced staff attorneys, enabling us to still meet the numbers we projected to serve in our proposal. The total number to be served by the Law Project was estimated at 300; this year we served at total of 311.

1.) Types of cases handled as a result of money received from the Fund:

The table below details the number and types of cases handled by Law Project attorneys in 2011. Some individuals had more than one case type. Individuals with more than one case type may have a protection order and another family matter, may have pending actions against more than one opposing party (i.e. the current husband and a prior boyfriend) or may have an initial action and then a post-judgment action.

Case Type	Rep.	One-times
Divorce	67	55
Protection from Abuse	36	25
Parental Rights	21	35
Post-judgment	42	73
Other	0	3
Total Case Types	166	191

2.) Number of people served as a result of money received from the Fund:

The attorneys served a total of 311 unduplicated individuals. There were 141 clients who received representation and 170 individuals who received one-time consultations. There were 178 one-time consultations delivered because some individuals received more than one consultation during the year or received a consultation and then later became a client. 94 clients were newly served and the rest were carried over from the previous year.

3.) Demographic information about the people served as a result of money received from the Fund:

Demographics	Rep.	One-times
Age		
Under 18 years	0	0
18-24 years	20	25
25-59 years	118	142
60+ years	3	3
Unknown	0	0
Gender		
Female	135	155
Male	6	15
Race		
White	134	158
Hispanic	2	1
Black or African American	2	1
American Indian	3	1
Asian	1	1
Native Hawaiian/Pacific	0	0
Unknown	0	8
Housing		
Rent	79	86
Own	32	39
Other (includes staying w/ relatives, friends)	23	37
Homeless	1	2
Unknown	6	6
Health Insurance		
MaineCare	102	101
Other Insurance	27	42
No Insurance	12	25
Unknown	0	2
Disabled	27	36
With Minor Children	119	155
Income Level		
≤ 75% of poverty	91	105
≤ 100% of poverty	21	19
≤ 125% of poverty	10	13
≤ 150% of poverty	9	11
≤ 175% of poverty	5	5
≤ 200% of poverty	3	10
At or above 200% of poverty	2	2
Unknown	0	5
TOTAL PERSONS	141	170

All clients have experienced some form of victimization. The overwhelming majority of individuals receiving one-time consultations have experienced either domestic violence, dating violence, sexual assault, or stalking – 132 or 78% of those served. Occasionally, attorneys provide one-time consultations to individuals who have *not* disclosed that they have experienced violence but have disclosed a reason that might make it particularly difficult for them to proceed without assistance, such as a mental health issue, a teen parent, or extremely limited financial resources. We also may meet with an individual who has not disclosed some type of victimization when providing office hours out in the community. MCLSF funding allows us this flexibility to serve some individuals who may not otherwise be eligible under our other funding sources.

4.) Geographical area actually served as a result of money received from the Fund:

While we primarily practice in the District Courts in Penobscot and Piscataquis counties, individuals served sometimes reside in other areas of the state or move while their case is pending.

County of Residence	Rep.	One-times
Cumberland	1	0
Hancock	6	3
Kennebec	3	0
Knox	0	3
Lincoln	0	1
Oxford	1	0
Penobscot	78	116
Piscataquis	47	39
Somerset	0	3
Washington	1	1
Waldo	2	2
Out of State	2	2
TOTAL	141	170

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

Of the client files, 94 were closed by the end of December 2011. 47 clients remained open as of January 1, 2012.

Of all client files closed, 72 clients received a final order in at least one of their pending matters. Additional outcome information will be described in number #7. Of the other clients who did not receive a final order, most closed because the client reconciled with their abuser at some time during the case. Other reasons for the case closing include the client losing contact with us resulting in the case never being filed or the attorney withdrawing from a pending matter, the client deciding not to move forward with or to dismiss their case, or the client or attorney withdrew for various other reasons. In one matter the opposing party passed away and in another matter the case closed because the opposing party was murdered; charges are now pending against a member of his family.

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

The Law Project proposed serving 300 individuals; 311 were served during this time period. Outcome data demonstrates the positive outcomes for clients served.

The Law Project provided services as described in its application. It did not hire an additional attorney, due to the partial funding of the request, but it did support key, existing staff (also proposed in the application), which made it possible to deliver the services as described.

7.) Outcome measurements used to determine compliance:

The following table describes the projected and actual outcomes for calendar year 2011, with associated indicators, measurements, and data sources. Data confirms that we have substantially met our projected outcomes.

Outcomes	Indicator	Projected	Actual	Data source:
<u>Initial Outcomes:</u> Individuals who are victims of domestic violence and would otherwise be unable to afford or have access to an attorney will receive direct representation and will therefore be able to successfully negotiate the court process.	Percent of individuals who meet with an attorney at an initial consultation gain access to representation and enter into the attorney/client relationship	85%	95% (94)	The Law Project keeps records regarding those individuals we have met with. Files are maintained for each client.
<u>Intermediate Outcomes:</u> Clients will increase their physical, emotional and economic safety.	Percent of clients who seek an interim order for child support, spousal support or to address a specific property issue will receive the interim order.	90%	97% (35)	(1) Closed Client Survey* (2) Closed Client Form**
	Percent of clients who seek an interim order granting them primary residence of their children will receive the interim order.	95%	96% (44)	
	Percent of clients who report that threats or abuse were less during involvement with the Law Project than previously	76%	63% (5)	
	Percent of clients who report that their involvement with the Law Project made them feel more in control of the process	88%	88% (7)	
<u>Long term Outcomes:</u> Clients will maintain their physical, emotional and economic safety.	Percent of clients who seek a final order for child support, spousal support or to address a specific property issue will receive the final order.	95%	96% (49)	(1) Closed Client Survey* (2) Closed Client Form**
	Percent of clients who seek a final order granting them primary residence of their children will receive the final order.	95%	96% (47)	
	Percent of clients who report that threats or abuse were less after involvement with the Law Project than previously	82%	63% (5)	
	Percent of respondents to a Closed Client Survey reported that utilizing the Law Project helped them to feel that the court process was manageable.	100%	88% (7)	
*Closed Client Survey: Number or percent will be based upon the answers of those clients who choose to complete and return the anonymous survey;				
**Attorneys fill out a Closed Client Form based upon information contained in the client file and the attorney's observations				

8.) Information particular to each recipient organization regarding unmet and underserved needs:

The Law Project secretary conducts an intake and completes an intake sheet with all individuals who call the Law Project who may be eligible for services. For example if a caller immediately identifies that he or she seeks a criminal attorney for an OUI, no intake is done and the caller is referred elsewhere. Otherwise, an intake is done whenever the caller may possibly be eligible for services. Each intake is run through our conflicts database and reviewed by the directing attorney or lead attorney. Every individual receives a call back and is referred to other resources if we are unable to assist. In 2011, there were 521 Law Project intakes, 264 of whom were served. Individuals may not be served for a variety of reasons such as a conflict of interest, no history of victimization, living out of the service area, choosing to decline an appointment when one is offered, or because caseloads are full. But, this volume of callers speaks to the number of individuals in our area who are seeking civil legal assistance, primarily in the area of family law.

CONCLUSION

The MCLSF's support of the Penquis Law Project provides us with crucial funding and has a measurable impact on the lives of those experiencing violence.

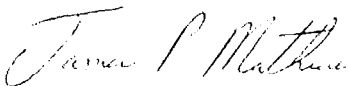
"I really appreciate everything the Law Project did for me. I am very grateful for the help I got and your help definitely made me feel safer and more in control of my life."

"I am very grateful to have legal support without the worries of how I would be able to pay for the services... I can honestly say without your services I don't think I would have made it through all that I was dealing with."

--former Law Project clients

Thank you for helping to increase access to free civil legal assistance and making the safety of Maine families a priority. For any questions regarding the Penquis Law Project or outcomes resulting from MCLSF funding, please contact me at 973-3671 or tmathieu@penquis.org.

Respectfully submitted,



Tamar Perfit Mathieu

Directing Attorney
Penquis Law Project

**Pine Tree Legal Assistance
Report to the Maine Civil Legal Services Fund Commission
January 2012**

Overview

Pine Tree Legal Assistance was established as a statewide nonprofit corporation in 1966 by local attorneys concerned about the lack of coordinated legal services for low-income individuals in Maine. Since 1967, the program has provided free legal services to low-income individuals around the State who are confronted with serious civil legal problems, using a network of local field offices and telephone intake systems staffed by Pine Tree employees and volunteers.

Today, Pine Tree operates fully staffed field offices in Portland, Augusta, Lewiston, Bangor, Machias and Presque Isle to support the provision of general legal services to local low-income individuals. A Pine Tree attorney is also housed in the York County Shelter to address homelessness in York County. In addition, Pine Tree operates four specialized projects:

- The Employment/Farmworker Unit is based in Bangor but operates statewide to provide legal assistance to individuals with legal issues related to wages or the workplace, including migrant farmworkers;
- The Native American Unit is based in Machias but operates statewide to provide legal assistance to Native Americans who are members of Maine's four federally recognized tribes, as well as off-reservation tribal members;
- KIDS LEGAL is based in Portland but provides services statewide; it provides legal assistance focused on the special needs of low-income children;
- The Family Law Unit is based in Portland and provides legal assistance primarily to victims of domestic violence and sexual assault in southern Maine;

Legal services range from simple advice and brief service to negotiations and include full representation in the most serious cases. The program also devotes significant resources to support for *pro se* litigants, including the development of legal education materials and other "do it yourself" tools available from its offices and online at its program websites (including www.ptla.org, www.helpmelaw.org, www.kidslegal.org and www.statesidelega.org, Pine Tree's newest website that addresses the legal needs of veteran and military service members.)

Pine Tree's general services are structured to respond to the areas of highest need for assistance and the lack of other available resources in the local community to meet those needs. Program wide priorities are established by a 28-member Board of Directors that includes lawyers and low-income representatives from around the State. Pine Tree staff also actively participate on statewide and local initiatives designed to address systemic justice concerns, serve as trainers for social service agencies, the Courts and the private bar, and work closely with other members of the legal service community.

In general, Pine Tree's clients are individuals whose household income after certain deductions is at or below 125% of the federal poverty guidelines, and whose assets do not have a value in excess of \$3,000 (depending on the size of the household.) MCLSF

funding is used to provide services to some low-income individuals with critical legal needs whose incomes fall outside usual criteria – for instance, to provide legal services to victims of domestic violence who are not able to access other legal help. Pine Tree does not discriminate based on race, color, sex, sexual orientation, creed, national origin, age, religion, political affiliation or belief, or disability. However, funder restrictions do not allow Pine Tree to provide legal assistance to undocumented aliens and certain non-US citizens except in cases of domestic violence.

The intake process routinely includes questions about household income and assets, as well as citizenship status, all of which are documented on the computerized case management system. No fees are charged for services but clients are asked to pay for the costs of litigation where feasible.

Pine Tree is Maine's oldest, largest legal service provider. It has been in continuous operation since 1967, allowing it to develop a unique place in the State's justice system. It is recognized nationally as one of the country's best legal service providers -- a reputation that reflects the impressive list of legal victories secured in Maine through Pine Tree advocacy AND its ability to attract, support and retain high quality staff.

Pine Tree's diverse staff includes several attorneys with 15 – 30 years of experience as legal service advocates as well as recent judicial clerks and other attorneys with 1- 7 years experience with the program. (The average Pine Tree staff attorney has 16 years of legal experience.) Pine Tree is committed to strong support and mentoring of its entire staff, and relies on its existing managers in local offices, as well as its Director of Training and Litigation, to provide this support. The program offers ongoing in-house training and access to formal CLE programs on a regular basis. Pine Tree advocates are encouraged to develop effective working relations with community organizations and client groups in their service areas and to pursue issues of special interest that will strengthen their ability to serve our clients.

Pine Tree is also committed to the provision of local access to its services through its unmatched network of local offices and outreach sites around the State (Portland, Augusta, Bangor, Machias, Presque Isle and Lewiston), as well as an outreach project based at the York County Shelters in Sanford. Its intake system allows new clients multiple points of entry by phone or in person (rather than just relying on a single 1-800 number answered in a single location.) The intake system is accessible in 9 different languages; local offices comply with ADA requirements. At a time when many organizations have abandoned a local presence in favor of centralized offices in a single place, Pine Tree's costly network assures that its staff and advocates can reach any court in the State within roughly an hour's drive, and stay attuned to local needs and resources.

Pine Tree has been a recipient of MCLSF funding since 1998 when the Fund first became available to support civil legal services to low-income and needy individuals.

Types of cases handled in 2011

While the database for calendar 2011 is still being finalized, it appears clear that the staff of Pine Tree Legal Assistance handled a minimum of 7,683 cases during the year with all sources of funding, including some support from MCLSF. This total included the following:

- 634 consumer matters
- 209 education matters
- 475 employment matters
- 997 family law cases (including domestic violence)
- 72 juvenile issues
- 162 health law cases
- 4,261 housing issues (including foreclosure)
- 657 income maintenance issues

A total of 312 cases were funded exclusively with MCLSF funding. . . . This total was allocated as follows:

- 25 consumer matters (e.g., debt collection)
- 16 employment cases
- 8 family law
- 7 health law cases (e.g. Maine Care eligibility)
- 192 housing issues
- 37 income maintenance cases (e.g., food stamps and Social Security)
- 20 individual rights (e.g., immigration)

Number of people served as a result of MCLSF funding

Pine Tree's direct legal services benefited a total of 18,895 individual in 2011, including 779 whose cases were supported exclusively with MCLSF funding and 18,116 whose legal services were supported in part with MCLSF funding.

In addition to direct legal service to individual clients, some MCLSF funding has been traditionally used to support a range of other important services. In 2011, these services included more than 3,467 individuals who were trained by Pine Tree staff during a wide range of presentations and programs around the state, the distribution of 3,166 "hard copies" of self-help materials or other legal education tools created by Pine Tree, and consultations with 5,305 low-income individuals needing legal help who were ultimately referred to other resources.

In addition, the tiny staff of the Migrant Farmworker Unit distributed 1,608 copies of an innovative "Harvest Calendar" that combined easy-to use legal information in Spanish and English with a calendar suitable for recording work hours and distributed 306

newsletters addressing the laws impacting on H-2A workers as part of a regional collaboration in New England. Similarly, the Native American Unit staff conducted regular outreach to all of Maine's tribal communities in Maine in 2011, allowing Pine Tree to provide much more responsive services to low-income members of the Penobscot Indian Nation, Passamaquoddy Tribe, Houlton Band of Maliseets, and Aroostook Band of Micmacs. The Unit also distributed 1618 issues of "Wabanaki Legal News" in one edition during the year.

Although it is not possible to know how many individual users benefited by access to Pine Tree's web-based resources (www.ptla.org, www.kidslegal.org, www.helpmelaw.org and the newest website, www.statesidelegal.org), the Pine Tree web sites were viewed almost 2 million times in 2011. Pine Tree's leadership role in creating www.statesidelegal.org as a national resource for military and veteran households with legal needs received significant attention in 2011, and traffic to the site has steadily grown since its launch in November 2010.

Demographic information about people served because of MCLSF funding

MCLSF funds were the sole source of support for legal representation to 312 low-income Maine households in 2011. The average age of the MCLSF client was 42 and 55% of the group were women. Thirty six percent of these client households included at least one person with a disability. Almost six percent of client households included a veteran or current service member.

MCLSF funds also provided partial support for an additional 7,371 cases handled by Pine Tree staff. As with cases funded exclusively by MCLSF, Pine Tree's "typical" client for representation in 2011 was a woman of about 40 with at least one young child, although 36% of all clients served were male. Thirty six percent of all clients received some household income from employment. Forty three percent of all client households included at least one person with a disability. More than four percent of client households included a veteran or current service member.

Geographic area served because of MCLSF funding

Program services supported by MCLSF funding were provided on a statewide basis.

The cases supported exclusively with MCLSF funding involved residents of 109 Maine towns and communities, as well as some migrant farm workers who experienced legal problems while working in Maine. Overall, cases handled by Pine Tree in 2011 involved residents of 537 Maine towns and communities. The following table reflects the allocation of cases on a countywide basis during 2011.

County	Cases funded only with MCLSF	Total cases
Androscoggin	11	748

Aroostook	5	919
Cumberland	129	2121
Franklin	0	46
Hancock	10	143
Kennebec	13	653
Knox	0	43
Lincoln	0	56
Oxford	2	191
Penobscot	40	811
Piscataquis	3	47
Sagadahoc	6	114
Somerset	2	93
Waldo	1	69
Washington	7	590
York	42	770

Status of matters handled

Of the 312 cases handled exclusively with MCLSF funding, the status of each case is as follows:

- 162 involved individualized advice on a specific legal issue
- 32 involved the provision of additional services, including assistance with legal forms or informal negotiations with an opposing party
- 18 involved a formal negotiation outside the context of litigation
- 25 involved a negotiation with litigation
- 8 were resolved with a court decision or involved extensive transactional assistance
- 55 remained open on December 31, 2011

The status of Pine Tree's total caseload during 2011 is as follows:

- 2,575 involved individualized advice on a specific legal issue
- 800 involved the provision of additional services, including assistance with legal forms or informal negotiations with an opposing party
- 229 involved a formal negotiation outside the context of litigation
- 1,092 involved a negotiation with litigation
- 568 were resolved with a court decision or involved extensive transactional assistance
- 2,046 remained open on December 31, 2011

Relationship of services to MCLSF proposal

As proposed in the 2009 application to the ME Civil Legal Services Fund, MCLSF funding was used to support casework in all six Pine Tree field office locations, as well as the special projects. All direct legal services were provided free of charge to low-income individuals in Maine.

MCLSF funding was also used to support Pine Tree's traditional role in educating Maine people about their civil legal rights and remedies. This is accomplished primarily through Pine Tree's three nationally acclaimed websites: core issues are covered by www.ptla.org; legal issues specific to Maine children at www.kidslegal.org, and a clearinghouse and search engine for all of Maine's legal aid providers at www.helpmelaw.org. In 2010, Pine Tree launched statesidelegal.org, a new national website with legal resources specific to veterans and service members. All four offer access to libraries of user-friendly legal information and self-help tools.

Outcome measurements used to determine compliance

Pine Tree Legal Assistance has a variety of systems in place to determine compliance with funder requirements and to insure the provision of high quality legal services.

Pine Tree Legal Assistance documents demographic information (including eligibility data) and other relevant case data in a sophisticated computerized case management system, *Legal Files*, which is also utilized by the Legal Services for the Elderly, Maine Volunteer Lawyers Project and Cumberland Legal Aid Clinic. The program identifies the primary funding code that supports each case as it is opened and includes a timekeeping function. Time spent on individual cases, as well as on training events and all other work activities, is recorded and forms the basis for the cost allocation system by which specific funding sources are identified with particular cases or types of legal work.

The program also tracks the outcome of each individual case handled by its staff in order to determine the program's rate of success in advocating for low-income Mainers. Of the 51 MCLSF cases closed with some level of extended service in 2011, all but 2 (96%) were resolved in favor of the Pine Tree Legal Assistance client.

Of the 1,889 cases involving extended representation and complete in 2011 with all sources of funding, including MCLSF, all but 73 (96%) were resolved in favor of the Pine Tree Legal Assistance client.

Pine Tree also tracks a range of measurable outcomes with respect to its program activities and services. While this data is not yet final, a sample of outcomes associated with cases funded exclusively by MCLSF includes the following:

- In 14 cases, secured time to find alternative housing and avoided a potential cost to the State of more than \$12,750 if the tenant household had required emergency shelter;

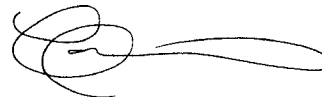
- Prevented homelessness in 24 cases by delaying an eviction to provide more time for the client to find alternate housing;
- Addressed unsafe housing in three cases;
- Assisted three families in securing government services for which they were eligible with a combined monthly value of \$684, and helped one family secure a lump sum benefit of almost \$8,000;
- Established a court order stabilizing the family situation in a divorce or child custody matter in three cases;

All Pine Tree Legal Assistance staff are subject to internal "Standards of Practice" designed to insure the quality of all legal services provided to low-income Mainers, in addition to other professional standards governing their work.

Conclusion

Every Pine Tree office and outreach site (in Presque Isle, Bangor, Machias, Augusta, Lewiston, Portland and York County) has been supported with this funding in the past year. Because of Pine Tree's ongoing investment of MCLSF resources in Internet-based services, individuals all over the State who have access to their public library or school's computers can get easy-to-use information about legal rights and responsibilities under Maine law. Poor Mainers from Fort Kent to Kittery, and from Oquossoc to Eastport have a better opportunity to receive justice today, thanks to the continuing services made possible from the Maine Civil Legal Services Fund.

Respectfully submitted,



Nan Heald, Executive Director
Pine Tree Legal Assistance
PO Box 547 Portland ME 04112



To: Maine Civil Legal Services Fund Commission
From: The Access to Justice Program
Date: January 13, 2012
Re: Maine Civil Legal Services Fund Annual Report
January – December 2011

Overview of the Access to Justice Program:

York County Community Action Corporation's *Access to Justice Program* provides assistance to self-represented litigants in family law matters, with the goal of assuring that these individuals have the information, assistance, and advocacy required to ensure a positive and productive experience with the judicial system, and that they are connected to other resources as needed to promote family stability and/or economic independence. The Access to Justice Program is comprised of one staff member, a Legal Advocate, who is available to assist with court paperwork and to explain the court procedures for divorce, parental rights, post-judgment motions, guardianship, and other family law related matters. She provides services three days per week in our Biddeford office, one day in Sanford, and one day per week in Kittery. If needed, a home visit can be scheduled. Our Legal Advocate assists individuals in filling out forms, notarizes and makes copies for them, and explains the various ways in which service may be accomplished on the opposing party. Individuals are given directions about filing the paperwork, how long to expect to wait for a hearing, and what to expect when they go to court. If mediation is required, the Legal Advocate explains the role of a mediator, how the mediation will be conducted, and how individuals should prepare themselves. The Legal Advocate is also available for follow-up questions as the case proceeds. YCCAC's Executive Director is an attorney, with experience in family law, and she serves as a resource for the Legal Advocate.

Program Report:

As a result of funding received from the Maine Civil Legal Services Fund Commission, which pays for a portion of the Legal Advocate's salary, services were provided to 1268 unduplicated clients, during 1970 office visits or phone calls. Of note:

- * Nearly 40% were office visits to complete court paperwork or explain court procedures.
- * The remainder were phone calls to complete paperwork, explain procedures, assist with additional motions, discuss rights and responsibilities, or provide information and referral.
- * A significant percentage of queries pertain to divorce or parental rights; other topics include guardianship, adoption, and small claims.
- * 35%, or 438 individuals, were referred by the Court, Pine Tree Legal, Cumberland Legal Aid, VLP, or attorneys. The remainder were referred by YCCAC staff, other providers such as DHHS, York County Shelter, and Caring Unlimited, or other clients via word of mouth.
- * 257 individuals, or approximately 20%, were referred to civil legal services providers such as Pine Tree Legal Assistance, Legal Services for the Elderly, Cumberland Legal Aid, other attorneys, etc.
- * 71% had incomes equal to or less than 125% of the Federal Poverty Guidelines; 82% had incomes less than 150% of the Poverty Guidelines; and 98% had incomes less than 200%.

Geographic Area Served:

ACTON	27	BUXTON	32	KENN'PORT	6	NEWFIELD	12	SANFORD	320
ALFRED	20	CORNISH	12	KITTERY	34	NO.BERWICK	38	SHAPLEIGH	20
ARUNDEL	12	DAYTON	2	LEBANON	47	OGUNQUIT	1	SO.BERWICK	28
BERWICK	53	ELIOT	22	LIMERICK	25	OOB	28	WATERBORO	60
BIDDEFORD	119	HOLLIS	17	LIMINGTON	16	PARSONSFIELD	15	WELLS	45
		KENNEBUNK	24	LYMAN	16	SACO	69	YORK	30

OTHER TOWNS OR STATES 118

TOTAL: 1268 UNDUPLICATED CLIENTS 1970 OFFICE VISITS OR PHONE CALLS

Evaluation and Outcome Measurement:

As stated in YCCAC's proposal to the Civil Legal Services Fund Commission, the Access to Justice Program is small, but the outcomes can be significant. Some of the legal problems confronted by low-income individuals do not require the direct services of an attorney, which they usually cannot afford, but can be resolved by assistance with paperwork and education about legal procedures and the legal system.

The goal of the program is to *assure that these individuals have the information, assistance, and advocacy needed to ensure a positive experience with the judicial system, and that they are connected to other resources as needed to promote economic independence.*

Objective: The Access to Justice Program will provide 975 low-income York County individuals with *pro se* assistance in family law matters, including referrals to attorneys as required, and advocacy throughout the process. *During 2011, 1268 unduplicated individuals were provided assistance, including 257 referrals to legal services providers, and 55 referrals to other agencies or resources.*

Anticipated Outcomes:

- (1) Individuals provided services will be adequately prepared to represent themselves in court or to negotiate a settlement through mediation.

One method to measure this outcome is to survey the Clerks of Court regarding adequacy of client preparation to represent themselves in court, and we do this biannually. In the fall of 2011, we received the following responses:

"Once clerks have exhausted all resources, explaining procedures, they are grateful to offer the additional services provided by YCCAC... when we receive paperwork it is complete and correct, and there are notes on each copy so clients know which one to file with the court." "I would say there are quite a few people who do try and tackle the paperwork alone and struggle with it; they would greatly benefit from a legal advocate or an attorney. It just makes the process a lot smoother and faster." "The paperwork is filled out completely and the clients seem more knowledgeable about how the process works. The paperwork is notarized which makes the process go quicker...."
"This service is extremely helpful when it comes to having the filing completed and served. When paperwork is missing it causes a delay in scheduling parties for a hearing in the future..... clients have a better understanding and have the paperwork ready so that a hearing can be set." "Thanks

to the legal advocate, clients' paperwork and their understanding of procedures helps them and helps us."

Another method is to survey a sample of clients regarding their experience with the judicial system, that is, whether the information and support received helped them achieve a positive outcome. In the fall of 2010, staff conducted a telephone survey of thirty-seven individuals who had received services through the Access to Justice Program in 2010. All believed that they were adequately prepared to represent themselves through the various court processes (i.e. conferences, mediation or hearings), and that the court clerks were satisfied with their paperwork. Twenty five of the individuals surveyed also reported a positive outcome to their court experience, for example, a grandparent granted temporary guardianship of children in an unsafe situation, or the granting of sole parental rights because of an abusive parent. An additional six reported that they had partially resolved their situation, or fully resolved it through other means, e.g. reconciliation.

- (2) Individuals provided services will be connected to a comprehensive network of other programs and resources as needed.

257 individuals were referred to a legal services provider, and an additional 55 were referred to a wide range of other resources and services, e.g. Caring Unlimited, DHHS, Disability Rights Center, Southern Maine Agency on Aging, and the myriad of programs and services offered through York County Community Action.

Unmet and underserved needs:

York County Community Action's *Access to Justice Program* occupies a unique niche in the broad network of civil legal services. Very low-income persons who are in need of legal assistance for family law matters often do not have money to hire attorneys, and therefore either do not seek help or else they burden an already overloaded court system with improperly completed paperwork. Moreover, some of the legal problems confronted by the poor do not require the direct services of an attorney, but can be resolved by assistance with paperwork and

education about legal procedures. Even when the legal issues are not particularly complicated, people with literacy challenges find navigating the system to be daunting at best, and, for some, too difficult without assistance. Our goal is to ensure that people who are representing themselves fully understand how the court works and that they receive all the assistance they require with paperwork.

That said, we know that in an ideal world attorneys would be available to all who need them, and we know that each one of the legal service providers struggles daily with the challenge of balancing limited resources and the ever present legal needs of our poorest and most vulnerable Maine citizens.

- A) **Attorney representation**, especially pertaining to family law, continues to be an unmet/underserved need. There are simply not enough pro bono attorneys for cases that require attorney representation. Cases stall, or clients give up because they cannot proceed further. One solution might be consideration of an expanded role for legal advocates in the court procedures.
- B) **Legal advocates**: Persons living in poverty have great need of better understanding of their rights and responsibilities, our system of law and justice, and the means of working with that system. At present, advocates from domestic violence programs provide a crucial role supporting their clients through the court process for a Protection from Abuse Order. More advocates should be allowed into the court as support for clients who cannot always understand what is going on, when or if they should speak, and what exactly the judge is asking. This could be not only in Family Law but in Small Claims, Disclosures, and Forcible Entry and Detainers. At present, most attorneys are pleased when an advocate sits with their client at a mediation; it often helps keep emotions from flaring and issues clarified. Unfortunately, advocates are not typically allowed at hearings, and if they are, they have no voice. An advocate is usually well-informed and could be of valuable assistance to the Judge when the client loses his or her way because of stress and intimidation.
- C) Another unmet need is for **better explanations of how to fill out forms**. Sheets could be provided to clients with a list of terminology and clear procedural explanations. The general guidelines provided with each packet in the District Court are very helpful but not detailed enough. In the Probate Court, there are no explanations at all and the terminology there is even more confusing.

Conclusion:

On behalf of York County Community Action Corporation's *Access to Justice Program*, we thank you for your continued investment in civil legal services. In this uncertain and challenging economic environment, the Maine Civil Legal Services Fund is a constant, and makes possible the broad continuum of legal services that allow many poor Maine citizens access to justice.

Respectfully submitted,

Deborah Downs
Director of Community Outreach