

MAINE STATE LEGISLATURE

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Maine Civil Legal Services Fund Commission
Report to the Joint Standing Committee on the Judiciary
126th Legislature, Second Regular Session
February 3, 2014

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MAINE CIVIL LEGAL SERVICES FUND COMMISSION

February 3, 2014

Linda Valentino, Senate Chair
Charles Priest, House Chair
Joint Standing Committee on the Judiciary
100 State House Station
Augusta, Maine 04333-0100

Re: 2013 Report of the Maine Civil Legal Services Fund Commission

Dear Senator Valentino and Representative Priest:

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

During 2013 David Fletcher chaired the Commission, and Mary Toole and I served as Commissioners. Mr. Fletcher's second and final term came to a close on January 1, 2014, at which point John Foster became a Commissioner and I became the Chair. We are very grateful to Mr. Fletcher for his significant commitment to this most important work over six years, and we thank him.

Included in the binder are individual reports from the legal services providers which received allocations from the Maine Civil Legal Services Fund. Maine's low-income citizens, people with disabilities and needy elders continue to benefit from the efforts of the providers supported by the Fund. These allocations represent a significant portion of the financial support providers receive for their programs. Without this funding they would be severely limited in their ability to serve their clients.

Since its inception, the Fund has played a critical role in sustaining and increasing access to justice for Maine citizens in need. In 2013, the Fund distributed \$1,430,360.79 to ten legal services providers as follows:

Cumberland Legal Aid Clinic	\$92,973.45
Disability Rights Center	\$18,594.69
Immigrant Legal Advocacy Project	\$67,942.14
Legal Services for the Elderly	\$276,774.81
Maine Center on Deafness	\$10,012.53
Maine Equal Justice Partners	\$157,339.69
Penquis CAP Law Project	\$18,594.69
Pine Tree Legal Assistance	\$689,443.90
Volunteer Lawyers Project	\$87,252.01
York County Community Action	\$11,442.89

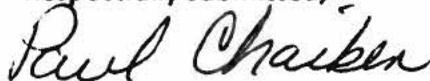
February 3, 2014

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We will continue to monitor the good work performed by the legal services providers to ensure that allocations from the Fund are used in a manner that most efficiently and effectively maintains and enhances access to justice in our State. On behalf of the Commission, the legal services providers, and thousands of low-income and vulnerable Mainers who are helped by the Fund, we thank you for your consideration of our annual report and your service to the people of Maine.

If you or other members of the Committee have any questions, please let me know. I can be reached at (207) 947-4501 or pchaiken@rudmanwinchell.com.

Respectfully submitted,



Paul Chaiken, Esq., Chair

Maine Civil Legal Services Fund Commission

Enclosure

cc: Mary Toole, Esq., Commissioner
John Foster, Esq., Commissioner
David Fletcher, Esq., Past Commissioner



Cumberland Legal Aid Clinic

2013 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 2013 as a result of support received from the Maine Civil Legal Services Fund ("the Fund" or "MCLSF").

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

The Clinic primarily serves clients with legal matters pending in state, probate, and federal courts and agencies 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) supported by MCLSF Funds, each of which has its own target population. Most individuals qualify for our services when: (1) their household gross income falls within our financial guidelines; (2) the court or agency is within our geographic service area; and (3) we have openings for new clients.¹ Because our resources are very limited, the Clinic cannot accept every case that meets our eligibility requirements. The Clinic staff conducts the initial screening of clients to determine eligibility; the student attorneys complete the intake process and cases are accepted only with faculty approval. Because the Clinic is not able to help all eligible individuals, other considerations in accepting the case are:

- client need
- availability of 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 58 students enrolled in Clinic courses during 2013. In addition, the Clinic hired five law students hired this summer to work as full-time interns, and two students worked as a part-time fellows doing policy development work as well as direct representation of clients. 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 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 Protection from Abuse Program and other limited representation programs of the Clinic, referrals from the Immigrant Legal Advocacy Project, Legal Services for the Elderly, 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- or six-credit course enrolling up to five students each semester, with an emphasis on interviewing, counseling and providing "unbundled" legal services (i.e. limited representation) on a wide range of issues. In 2013, the Prisoner Assistance Clinic provided legal information, advice, and, in some cases, full representation to 137 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** (also a three- or six-credit course) 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 Teen Center, and conduct policy development work on issues such as addressing minority contact with law enforcement, the practice of shackling of children during court appearances, and reducing high school drop-out rates, all of which benefit 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 District Court, and represent any victims of domestic or dating violence, sexual abuse, or stalking who need representation. That program receives top marks from the students, the courts, and clients alike. The Clinic represented 186 victims in 2013 in protection from abuse or protection from harassments matters in Lewiston District Court. The Clinic provided such representation in 2013 through support from the Fund, as well as federal funding received from the United States Department of Justice Office of Violence Against Women.²

² As we noted in last year's report, the Clinic started a new program in Fall 2012, the Refugee and Human Rights Clinic, which provides an opportunity for law students to advocate on behalf of low-income immigrants in a broad range of

INFORMATION REQUESTED BY THE COMMISSION

The Fund provided nearly 12.5% percent of the total funds used by the Clinic for its programs in 2013 and approximately 47% 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.³ In 2013, 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 and far more limited in the types of cases we could accept. These funds also enable us to purchase training and legal research materials for our Clinic library and to cover other important expenses (such as hiring interpreters and translators, travel to court, printing, telephone, and mail) directly related to providing legal services. Through the Clinic, the Fund has supported the training of new lawyers in Maine's strong pro bono tradition, and enabled hundreds of Maine's poor to have access to justice.

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

Family law (not including Protection from Abuse proceedings) comprised approximately 55% of the Clinic's General Practice and Prisoner Assistance civil caseloads in 2013 (a total of 110 cases) and we also assisted 2 teens and young adults with family law matters through the Street Law Program. The Clinic handled 220 Protection from Abuse/Harassment cases, for a total of 332 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, *de facto* parent status, and protective custody. Other areas of civil legal services in the General Practice Clinic 2013 caseload have included financial exploitation, foreclosure, breach of fiduciary duty of a personal representative, breach of duty of agent, violation of duties of trustee and conservator, landlord/tenant, appeal of Department of Health and Human Services substantiation findings, consumer, conversion of property, education rights, social security, veterans benefits and other public benefits, immigration, wills/estates, and other miscellaneous issues. The Prisoner Assistance Clinic addresses an even wider range of civil legal issues in addition to family law, including: adult guardianship; tort defense; drafting trusts, wills, living wills, and advanced health care directives; copyright and trademark; breach of fiduciary duty; conversion of property, name change; social security disability benefits questions; contract claims; attorney's fees disputes; real estate; landlord/tenant; powers of attorney; individual rights; taxes; preservation of professional/business license; and bankruptcy. Juvenile Justice Clinic students provide information and advice to teens and young adult on civil matters such as education rights, public benefits, immigration, disability, consumer, housing, emancipation, employment (wage & hour, wrongful termination), adult guardianship, and family law through the Street Law Program at the Preble Street Teen Center.

cases and projects. And as was the case in 2012, this program's work this year was supported by grants from private foundations, and therefore that part of the Clinic's caseload will not be included in the data provided in this report.

³ The Clinic does some work in the areas of criminal and juvenile law, and those clients (a total of approximately 175 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.

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

In 2013, the Clinic provided civil legal assistance to a total of 377 individuals.⁴

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 179; Aroostook 3; Cumberland 140; Franklin 4; Hancock 1; Kennebec 7; Knox 4; Lincoln 1; Oxford 6; Penobscot 4; Sagadahoc 1; Somerset 4; Waldo 2; Washington 0; York County 18; Out of State 2, Unknown 1.⁵ The Clinic assisted a number of clients with Limited English Proficiency and/or who were born outside of the United States. During 2013, our clients' countries of origin included: Democratic Republic of the Congo, China, Honduras, El Salvador, Somalia, Sudan, Rwanda, and Iraq. The Prisoner Assistance Clinic also assisted clients from each of Maine's tribes, and some with matters pending in tribal courts. 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 2013 we provided full representation to clients with cases in courts located in Portland (including the Maine Supreme Judicial Court and federal court), Augusta, Biddeford, Springvale, Alfred, York, Lewiston, Auburn, South Paris, West Bath, and Bath. 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 85 civil cases open at the start of 2013. During the year, the Clinic opened 359 new cases and closed 356. The Clinic has 68 civil cases open at this time. With the start of the new semester in January 2014, 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;*

⁴ We have excluded from our calculations 29 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 1841, 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.

⁵ 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.

The Clinic has complied in all respects with the proposal submitted in November 2011. 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 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 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 2013, 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 2011 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 Disability Rights Center, Maine Legal Services for the Elderly, and Pine Tree Legal Assistance, as well as public interest law positions outside of Maine. 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.

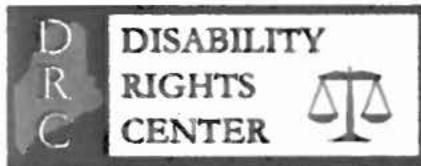
CONCLUSION

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
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Director and Professor of Law
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**DISABILITY RIGHTS CENTER
2013 ANNUAL REPORT TO THE
MAINE CIVIL LEGAL SERVICES FUND COMMISSION
JANUARY 15, 2014**

Introduction

In 2007, the Disability Rights Center (DRC) first sought an award from the Maine Civil Legal Services Fund Commission (“the Fund” or MCLSF) in order to hire a full time attorney. DRC was awarded 2% of the Fund or approximately \$35,000. DRC was not able to hire an attorney with that award, but staff attorneys billed eligible cases to the Fund. In 2009, DRC again submitted an application for a full time attorney and was awarded a flat \$30,000 for the two years. And in 2011, DRC requested \$67,000 for the third time and was awarded only 1.2% of the Fund which equaled \$18,595 in 2013. This year, 2013, DRC again applied for funds to hire a full time attorney and was awarded 2.98% which is estimated to be \$41,720.00.

Even though DRC has not been able to hire a full time attorney with the Fund award, the award is vital as it increases DRC’s ability to provide needed legal representation to Maine’s low-income citizens with disabilities; Maine’s most vulnerable population. Statistics demonstrate that adults with disabilities in Maine are more than three times as likely to live in poverty as adults without disabilities.

2013 was another financially challenging year for DRC. “Sequestration” resulted in a cut to federal funding of \$68,376.

In 2012, DRC lost a special education advocate position due to decreased state and federal funding over several years and was not able to replace that person. As a result, DRC still has only one special education advocate and one attorney even though special education advocacy remains the area of greatest need for legal assistance. There remains no discrete federal funding for education advocacy.

State and private funding that had allowed DRC to create and sustain the Brain Injury Information Network (BIIN) ended and DRC was forced to lay off its brain injury expert. BIIN had replaced the Brain Injury Association so there is now no independent brain injury related organization in Maine. Alpha One, Maine’s only

MAINE’S FEDERALLY FUNDED PROTECTION AND ADVOCACY AGENCY

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independent living center, agreed to take over the intake functions of BIIN. The brain injury case work, outreach and training will have to be added onto the work of existing DRC staff.

About DRC

The Disability Rights Center is Maine's statewide protection and advocacy agency (P&A) for people with disabilities. Incorporated in 1977, DRC is a private, nonprofit corporation. DRC's mission is to enhance and promote the equality, self-determination, independence, productivity, integration and inclusion of people with disabilities through education, strategic advocacy and legal intervention. Simply put, DRC works to advance and enforce the rights of people with disabilities throughout the state. DRC currently employs 26 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 rights violation must be directly related 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 B), two state contracts and a contract for advocacy with Acadia Hospital, a private psychiatric hospital. One state contract funds an attorney in Riverview Psychiatric Center and Dorothea Dix Psychiatric Center and the other state contract provides for Developmental Services Advocacy which replaced the internal state advocacy program. DRC agreed to take over that program with three fewer staff than the State had funded and before DRC even received the first installment, the Governor implemented a 10% across the board reduction in state spending that applied to the DSA funding.

DRC gets a small appropriation from the Legislature to represent children with disabilities in special education matters. Due to repeated cuts to that funding coupled with consistent flat or reduced federal funding that DRC uses to supplement special education work, DRC's Education Team now consists of only one advocate and one

staff attorney. The Education Team must adhere to very strict priorities because the need is so great, the number of calls so high. They prioritize assisting children with severe disabilities who are being excluded from school or being restrained or secluded in school. In 2013, DRC added a “transition” priority because so many children with disabilities simply drop into an abyss upon graduation from high school. The Education Team also trains nearly 150 case managers during their slower summer months, in an attempt to increase the DRCs advocacy capacity and impact at educational planning meetings.

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 special education advocacy.

Maine Civil Legal Services Funding

The funding DRC receives from the Maine Civil Legal Services Fund Commission is essential in ensuring that Maine citizens with disabilities living in poverty have access to the free legal services they need and deserve.

This funding 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 has significant eligibility restrictions which prevent DRC from representing many Mainers who are in need of legal assistance. The MCLSF funding broadens DRC's ability to provide access to justice for these people with disabilities. MCLSF funding allows DRC the necessary flexibility to take discrimination cases that would otherwise be turned away. Staff attorneys can be assigned a case that would be “ineligible” by federal standards and can bill their time, on that specific case, to the MCLSF account.

DRC uses the MCLSF 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 a violation of his or her rights as a citizen with a disability.

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

Appendix A includes 25 specific case examples providing a description of the types of cases DRC attorneys handled during 2013. 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 support services (PSS) 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 2013 are listed below:

Problem Area	Cases
Abuse, Neglect and Other Rights Violations	320
Community Integration/Integrated Settings	97
Due Process	34
Education	77
Employment	48
Financial Entitlements	7
Government Services/Public Accommodation	55
Guardianship	15
Health Care	2
Housing	54

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

DRC attorneys provided direct legal representation to 546 clients on 709 cases.

In addition, the DRC advocates, each of whom is supervised directly by an attorney case handler, provided direct legal advocacy to an additional 485 people

on 617 cases.

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

<u>Gender</u>	<u>Clients</u>
Female	256
Male	290

<u>Ethnicity</u>	<u>Clients</u>
American Indian	8
Asian	2
Black	4
Hispanic/Latino	3
Multi-Ethnic/Multi-Racial	8
Somali	2
White	519

<u>Disability</u>	<u>Clients</u>
Absence of Extremities	6
ADD/ADHD	2
AIDS/HIV	2
Autism	68
Blindness	5
Brain Injury	13
Crebral Palsy	22
Deafness	4
Epilepsy	4
Hearing Impaired	1
Heart/Circulatory Disorders	3
Intellectual Disability	162
Learning Disability	13
Mental Illness	184
Muscular Dystrophy	2
Muscular/Skeletal	1

Neurological Disorders	6
Physical/Orthopedic	40
Respiratory	3
Spina Bifida	1
Substance Abuse	1
Visual Impairment	3

<u>Age</u>	<u>Clients</u>
Birth - 18	118
19 - 30	126
21 - 40	82
41 - 50	91
51 - 60	88
61 - 70	32
71 and older	9

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:

<u>County</u>	<u>Clients</u>
Androscoggin	37
Aroostook	30
Cumberland	112
Franklin	10
Hancock	13
Kennebec	94

Knox	14
Lincoln	11
Oxford	19
Penobscot	54
Piscataquis	4
Sagadahoc	15
Somerset	22
Waldo	14
Washington	9
York	76
Unknown	12

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

No. of Cases

Opened	318
Closed	393
Active	709

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 proposed the hiring of a full-time attorney, which was not feasible with the amount we received from the Fund. DRC used the funding to supplement our federal funding and to take cases that we otherwise could not have taken.

DRC complied with the terms of the award by using the Fund only for staff attorney salaries to represent low-income Maine citizens with disabilities and not for any other expenses such as administrative costs, support staff salaries or advocate salaries. When DRC received the first fund award, we expanded our case eligibility to representing select eligible children in special education matters but then made a decision to broaden eligibility to represent Maine citizens living in poverty who have a disability. This allowed us to be as flexible and as broad as

possible in using the Fund allocation. In other words, we assess any case that comes through for merit, and as long as the caller has a disability, lives in poverty and has experienced discrimination or a violation of rights, they are eligible to be served using MCLSF monies.

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 an attorney and assigned to either an advocate or an attorney. DRC has five teams. The Developmental Disabilities Team, Education Team, and Mental Health Team meet weekly. The ADA Team meets every other week and the Children's Team meets monthly. DRC's teams meet weekly to monitor cases and projects and to assess and record team progress on annual program priorities.

The new state funded Developmental Services Advocates were incorporated into DRC's Developmental Disabilities Team. The state contracted advocates housed in the two state institutions are part of the Mental Health Team.

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 discussions regarding cases. In addition, for best practice and quality improvement, lawyers always discuss cases with and seek assistance from 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 contacts the client to resolve the problem. If need be, the case will be reopened. A detailed written report is then provided to the Executive Director.

The 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 several staff and continued flat funding, DRC has cut back on services. We reluctantly turned away more individuals in 2013 than in prior years. DRC must be much more selective in taking certain cases and referrals. For example, DRC only handles referrals from the Long Term Care Ombudsman (LTCOP) for individuals who are at risk of institutionalization.

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 60-90 cases per year so losing staff attorneys means turning away more people who we would have determined to have a meritorious case of discrimination or rights violation. Unfortunately however, the need for DRC services has dramatically increased and those callers are people with disabilities who have lost critical services; people who would not have needed to call DRC before but who are now at great risk.

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 fails 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 access 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 serious 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 not in school so not being educated at all or is restrained or secluded in school or has no adequate transition plan for employment or post-secondary education after high school graduation. 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. Last year, education officials unsuccessfully sought to loosen restraint and seclusion regulations that had just been drafted the year before. In this era of budget cutbacks, DRC may face further cuts in special education funding.

Another serious unmet need in Maine is 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 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. For years, DRC has wanted to undertake another “ADA Campaign” to focus resources on compliance with the 1990 law. 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 that they do not enjoy equal access to public or private goods and services.

Finally, DRC recognizes that much work needs to be done within juvenile justice and children's mental health. DRC has incorporated the Children's Mental Health Team into the Children's Team. DRC meets quarterly with DHHS staff including the Office of Aging and Disability Services (OADS), the Office of Child and Family Services (OCFS) and Substance Abuse and Mental Health Services (SAMHS). DRC is working with OCFS staff and other stakeholder to draft regulations governing the use of severely intrusive behavior plans for children with intellectual disabilities and autism. The need for children's mental health advocacy increases yearly and DRC's ability to respond is continually restricted. DRC also recognizes the need to be inside the two children's juvenile detention centers. Many of the children incarcerated in those institutions have disabilities and are eligible for special education services. Currently, we do not have the resources to address this need.

DRC routinely turns away requests for assistance with foreclosure, debt consolidation/collection, bankruptcy, student loans, private health insurance denial of claims, difficulty navigating short/long-term disability policies, family law, DHHS child protective services issues, medical malpractice and personal injury.

Finally, DRC does not have the resources to respond to housing issues for individuals who are not eligible under our developmental disabilities or mental health program.

Appendix A

The Disability Rights Center (DRC) represents low income Maine citizens with disabilities in a number of areas. What follows are brief examples of the types of cases DRC has handled in 2013 with assistance from the Maine Civil Legal Services Fund.

When Congress passed the Americans with Disabilities Act it found that isolating and segregating people with disabilities was discrimination. Subsequently, the Supreme Court affirmed that in its *LC v. Olmstead* ruling. Unfortunately, such discrimination continues, and it is serious and pervasive. Therefore DRC is dedicated to increasing community participation by and inclusion of Maine citizens with disabilities. Examples of the types of cases DRC handles to accomplish this are:

- As a result of a class action lawsuit brought on behalf individuals with developmental disabilities by DRC, MEJP and a private law firm against the Maine Department of Human Services (DHHS), three plaintiffs moved from nursing facilities into their own apartments. The moves were the result of the settlement of *Van Meter, et. al. v. Mayhew*, brought in 2009 and certified as a class action in 2011, on behalf of individuals with cerebral palsy, epilepsy, and other related conditions who are eligible to reside in nursing facilities. According to the 2012 federal court approved settlement agreement, the state agreed to create a new home and community based waiver program to allow those who formerly had no choice other than to live in nursing facilities, to live in the community and still receive the services they need. Over the next five years, seventy-five class members will move out of or will be diverted from entering nursing facilities.
- DRC successfully represented a 46 year-old woman with mobility impairments after MaineCare denied her a myoelectric prosthesis. The client, a quadrilateral amputee as a result of a systemic infection, had been prescribed a myoelectric prosthesis by her doctor because she was unable to engage in most tasks of daily living using the standard cable operated prosthetic arm. MaineCare categorized the prosthesis as a "deluxe" item and denied the claim. DRC appealed and the hearing officer reversed the decision of DHHS and ordered the myoelectric prosthesis be provided, finding that there was "no alternative, less expensive system that can provide [client] with the ability to live as independently as she could with the requested myoelectric controlled below elbow prosthesis." Further, the hearing officer concluded that "there cannot be

an absolute prohibition on any type of Durable Medical Equipment." After the client receives the prescribed equipment, she expects to be able to once again engage in tasks such as washing her face, combing her hair, cooking, and even putting on and taking off her lower extremity prostheses.

- DRC successfully represented a 23 year old man with cerebral palsy and other disabilities to get the services that he needed. After the client turned 21, DHHS proposed reducing the round-the-clock nursing care that he had been receiving since he was a child, to 23 hours per week. DRC filed an administrative appeal. The hearing officer upheld the Department's decision and the Commissioner then affirmed the decision. In light of a Maine Federal District Court ruling that was issued while the administrative appeal was pending, DRC filed an appeal of DHHS decision in Superior Court and also filed an Olmstead case in Federal District Court alleging that if the client only received 23 hours of nursing care, he would be institutionalized, even though he had demonstrated that he could live in the community. The State unsuccessfully sought to dismiss the federal case on abstention grounds. The Federal Court did agree to stay the federal court action until after the Superior Court ruled. Once the Superior Court ruled in the client's favor, the Federal District Court action was dismissed.
- DRC successfully got a petition for public guardianship dismissed in the case of a 59 year old man with physical disabilities. The petition was filed by the doctor at the nursing facility where he lived, seemingly because DRC had filed a discrimination suit on his behalf alleging that the nursing facility had improperly restricted his access to his electric wheelchair. DRC assisted the client in obtaining an independent evaluation and independent PP-505 form stating that he was competent and not in need of guardianship. After DRC shared this with the attorney representing DHHS, and went to a meeting with DHHS and individuals from the referring facility to discuss the matter, DHHS dismissed the petition. This client will be moving out of the nursing home.
- The guardian of a young woman with an intellectual disability who lived with her parents and received in-home support services through the Department of Health of Human Services (DHHS) appealed a decision to reduce those services. The client's guardian contacted the DRC and DRC determined that the Department's agent had violated the young woman's Medicaid and MaineCare due process rights. More specifically, under Medicaid and MaineCare law, if an individual appeals a proposed reduction of services within ten days, DHHS must continue services until the outcome of the appeal.

Although the agent acknowledged that the client had appealed within ten days, it had immediately reduced her services. DRC negotiated with DHHS and the agent and the client's services were ultimately restored. The agent then reversed its initial determination and approved all of the in-home support services the client had requested

- DRC successfully represented a 55 year old woman with physical disabilities and required that a housing authority replace inoperable doors and buzzers in a HUD subsidized apartment complex. The client complained that the electric door opener had been inoperable for three months and the door was so heavy she and other residents could not open it. When the residents complained, the housing authority said that the door opener would not be repaired for a year or more due to the lack of funds. DRC contacted the housing authority and reiterated their legal obligation to ensure safe access for residents and visitors with physical disabilities. Thereafter, the housing authority replaced the electronic door openers and buzzers.

Sometimes the mere threat of DRC is enough. For example:

- A 59 year old man with physical disabilities needed prosthetics for both his right and left legs. DRC contacted all of his providers and asked that updated information be sent to MaineCare and notified MaineCare that DRC would represent the client in the appeal. Prior to the hearing, MaineCare reversed its decision and agreed to fund the requested prosthetics.

Housing is universally recognized as a basic human need. DRC represents a number of clients in ensuring that low income Maine citizens with disabilities are not without housing. For example:

- A 38-year-old woman with mental illness who was living in an apartment that was owned and operated by a mental health agency was able to return to her apartment instead of remaining in the hospital after DRC intervened. The client's mental health agency refused her to allow the client to return to her apartment due to concerns that they could not meet her needs upon discharge. Client's hospital psychiatrist, however, opined that she was ready for discharge. DRC contacted the program director of the agency and informed him that not allowing the client to return to her apartment was in violation of both landlord tenant law and Maine licensing regulations. The director then agreed that the agency had no legal right to prevent the client from returning to her home.

Agency staff thereafter attended a discharge meeting at the hospital and the client returned to her home the following day.

- DRC successfully represented a 55 year old man with mental illness after the mental health agency that provided services to him attempted to facilitate his removal from his apartment in violation of state regulations. The client was living in an apartment building that was privately owned but operated as a residential program by the mental health agency that was providing him services. The mental health agency negotiated with the private landlord to accept the client's voluntary surrender of his apartment in violation of state regulations prohibiting this type of removal from an apartment. DRC filed an administrative appeal on behalf of the client along with a statutorily required notice to the Maine Attorney General and Commissioner of the DHHS informing them that the DRC intended to file an action in Superior Court against the mental health agency seeking to stop the client's removal from his apartment. DRC negotiated with the mental health agency, which in turn negotiated with the landlord, resulting in the client being able to continue to live in his apartment.
- A 57-year-old man with mental illness was able to avoid eviction and the loss of his federally funded housing subsidy due to DRC's intervention. Client had been given a notice terminating his tenancy by his landlord on the basis of poor housekeeping. DRC contacted client's mental health service providers who obtained assurances that client would receive services going forward that would address the housekeeping issues. DRC sent a letter to the landlord seeking a reasonable accommodation whereby they would withdraw the notice to quit and allow client to access services that would address the issue. Client's apartment was thereafter cleaned, landlord inspected and client's apartment passed the inspection. The landlord then rescinded the notice to terminate the tenancy.
- A 50-year-old woman with mental illness was able to maintain her housing, maintain her rental subsidy, and avoid eviction on her record due to DRC's intervention. Client had been involuntarily admitted into a psychiatric hospital during a mental health crisis. While in the hospital, her landlord served her with a notice terminating her tenancy and informing her that he was going to file for eviction. Client was using a federally funded housing voucher that she would lose if she was evicted from her apartment. DRC negotiated with the landlord and the housing authority that was administering her voucher, to allow her to move back into her apartment with proper supports. Landlord

rescinded the notice terminating her tenancy and the housing authority confirmed her voucher was not in danger and the client was discharged back to her apartment.

- A child with autism, intellectual disability and disruptive behavior disorder was granted a reasonable accommodation in housing after contacting DRC. The client's family had a two bedroom section 8 voucher from their housing authority. The family needed a three bedroom voucher because client needed his own room due to his significant behavioral issues. The housing authority refused the client's mother's request for a 3 bedroom home voucher, which was supported by client's treating physician. Without the accommodation, the client was at risk of institutionalization. DRC contacted the housing authority, reiterated client's right to reasonable accommodation, and requested that they provide their answer immediately. The housing authority granted client's request for a 3 bedroom voucher as a reasonable accommodation.
- A 54 year old woman with mental illness was able to have a private housing provider's denial of her application for a subsidized apartment reversed. The client applied for tenancy at an apartment complex that was owned by a private housing provider in which all of the apartments came with a federally funded rental subsidy and was denied tenancy due to a poor landlord reference. Federal law allowed the denial to be administratively appealed. DRC filed the appeal and represented client at an initial mediation conference and presented evidence that the poor landlord reference was in fact, retaliation by the landlord when the client moved out of the apartment rather than signing a one year lease. After the mediation, the housing provider reversed its previous decision and accepted client's application for tenancy.
- DRC successfully represented a 56 year old woman with mental illness after a mental health agency, who served as both the client's landlord and service provider attempted to evict her from her apartment in violation of the financing agreements that governed the administration of the property. The client had been living in the apartment for seven years. The agency served the client with a 30-day notice terminating her tenancy asserting that she was merely a month-to-month tenant. DRC obtained the mental health agency's state subsidized financing agreements which prohibited termination of tenancy without cause. A breach of the agreements would have been cause for the state to require that the agency pay back the subsidies. DRC contacted the agency and informed them that their actions were in violation of these agreements and that if the agency continued on with its actions to try and evict client DRC

would bring suit seeking to enjoin them from filing the eviction action based upon violation of these agreements. The agency then withdrew the notice to terminate and several months later the client chose to voluntarily move to a six-person group home in southern Maine where she continued to have her own room and was closer to her sister who was her guardian.

Education is vitally important to all children. Children with disabilities, however, are often illegally and improperly excluded from educational services. DRC education cases focus on ensuring that children with disabilities have access to and receive the education to which they are entitled. For example:

- A 10 year old student with mental illness was transitioned back into school after the parent of the student contacted DRC because the student was out of school pending a second "risk assessment". After being informed that the DRC was involved, the student was returned to school, but placed on special education transportation. The DRC attorney attended an IEP meeting which developed a plan whereby the student was successfully transitioned back to the regular education bus. The DRC attorney also helped the family secure an independent educational evaluation due to their concerns with the "risk assessment" obtained by the district.
- The parent of the 14 year old student contacted DRC because the student had effectively stopped attending school. DRC discovered that the client wanted to attend the alternative school, with some minimal special education support rather than his home school, where he had been placed in a segregated special education setting. DRC attended an IEP meeting and successfully advocated for placement in the alternative setting with special education consultation. Since enrolling in the alternative school, the student has been attending consistently.
- DRC filed a due process hearing on behalf of a 10 year-old student with mental illness who had been suspended, told to stay home until a reentry meeting, and was facing a unilateral move to a fully segregated setting. DRC secured a District funded independent educational evaluation which provided significant guidance for the IEP Team in educational planning. Prior to hearing, the case settled. In addition to the return to school and the independent educational evaluation, the district agreed to fund nine months of ongoing consultation with the expert, compensatory education hours and the funding of several summer learning opportunities to focus on development of social skills. Finally,

the district agreed to have selected staff receive training on special education discipline.

- DRC successfully represented three different students with Autism from the same district after the district wanted to graduate each student and cut off services. In each case, neither the students nor their parents thought that premature graduation, without transition planning, was in the students' best interest. In each case, DRC requested an IEP meeting and at the meeting, the district agreed to continue programming focused on transition skills and to set up a program so that the students could receive community based pre-employment opportunities, including functional living skills, academics, and two hours a day of vocational and pre-employment skills training in a community setting. As a result, the students were able to attend a 5th year of high school and to receive appropriate transition services.
- The guardian of an 18 year-old student with Autism contacted DRC because the student had been given a certificate of completion and there was no provision for his continued education or transition planning. DRC successfully required that the school district fund an independent educational evaluation that focused on transition needs. The school district also agreed to continue providing educational services and created a program centered on increasing employment and independent living skills and allowed for two additional years of programming, with a goal of having the student get a community based job placement.
- DRC filed an expedited due process hearing on behalf of a 16 year-old student with mental illness who faced an expulsion from school. DRC challenged the District's determination that the behavior in question was not a manifestation of the student's disability. Prior to hearing, DRC negotiated a resolution that allowed the Student to avoid the expulsion, required the District to cooperate with the diversion of related court charges, and provided the student with an appropriate education in an alternative setting for the short time remaining in the school year. DRC also assisted the family in obtaining a district funded independent educational evaluation that led to a much greater understanding of the student's disabilities and needs.
- The mother of an 8 year-old student with mental illness contacted DRC because the student was being excluded from school for behaviors that were clear manifestations of his disability and was being placed on tutorial services and provided a significantly shortened day. DRC filed complaint with the U.S.

Department of Education's Office for Civil Rights (OCR) alleging violations of Section 504 of the Rehabilitation Act. The student was returned to a full school day immediately. While the investigation was underway, DRC negotiated a settlement whereby the District agreed to provide the student with compensatory education services with the support he needed to access summer programming in the community, and with significantly increased social skills programming for the following school year. In addition, the District agreed to contract with the OCR to provide training for all administrators in several areas of Section 504, including training in discipline and changes of placement.

- The mother of an 11 year-old student with mental illness who was being repeatedly suspended, sent home early, or placed in a room with an adult tutor and isolated from peers contacted DRC. Despite clear evidence of a disability and clear evidence of need, the school district had not identified the student as eligible for special education services. DRC filed a due process hearing request and attended an IEP meeting where it was determined that the student was eligible for services. Prior to hearing, DRC negotiated a settlement with the school district where the district agreed to retain an independent psychologist, selected by the parent, who would conduct a comprehensive evaluation and make recommendations, retain an independent board certified behavior analyst, also selected by the parent, to conduct a comprehensive functional behavioral assessment and make recommendations and to fund 55 hours of expert consultation from the parent's chosen expert, to focus on developing an appropriate program and training and supporting staff in the implementation of that program.
- DRC filed an expedited due process hearing request on behalf of a 14 year-old student with a mental illness who was being excluded from school for behaviors that were clearly a manifestation of his disabilities, after the district refused a request from the DRC to return the student to school. DRC then negotiated a resolution which provided for the student's return to school with appropriate services and supports, an independent educational evaluation, 95 hours of compensatory education, provisions to protect the student's privacy, and reimbursement to the family for other costs incurred as a result of the school exclusion.

The ADA was designed to open all aspects of public life to citizens with disabilities. An important part of that effort is to make public accommodations and governmental services accessible to low income citizens with disabilities. DRC works to make public accommodations and governmental services accessible to all citizens with disabilities. For example:

- A 7 year old child with autism was admitted into an after school care program, after contacting DRC. The client's legal guardian applied for him to attend an after school program in his community. One day following his acceptance into the program, the program director and board informed the guardian that client would not be admitted, citing their policy which required that all children must attend the local elementary school. The child had been placed in an alternative school by his Individualized Education Program team. DRC requested that the board modify their policy and allow the child to attend the program. The after school program's policy denied equal access to the program to the child. But for his disability, the child would have been attending the local elementary school. DRC attorney also followed up and spoke with the program director, then the program's attorney. Following these discussions, the after school program informed DRC attorney that the child would be admitted into the program.
- A man in his 50's with limited use of his arms and who uses a wheelchair will have access to inpatient medical treatment because of DRC. The client contacted DRC because the hospital, where he received treatment, did not have the assistive technology he needed when he was hospitalized for a bladder infection/UTI. The hospital did not have adequate shower chairs; there was no transfer bench and because the shower chairs were not appropriate, the client could not toilet in the shower and had to toilet in his bed. After DRC contacted the hospital the hospital agreed to purchase the equipment and sought client's guidance before placing the order.

Appendix B

DRC Federal Programs

1. The Developmental Disabilities Assistance and Bill of Rights Act (DD Act), 42 U.S.C. §15001 et seq., established the P&A system in 1975 and created the Protection and Advocacy for Developmental Disabilities program (PADD). The DD Act was passed in part as a result of reports of inhumane conditions at Willowbrook, a New York State institution for 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. 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.

7. In 2001, the Social Security Administration (SSA) created a program for P&As to work with social security recipients to assist them to either enter the workforce or to return to work. In 2012, the SSA cut funding to the program and then late in 2013, the SSA restored funding to the program.

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



IMMIGRANT LEGAL ADVOCACY PROJECT

FY 2013 Annual Report (January 1, 2013 – December 31, 2013)

The Immigrant Legal Advocacy Project (ILAP) is pleased to present the Maine Civil Legal Services Fund Commission with its 2013 Annual Report.

1. Introduction

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

ILAP serves clients with incomes up to 200% of the annual federal poverty guidelines. Those who are within 150 – 200% of poverty are charged low fees for ILAP's services. Clients with incomes below 150% of poverty are not charged legal fees. In 2013, 93% of our clients were not charged fees for the legal aid provided to them by ILAP.

The grant from Maine Civil Legal Services Fund (MCLSF) helps sustain ILAP's free legal services across all of our legal programs. Funds received from MCLSF for 2013 were critical to our ability to offer legal assistance to benefit a total of 2,521 individuals including 2,344 at no fee (93% of our clients) and 206 individuals at low-fee, residing in fifteen different counties in Maine. The MCLSF grant was applied in the manner that ILAP proposed in its request for funding.

2. Types of Cases Handled by ILAP

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

ILAP prioritizes the following: cases of asylum seekers, noncitizen domestic violence, crime, or trafficking victims' cases, cases involving family reunification, and cases of individuals in removal proceedings who would be separated from their U.S. citizen or permanent resident

immediate family members if they were to be deported. ILAP also handles applications for citizenship, "Temporary Protected Status," work permits, replacement documents, and other immigration matters as our capacity allows. We do not handle any employment-based immigration matters, referring those cases to private attorneys.

3. Number and Demographics of People Served under the Grant

In 2013, the MSCLF grant supported direct legal aid provided at no fee to **2,344 individuals¹**, 1,996 of whom received various services through ILAP's *Immigration Clinic*. The rest were full representation clients, including those whose cases were opened in 2013 and those whose cases were opened in prior years and still ongoing in 2013.

In 2013, ILAP's clients came from 15 of Maine's counties (all except Piscataquis). The following demographics were represented: Males: 50.4%; Females: 49.6%; under 18: 8.2%; ages 18-60: 84.9%; over 60: 6.9%.

Additional demographics include the number of clients in categories of citizenship and ethnicity: U.S citizens by birth: 2.4%; U.S citizens by naturalization: 11.9%; noncitizens: 85.7%; Africans: 64.7%; Latinos: 12.8%; Caucasians: 6.5%; Asians: 16%.

ILAP also collaborated in 2013 with dozens of entities statewide, 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, Immigration authorities and the Immigration Court of Boston.

4. Status of Matters Handled Under the Grant

In FY 2013, ILAP's **6.4 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 (which sometimes involves brief legal advice; or referral in cases where the individual requires other services) to attorney consultations in Portland or Lewiston. Consultations are also conducted in conjunction with outreach events across the state. Persons served in the *Immigration Clinic* may also receive additional *Immigration Clinic* services such as Forms Assistance or Brief Intervention. Forms Assistance includes providing *pro se* immigration application assistance or other assistance to persons needing legal help but lacking major complications. Brief Interventions occur when ILAP helps a client resolve a complication that can be resolved without entering a notice of appearance. If needed, ILAP accepts the case for full representation.

¹ 93% of ILAP's clients received free services in 2013. Those who attend our education and outreach events, all provided without charge, are not included in the "direct services" number.

All Clinic Services: 1,434² matters, directly benefiting 1,996 individuals. Services included:

- 417 attorney consultations for 650 individuals
- 311 brief legal advice provided during intake screenings (in addition, 67 individuals were referred during intake, and are not counted as matters)
- 27 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
- 67 individuals attended naturalization presentations
- 61 persons received brief interventions (without ILAP entering its appearance as the person's attorney)
- 732* *pro se* immigration forms assists were completed, and 67 were in progress at year's end, including:
 - 128 permanent residency applications (13 in preparation at year's end)
 - 68 citizenship (naturalization) applications (3 in preparation at year's end)
 - 58 family-based visa petitions (11 in preparation at year's end)
 - 301 work authorization applications completed (15 in preparation at year's end)
 - Temporary protected status granted to 46 clients, 3 in progress
 - 7 Applications under President Obama's Deferred Action for Childhood Arrivals (DACA) program completed
 - 170 other types of applications or assists (including applications for replacement permanent resident cards, refugee travel documents, and humanitarian parole, among others), 22 in prep at year's end

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

Full Legal Representation: In 2013, ILAP's staff and *Pro bono Immigration Panel* attorneys provided full representation services under the MCLSF grant in **268 cases benefiting 458 clients with complicated immigration issues** (including cases still open from prior years). Case activity under the grant included³:

- Cases opened: 71 for 111 individuals
- Cases closed: 60 for 93 individuals
- Cases open at year-end: 208 for 365 individuals

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

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

Individual Outcomes:

- Asylum applications granted: 9 granted (6 affirmative and 3 in removal proceedings)
- Asylum applications pending or in preparation: 103 (including 69 affirmative cases and 32 cases in removal proceedings), benefiting 160 individuals (including derivative family members)
- Initial stage of residency granted: 25 (including 4 domestic violence survivors' cases)
- Initial stage of residency applications pending or in preparation: 65 (including 5 domestic violence survivors' cases)
- Permanent residency (final stage) granted: 29
 - Permanent residency (final stage) applications pending or in preparation: 83 (including 10 domestic violence survivors' cases)
- Employment authorization applications granted: 46
 - Employment authorization applications pending or in preparation: 34
- Naturalization to U.S. citizenship applications completed: 10
 - Granted: 7 in progress: 6
- Removal proceedings successfully terminated (to allow applications to be pursued affirmatively before USCIS), or closed (because relief granted): 6
- Cases finally denied (including after appeals): 1
- Other applications approved: 48

ILAP measures the quality of its full representation work by tracking the outcomes of all intermediate or final decisions received. In 2013, 170 of all applications in full representation cases that received final decisions were approved, and 1 was denied. Immigration cases can take years in the ordinary course to receive final decisions; three to five years is common.

Education and Outreach: During 2013, ILAP conducted 52 education and outreach events throughout the State attended by 1053 immigrant community members and service providers, regarding relevant Constitutional and immigration laws. This number also includes 67 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. 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 2013 include:

- ***Comprehensive Immigration Reform:*** ILAP joined with other advocacy partners to advocate for comprehensive immigration reform in 2013, including: speaking at a press conference and a rally; providing legal information on the proposed Bill to the public and the media; and meeting with Congressional representatives. These efforts helped to secure votes in favor of the Bill by both Maine Senators.

- **Maine Immigrants Rights Coalition:** ILAP continues to participate actively in the Maine Immigrants Rights Coalition. In 2013, ILAP served on a Temporary Management Committee, to help develop structural membership and decision-making functions for the coalition, so that the coalition can effectively advocate for issues affecting immigrants in Maine.

5. Unmet or Underserved Needs

Although ILAP provides a tremendous amount of service while remaining an extremely lean organization, over a third of those seeking ILAP's assistance cannot be served due to lack of capacity. The demand for Immigration law assistance grows each year, but our funding does not allow ILAP to continue to grow in a corresponding fashion. The decline of important recurring funding sources remains a particular challenge to ILAP's ability to meet increased demand. Steps continued to be taken in 2013 to expand *Pro Bono* Panel capacity, but ILAP continues to be outpaced by the demand for Immigration legal services in general and asylum representation in particular. In 2013, ILAP continued to expand the intake process for asylum seekers, but still lacked the capacity to place 77 individuals seeking asylum, despite growing the *Pro Bono* Panel from 101 in 2011 to 125 members in 2013.

In 2013, ILAP managed key leadership and personnel transitions, including bringing the agency's new Executive Director onboard and hiring a new Development Director.

6. Conclusion

The MCLS Fund was a critical partner in ILAP's mission in 2013, as we successfully provided information and advice to thousands of Maine's low-income residents. ILAP helped hundreds of low-income immigrants pursue their dreams of permanent residency and citizenship or attain safe haven from persecution or domestic violence, reunite with immediate family members or defeat removal proceedings and remain with their families here in the U.S.

The MCLSF grant was an essential component of our funding mix, helping to sustain all of our free legal services, education and outreach, and systemic advocacy efforts. As Maine's 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 2013 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 2013

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 2013. 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. In 2013, LSE offered the full range of legal services described in the request for funding submitted by LSE to the Commission, but LSE was able to assist fewer seniors than originally projected due to shortfalls in expected MCLSF funding. The level of support LSE receives from the Fund remains the single most important factor in determining the number of seniors who obtain help from LSE. In 2013, the Fund provided 25% of the funding required to provide the services described in this report.

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

STATISTICAL INFORMATION

Number of People Served

In 2013, LSE provided free legal help to 3,745 Maine seniors in 4,661 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

If resources were not an issue, LSE should see a steady increase in service levels every year due to the increasing elderly population in Maine. Instead, LSE saw service levels drop in 2011 and again in 2012 due to decreases in funding and staff. While service levels climbed again in 2013, the level of service being provided to most seniors LSE is able to assist is quite limited. See **Attachment A** for more information about service levels.

LSE's staffing levels are at an historic low and LSE is increasingly dependent upon short term sources of funding to maintain even the current staffing levels. The direct legal services staffing in 2013 included: 1.0 full time equivalent (FTE) Deputy Director; 1.0 FTE Intake Paralegal; 3.0 FTE Helpline Attorneys; 1.0 FTE Consumer Debt/Intake/Referral Paralegal; 5.85 FTE Staff Attorneys. Of these positions, 2.6 FTEs are entirely dependent upon short term grant funding.

Types of Cases Handled by LSE

The following chart breaks down the number of cases handled in 2013 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 (1,119)	24%
Self Determination (1,035)	22%
Housing (939)	20%
Health Care (578)	12%
Miscellaneous (275)	6%
Family (270)	6%
Income Maintenance (207)	5%
Individual Rights (includes elder abuse and exploitation) (154)	3%
Employment (84)	2%
Total Cases (4661)	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). LSE saw a 38% increase in foreclosure cases; a 36% increase in the income maintenance area; a 32% increase in elder abuse cases; and a 21% increase in the health care area.

Demographic Information

The clients served were 28% male and 72% female. All clients served were sixty years of age or older and 39% were 75 years of age or older. While LSE serves both socially and economically needy seniors, 85% of LSE's clients were below 200% of the federal poverty level and 45% were below 100% of the federal poverty level. Those callers who are not below 200% of the poverty level typically receive only a referral with the rare exception of a financial exploitation case that may be handled by LSE when a referral to the private bar is not possible due to the time sensitive nature of the case.

Geographic Distribution of Cases Handled by LSE

This chart provides data regarding the geographic distribution of LSE’s clients in 2013. 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 except in Aroostook County. Staffing reductions in that area have reduced access to services.

	LSE 2013 STATISTICS		COUNTY STATISTICS ¹	
	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	319	8%	8%	9%
Aroostook	196	5%	7%	10%
Cumberland	704	19%	19%	14%
Franklin	75	2%	2%	2%
Hancock	155	4%	4%	4%
Kennebec	360	10%	9%	9%
Knox	91	2%	4%	3%
Lincoln	97	3%	3%	3%
Oxford	153	4%	5%	5%
Penobscot	498	13%	11%	11%
Piscataquis	75	2%	2%	2%
Sagadahoc	76	2%	2%	2%
Somerset	146	4%	4%	5%
Waldo	130	3%	3%	3%
Washington	123	3%	3%	6%
York	536	14%	14%	12%
Total	3,745	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.

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 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 80% of the seniors receiving help from LSE though most desire and could benefit from more extensive help. **The number of seniors receiving help entirely via telephone continues to grow as LSE's funding continues to shrink.** Only a small subset of case types are referred on to the nearest LSE Area Office for in person representation. Because Helpline services are

much less expensive to deliver than the Area Office services, this overall approach stretches LSE's limited resources as far as possible.

The Helpline received in excess of 9,000 calls for help in 2013 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 or provide pro bono services 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 280 pro bono or reduced fee referrals to referral panel members in 2013.**

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. **Unfortunately, due to funding reductions, LSE currently has only a very part-time presence at the Lewiston, Bangor and Presque Isle Area Offices.**

The Area Office attorneys 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 Regional Projects

In addition to providing services on a statewide basis through the Helpline and Area Offices, LSE conducts special projects that operate on a regional basis and target specific substantive areas of unmet need. These projects are all supported by local funding sources such as United Way as well as by private foundations. The **ten special regional projects in 2013** included the following:

York County Long Term Care Project;

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

Cumberland County Long Term Care Project;

Cumberland County Elder Abuse Law Project;

Cumberland County Senior Helpline;

Androscoggin County Elder Abuse Law Project;

Androscoggin County Senior Helpline;

Kennebec County Elder Abuse Law Project;

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

Downeast Senior Safety Net Program (serving 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 83 educational presentations in 2013 that reached over 3,000 people across the state. LSE focuses these presentations on professionals that are potential referral sources rather than trying to reach individual seniors. 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 2013, there were 28,561 visitors to the website and 66,154 page views. LSE also maintains a Facebook page.

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 Maine is also the most rural state in the nation and most of Maine's elderly live in isolated rural areas.

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.³ It is important to note that this American Community Survey poverty data significantly underestimates the actual poverty rate among the nation's elderly. The U. S. Census Bureau has acknowledged that the National Academy of Science ("NAS") poverty formula, which takes into account living costs such as medical expenses and transportation, is more accurate. The NAS puts the poverty rate for elderly Americans at twice the rate reported by the American Community Survey. This is because factors such as high medical and other living costs disproportionately impact the elderly

Low Income Elders in Maine Experience Frequent Legal Problems. In September, 2010, the University of Maine Center on Aging published the first statewide study of legal needs among seniors living in Maine. This study found that from 45% to 86% of the low income elderly surveyed experienced legal problems in the prior three years. A follow up survey done in 2011 found that 67% of Maine seniors who are 70

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

³ U. S. Census Bureau, 2005-2007 American Community Survey and Across the States 2011: Profiles of Long-Term Care, AARP 2011.

years of age or older experience at least one legal problem each year. LSE currently assists approximately 4% of the very low income seniors in Maine each year. The legal needs studies done in Maine found that without free legal assistance, elders who can't afford a lawyer are most likely to 'do nothing' about their legal problem. This explains why the lack of representation of seniors who are facing situations where their basic human needs are at stake remains a silent crisis in Maine.

SUMMARY

The Fund supports LSE in providing statewide legal services to Maine's most vulnerable elderly. Unfortunately, as the level of financial support from the Fund (and other traditionally stable funding sources) has dropped, so has the number of seniors able to seek and obtain appropriate levels of free legal help from LSE.

LSE remains committed to working on behalf of Maine seniors to protect their safety, shelter, income, health, autonomy, independence, and dignity. 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. The support provided by the Fund has never been more important to LSE as LSE struggles to maintain a statewide presence with very limited resources and to meet the legal needs of Maine's growing and vulnerable senior population.

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

Client Services Summary—All Direct, Individualized Services

Based upon demographics alone, and without any attempts to reach a greater number of disadvantaged seniors, LSE would expect to see at least a 5-6% increase in demand for services every year.

	2007	2008	2009	2010	2011	2012	2013
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 (2.5% decrease)	4,094 (10% decrease)	4,661 (14% increase, but only reaching 2010 levels)
Medicare Part D Appeals	912	595	775	808	748	535	911
State Health Insurance Assistance Program (SHIP) services	1,303	955	1,000	1,073	1,139	994	1,345
Total direct services	5,626	5,288	5,992	6,549	6,429	5,623	6,917

Systemic Work and Public Policy Advocacy

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

**ATTACHMENT B
LEGAL SERVICES FOR THE ELDERLY
2012 and 2013 DETAILED CASE TYPE REPORT**

CASE TYPE	CY 12	CY 13
CONSUMER/FINANCE		
Bankruptcy/Debtor Relief	23	26
Collection/including Repossession	472	492
Collection Practices/Creditor Harassment	220	98
Contracts/Warranties	26	48
Funeral/Burial Arrangements	5	14
Loans/Installment Purchase (Other than Collection)	43	43
Other Consumer/Finance	208	220
Public Utilities	57	122
Unfair & Deceptive Sales & Practices	51	56
TOTAL	1105	1119
EMPLOYMENT		
Employee Rights	5	3
Job Discrimination	4	10
Other Employment	32	35
Taxes	38	36
TOTAL	79	84
FAMILY		
Adoption	0	1
Child Support	9	10
Divorce/Separation/Annulment	83	100
Domestic Violence	16	26
Name Change	0	1
Other Family	95	132
TOTAL	203	270

CASE TYPE	CY 12	CY 13
HEALTH		
Home & Community Based Care	19	26
Long Term Health Care Facilities & Services	43	42
Medical Malpractice	27	21
Medicare	19	68
Maine Care	355	402
Private Health Insurance	16	19
TOTAL	479	578
HOUSING		
Federally Subsidized Housing	137	169
Homeownership/Real Property (Not Foreclosure)	322	311
Mobile Homes	30	62
Mortgage Foreclosures (Not Predatory Lending/Practices)	126	175
Other Housing	42	29
Private Landlord/Tenant	148	157
Public Housing	36	36
TOTAL	841	939
INCOME MAINTENANCE		
Food Stamps	21	27
Other Income Maintenance	31	17
Social Security (Not SSDI)	38	74
SSDI	10	21
SSI	20	30
State & Local Income Maintenance	19	25
Unemployment Compensation	9	5
Veterans Benefits	4	8
TOTAL	152	207

CASE TYPE	CY 12	CY 13
INDIVIDUAL RIGHTS		
Civil Rights	2	0
Disability Rights	3	3
Elder Neglect, Abuse, & Financial Exploitation	87	111
Immigration/Naturalization	1	2
Mental Health	3	3
Other Individual Rights	30	35
TOTAL	126	154
MISCELLANEOUS		
Indian/Tribal Law	2	0
License (Auto, Occupational, & Others)	19	21
Municipal Legal Needs	5	2
Other Miscellaneous	177	230
Torts	22	22
TOTAL	225	275
SELF DETERMINATION		
Adult Guardian/Conservatorship	33	34
Advance Directives/Powers of Attorney	334	394
Wills/Estates	517	607
TOTAL	884	1035
GRAND TOTAL	4094	4661

The reported matters were all opened during 2013 and are reported regardless of whether or not they were closed in 2013 (only 109 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 4,661 matters breaks down as follows (from most to least intensive): 6% extended representation services; 12% limited action taken/brief services provided; 59% counsel and advice only; 1% information only and attempted but failed pro bono or reduced fee referral; 17% information only and referral; and 5% clients who no longer desired services after making initial contact with LSE or who could not be reached again after making initial contact.

Additional Required Information

Outcomes Measurement

Using the Legal Files case management software that is shared by several of the legal services providers and Crystal Reports to run reports, LSE is able to collect, maintain, and analyze comprehensive data regarding the scope and nature of its services. This includes things like the location of the individual served, the type of case, and the outcomes achieved. Information from this database is used to monitor compliance with all funder requirements and commitments, including the MCLSF. 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, the Office of Aging and Disability Services and the Administration for Community Living.

THE MAINE CENTER ON DEAFNESS

CIVIL RIGHTS PROGRAM

2013 Annual Report to the Maine Civil Legal Services Fund Commission

The Maine Center on Deafness ("MCD") is pleased to submit this report to the Maine Civil Legal Services Fund Commission ("MCLSF") regarding the 2013 services the Civil Rights Program provided utilizing MCLFS funds.

I. Overview of the Maine Center on Deafness

Maine Center on Deafness is a vibrant, nationally unique, independent not for profit agency that assists individuals with hearing loss by providing resources, advocating for social equality, and helps the general public to better understand and appreciate Deaf culture. Importantly for the MCDSF funds and interests, MCD advocates that all public accommodations provide the necessary communication accommodations to effectively communicate with community members in our target demographic.

Maine Center on Deafness is known within the Maine provider/professional community for its innovative and cost-effective programs; within the Deaf, hard of hearing, late deafened, deaf-blind, and hearing/non-verbal with intellectual disabilities, MCD is known as the go-to agency that knows or can find the answers, and knows how to communicate in American Sign Language, visual gestural communication, and with adaptive equipment to get their needs met. As you read about the programs below, imagine the various skills required of employees and the synergy created as they crisscross Maine implementing the programs.

The Civil Rights Program

During 2013, the MCD Civil Rights Program consisted of one part time attorney and advocates, with several personnel changes during the year. Cycling through the program have been:

- Three advocates are fluent in American Sign Language and are Licensed Clinical Social Workers
- One advocate is a nationally certified legal interpreter and a lifelong advocate for the Deaf
- One advocate is Deaf and holds Mental Health Rehabilitation Provider certification
- One advocate is Hard of Hearing and based in Bangor – for the first time MCD has established a Bangor presence
- One half-time attorney provides free legal advice and individual representation at meetings, hearings, and court proceedings with the full weight of multiple disability rights laws behind her. Sadly, the half-time attorney position was eliminated in late December of 2013

Examples of the laws MCD relies on for protecting the civil rights of persons with hearing loss include the Maine Human Rights Act, the Americans with Disabilities Act, the Rehabilitation Act, the Air Carrier Access Act, the Communications Act and Individuals with Disabilities Education Act. Funding comes from the Maine Department of Labor Bureau of Rehabilitation Services, the Maine Civil Legal Services Fund and settlement proceeds from civil rights cases.

The Civil Rights Program also promotes systemic change by working directly with Maine agencies and legislators on matters of importance to the Deaf and hard of hearing. (Capital D “Deaf” is used in this report to represent individuals who use American Sign Language and are part of a distinct American socio-linguistic sub-culture.) Recent examples of the Civil Right Program’s successful legislative efforts include the passage of a law requiring health insurance policies to cover the cost of hearing aids for children, support of extending the coverage to adults, and the creation of a free hearing aid program for Maine’s elderly. One mechanism to ascertain the needs of our target population is the quarterly Deaf Rights Group meetings, bringing all the Deaf services providers to the table, and participation in the Commission for the Deaf, Hard of Hearing and Late Deafened, hosted by the Department of Labor, Bureau of Rehabilitation.

The Civil Rights Program also provides community education. For example, ASL News sessions meet around the state twice a month to discuss, in American Sign Language, topics of interest to the Deaf. Typical topics might be changes in health care due to the Affordable Care Act, tax preparation, avoiding financial scams, surviving a disaster, or disability rights laws. (Up to date, accurate information about complex topics in their native language is greatly valued by the Deaf community.) Maine Center on Deafness also hosts an annual educational conference at Colby College on topics of importance to the Deaf and hard of hearing and to those who serve them.

In January 2013 MCD’s Civil Rights Program received notice of a \$20,000 curtailment of funds from Maine’s Department of Labor targeted by the Governor’s proposed budget, to be followed by cutting the ENTIRE civil rights funding from DOL. This would have caused the agency to shut down, as the remaining administration and infrastructure costs could not have been borne by the remaining programs. MCD rallied its supporters and successfully fought to retain full state funding.

Telecommunications Equipment Program

The Telecommunications Equipment Program was established by state law to provide “No” or “Low” cost adaptive telecommunications equipment to Mainers with any disability that provides a barrier to using the telephone. The program is funded by the Universal Service Fund. Examples of equipment distributed include TTYs, amplified telephones, voice carry over telephones, photo-button dial telephones and large Braille marked buttoned, talk-back phones designed for blind and low vision callers. In 2012 TEP began distributing hearing aids to older, low income Mainers who live alone and desire hearing aids in lieu of phones, a long waiting list is emerging.

TEP also administers the **Emergency Notification System**. This innovative program was the nation’s first, and has been adapted now to be available to all Mainers. Deaf clients select a one-way or two-way pager at “No” or “Low”; and now everyone can request to have alerts sent to equipment they already own. Typical alerts are notifications of threatening weather conditions, public safety emergencies, power outage and other emergencies happening in Maine.

MCD was selected by the FCC to run the **Deaf-Blind Equipment Distribution Program**, a new federally financed, two year pilot project to provide specialized equipment to those who have a combined vision and hearing impairment. Examples of the specialty equipment distributed include OCR (optical character recognition) devices, laptops and with screen reader or text zooming software, amplified telephones and Braille communicators. As with many of our programs, the needs far outweigh the funding.

Peer Support Group and Visual Gestural Communication

MCD runs two programs designed to help deaf adults with intellectual disabilities improve the quality of their lives. These two programs are the Peer Support Group and Visual Gestural Communication Classes, both of which are funded by Maine's Department of Health and Human Services.

Peer Support Groups is a structured gathering of deaf, hard of hearing, late deafened and hearing non-verbal adults with intellectual disabilities and their caregivers, roommates and families. The focus of these group sessions is to enhance communication skills through structured activities. Many of the participants spent their formative years in Pineland and were not taught American Sign Language or any other useable language. Having long ago passed the window of opportunity to acquire a true language, any increase in communication helps improve the Peers' relationships with others and access to health care, safety information and vocational opportunities.

Visual Gestural Communication Classes are taught by MCD staff to employees of group homes and family members who wish to enhance communication with individuals with limited formal language. These are general classes, not specific to any individual's communication strategy. Often MCD staff gives advice on how to handle common and not so common communication problems.

Communication and Outreach Program

MCD contracts with Hamilton Relay Service to inform the public of its traditional relay services for the state of Maine including TTY, Voice Carry Over (VCO), Hearing Carry Over (HCO), Speech-to-Speech (STS), Spanish-to-Spanish and CapTel®. (Most people have no idea how to contact a deaf person using their own traditional telephones. The answer is to dial 711 and use the Maine Relay Service!) This contract provides MCD a unique opportunity to travel statewide speaking at hospitals, community groups, law enforcement agencies and various businesses about the Maine Relay Service, Maine Center on Deafness and hearing loss related topics, and meet Mainers (mostly seniors) who would not think of calling a place with the word "Deafness" in the name.

Work! Program

Sign language using Deaf people and people with acquired hearing loss are chronically un- or under-employed. To better address this need, during 2013 MCD applied for and was awarded a Community Development Block Grant to gear up, train and hire staff who can provide vocational rehabilitation services. This program will dovetail nicely with the advocacy related to employment, and will begin delivering vocational services to the target population in February 2014.

II. Information Requested by the Commission

1. The Types of Cases Handled by the Organization as a Result of Money Received from the Fund.

Due to the fact that MCD is accessible to Maine's ASL-using Deaf community, and thanks to our extensive outreach programs, it would be easier to describe the types of legal problems we do not handle. Every day we are asked legal questions covering disability law, trusts and estates, contracts (credit cards!), landlord/ tenant law, Social Security, Medicare/Medicaid, family law, email scams, unemployment compensation and workplace conflicts - to name a few. In general, our clients wish that we were "Legal Services for the Deaf," but we are not. Our concentration is on violations of the many disability rights laws.

That being said, we never turn a client away "empty handed." MCD's part time attorney had been practicing law for twenty five years and its advocates are equally experienced in their fields. Legal questions that are easy to answer we answer with a brief explanation and promise to be there for a follow up call.

For more complex legal issues that do not fall within the field of disability rights law, we refer to other attorneys, agencies and legal service providers. Many times our referrals are considered "supervised referrals." We take the time to learn the details of a particular case and match the case to the area of expertise of an attorney. We often email ahead and let the attorney know that a Deaf individual will be calling and educate the attorney to obtain a qualified, licensed and nationally certified interpreter paid for by Maine's Legal Interpreting Fund. In some cases we continue to be involved helping to resolve misunderstandings between client and attorney. Most misunderstandings have to do with communication challenges, the attorneys' lack of knowledge of Deaf culture, and some Deaf people's lack of an extensive fund of knowledge about the legal territory they find themselves in. (The average Deaf adult reads English at a fourth grade level. Attorneys often over estimate how much "self help" a Deaf client is capable of and how much they can understand of a writing related to their case.)

In 2013 MCD's attorney advocated for clients before the Maine Human Rights Commission, Social Security Administration, Unemployment Commission, and in schools. Since MCD's establishment in 1988, failure to provide interpreters as required by law has been the number one problem of our clients, though progress is being made. Most often problems are resolved with a phone call or two. When this was not enough, we successfully resolved many cases without going to court. For example, we are still helping a client who was not provided an interpreter at her local DHHS Office. Since filing the case, DHHS has begun discussions and preparations to install remote video interpreting so that deaf individuals can walk into any DHHS office at any time and be served.

A few of our cases completed in 2013 involved keeping public accommodations up to date. For example, many accommodations only offer TTYs (Text Telephones) to allow the Deaf patrons, such as hospital patients, to make outgoing telephone calls. However, most Deaf individuals have switched to video phones where they can use American Sign Language, and do not have to rely on written English to communicate. With very little expense, public accommodations can now offer their patrons video phones. Another example where MCD's cases are nudging public accommodations to keep up with technology involves motion picture theaters. Theaters that do not want to offer open captioned movies can now purchase special glasses that provide viewers closed captioning. An extensive survey of southern Maine's movie theaters has been undertaken.

Typical cases in 2013 were employment, workers' compensation, overpayment of Social Security, landlord/tenant disagreements or hostile neighbors, medical providers (including dentists) refusal to provide accommodations, employers and mortgage foreclosures. Often calls and requests for help are resolved with a promise to fix a problem, modest financial compensation and a confidentiality agreement. MCD spent a fair amount of time assisting a Deaf Mainer incarcerated in federal prison, and a Deaf Mainer who needed help working through both a cruise line and Medicare to get emergency medical bills covered. At this time, due to MCD losing its attorney, all court cases and cases before the Maine Human Rights Commission have been transferred to partner agencies or attorneys.

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

In 2013 MCD's part time (20 hours a week) attorney fielded numerous phone calls, emails, and walk-ins. MCD attempts to quantify these contacts about new matters, capturing this data as "intake" contacts in our intake computer base. Intakes are matters that are resolved quickly, with a relatively short amount of attorney/advocate attention. In 2013 MCD documented receiving intakes for at least 270 non-equipment related matters. (Since MCD's attorney and advocates 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 2013 FAR exceeds 270.)

These 270 intakes resulted in 35 new "cases" being opened within the Civil Rights Program. We categorize "cases" as matters that require extended attorney attention, filing a complaint with the Maine Human Rights Commission or some other governmental agency and/or litigation. The small percentage of cases opened from a large number of intakes indicates that that the Civil Rights Program's lawyer and advocates were effective in resolving disputes without the necessity of Maine Human Rights Commission complaints and litigation. The 35 new cases opened in 2013 were not the only cases handled by MCD's lawyer in 2013. Twenty two existing cases were carried into 2013 from 2012.

The challenges of working with the culturally Deaf (American Sign Language users) should be mentioned here. Explaining complex legal issues may take roughly double the time it might for hearing clients. This is due to two reasons. The first reason is that MCD's attorney works with an interpreter and this can double the time it takes to communicate. (Luckily MCD employs one of Maine best legal interpreters, which eases communication and importantly, lessens the burden of expenditure on the Maine Legal Interpreting Fund.) The second reason that it takes longer to serve Deaf clients than hearing clients is because the Deaf who come to MCD for help usually bring to the table less incidental learning. Most information needs to be discussed in great detail in order fill in needed background information.

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

Our clients overwhelming are culturally Deaf and use American Sign Language to communicate. Using our 35 cases in 2013 as representative of all the people we serve, 77% of our cases involved clients who used American Sign Language or visual gestural forms of communication, almost exactly the same as the previous year. The number of hard of hearing clients is increasing. This is perhaps due to the aging of the baby boomers, the increase use of hearing aids and cochlear implants, and the lack of funding in other services leaving our client base further frustrated and under served.

Almost two thirds of our legal work involves clients who have limited or no employment. The major reason for not working is a lack of educational and vocational opportunities. (Vocational opportunities are often limited simply because of the reluctance of employers to pay for accommodations.) Some of our clients are unemployed due to health problems or age.

The vast majority of our clients are in their fifties. There are several reasons for this. Rubella (German measles) was the cause of many cases of deafness in the 1950's and 1960's. Since 1968 a vaccine against Rubella has been available. Also many hard of hearing baby boomers lost their jobs during the latest recession.

Most of our clients are low income due to their disability, discrimination and health problems. The most common health problem involves mental health issues. These mental health issues may be due to isolation and decreased opportunities to communicate.

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

MCD does not track Civil Rights Program *intakes* (brief services) *by county*, so this report cannot identify how many civil rights questions MCD's attorney answered for or regarding deaf and hard of hearing clients around the state. We strongly believe that we have served consumers in every county in Maine. We *do* track *cases* by county and their demographics should be roughly representative of all our work. In 2013 MCD handled civil rights cases –sustained advocacy and representation in legal matters– on behalf of clients residing in the following counties:

County	No of Cases
No County	4
Androscoggin	1
Cumberland	11
Kennebec	2
Knox	0
Lincoln	0
Penobscot	4
Piscataquis	1
Somerset	0
Washington	1
York	10
Out of State	1
TOTAL	47

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

Of the 47 cases that were open in 2013, 22 of these cases were carried over from 2012 and 35 new cases were opened. Forty four cases were resolved “meeting the clients’ needs” or closed due to a change in the way MCD views closed cases. As 2013 drew to a close, MCD transferred 12 cases to our legal partners.

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

MCD has used MCLSF funds toward salary and professional training of its part time attorney in compliance with the proposal submitted to the Commission. The attorney hours paid for by the MCLSF have been well spent addressing important legal issues that are not only of concern to individual clients but are also of significance to other Deaf and hard of hearing residents of Maine and the entire nation.

6. Outcome 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 is requested to input data when receiving contacts by email, phone or walk-ins. (Naturally, in the rush of the day, it is common for staff to forget to create an intake.) Monitoring detail reports created by the system quarterly keeps the Civil Rights Program on track through the year. A change in time sheet reporting also resulted in more accurate records being maintained.

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

For twenty four years, MCD has been a trusted member of the Deaf community and hearing loss population in Maine, and a strong partner in addressing unmet and underserved needs. That being said, MCD's Deaf and hard of hearing clients continue to have many unmet and underserved legal and advocacy needs. Barriers preventing access to education, employment, community services and health care remain an everyday problem for persons with hearing loss in Maine. A review of our records indicate that the Deaf and hard of hearing are under served in Piscataquis, Aroostook, Washington and possibly Oxford County. Identifying and addressing these needs takes time and financial resources. Unfortunately, MCD is faced with difficult times ahead, as the need for all our programs grows, which the available resources shrink.

III. Conclusion

As a direct result of the financial support provided by the Maine Civil Legal Services Fund Maine's Deaf and hard of hearing clients received high-quality legal representation from MCD's Civil Rights Program in 2013.

January 22, 2014

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2013 Annual Report to the Maine Civil Legal Services Fund Commission

January 2014

Maine Equal Justice Partners (MEJP) is pleased to provide the Maine Civil Legal Services Fund Commission with its annual report for 2013.

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.

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

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 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 provided 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.

In 2013, MEJP handled the following types of legal cases:

Case Type	# of Cases	# of MCLSF supported cases ²
Consumer	10	
Education	2	
Employment (UI)	2	
Family	12	
Health Care	181	
Housing	11	
Income Maintenance (i.e. TANF, FS, LIHEAP, SSI)	148	
Miscellaneous	2	
Total	368	151

Administrative advocacy cases:

Case Type	# of Cases	# of MCLSF supported cases ³
Consumer	2	
Unemployment Benefits	2	
Health	11	
Income Maintenance (i.e. TANF, FS, LIHEAP, SSI)	3	
Housing	2	
Miscellaneous	1	
Total	21	9

² MCLS funding represents 41% of the total legal aid funding (MBF, CFJ, and MCLSF) received by MEJP in 2013.

³ Id.

Trainings and Outreach:

Type of Training	# of Trainings	# of MCLSF Supported Trainings ⁴
Health Care	24	
Legal services	1	
Immigrant Related	13	
Safety net (all Public Benefit Programs)	15	
Total	53	22

Direct Legal Representation

(Advice, Referrals, Limited and Extended Representation, including Impact Litigation)

MEJP provides direct legal representation through its toll-free telephone intake system on issues involving the denial, termination or reduction of 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 the various programs as well as an on-the-ground working knowledge of the particular programs and how they are implemented. In addition to providing direct representation to income-eligible clients, MEJP also serves as a legal resource regarding these programs for other civil legal aid organizations in Maine.

In providing direct legal representation 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 works with those responsible for the oversight of these programs to make the changes necessary 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 receive the legal services they need to resolve their immediate issue. Beyond this MEJP is able, through these direct representation engagements, to maintain its “finger on the pulse” on 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 2013, MEJP handled a total of 368 cases (this number does not include our administrative advocacy cases). Maine Civil Legal Services funds supported MEJP’s efforts on 151 of those cases. A sample of those cases is summarized below:

⁴ Id.

Immigrant-related issues

MEJP has developed considerable expertise during the past two years in issues concerning Maine's immigrant and refugee populations. We have achieved considerable success in serving as a resource for leaders within immigrant communities, providers and advocates around the impact of the Affordable Care Act, options for health care coverage and other public assistance for immigrants and refugees in Maine. The contacts and relationships that we have developed – and continue to foster – have provided an excellent opportunity to disseminate information, provide direct assistance to immigrant groups, and solicit feedback on issues and barriers facing these populations. Our materials have been extremely helpful in explaining Maine's programs and upcoming changes that impact immigrant groups.

In April, 2012 MEJP, along with the ACLU of Maine and pro bono attorney Jennifer Archer of Kelly, Rimmel & Zimmerman, filed a class action lawsuit on behalf of the approximately 500 legal immigrants who lost their health care coverage through the MaineCare program as a result of a 2011 change in Maine law. The suit, *Hans Bruns, et al. v. Commissioner*, challenged the State law as a violation of Equal Protection.

In 2013 Plaintiffs appealed Judge Woodcock's denial of their request for a preliminary injunction to the U. S. Court of Appeals for the First Circuit. Contrary to what Judge Woodcock determined, Plaintiffs argue that legal immigrants are identically situated to citizens in the MaineCare program in every way, but alienage, and as such the termination of assistance based solely on alienage cannot withstand strict scrutiny. Plaintiffs also dispute Judge Woodcock's determination that the loss of medical care does not establish irreparable injury. The case was argued before the First Circuit in October, 2013 by Jennifer Archer of Kelly, Rimmel and Zimmerman and co-counseled by Zach Heiden of the American Civil Liberties Union of Maine Foundation and Jack Comart of Maine Equal Justice Partners.

MaineCare

In March 2013 health care benefits changed for many MaineCare members as a result of the federal Center for Medicare and Medicaid Services (CMS) decision on the Governor's request to eliminate MaineCare coverage for thousands of Mainers. MEJP, in cooperation with the National Health Law Program and the Center for Medicare Advocacy, responded to this decision by filing a federal lawsuit against the U.S. Department of Health and Human Services (*Bourgoin, et. al. v. Sebelius*) on behalf of five Maine residents whose health care coverage through Medicaid was to be terminated on March 1, 2013. The case challenged the decision of Secretary Sebelius to approve Maine's request to lower income eligibility limits for MaineCare benefits for approximately 6000 elderly and disabled Maine people. The suit claimed that the Secretary violated the "maintenance of effort" (MOE) provision of the Affordable Care Act which prohibits lowering MaineCare (Medicaid) eligibility limits for certain groups of people. The MOE requirement lapsed on December 31, 2013.

Judge Woodcock declined to reach the merits of the case and instead determined that the Commissioner of the Maine Department of Health and Human Services was a necessary party to the lawsuit and in her absence the case could not proceed. Because Judge Woodcock's decision

was issued so near the end of the MOE period, Plaintiffs decided not to pursue the case any further. This case was co-counseled by Jack Comart of Maine Equal Justice Partners along with attorneys from the National Health Law Program, the Center for Medicare Advocacy and Jeff Young of McTeague Higbee.

The termination of MaineCare benefits for many working parents, and some seniors and people with disabilities resulted in calls to MEJP from affected individuals as well as their health care and social service workers. MEJP helped close to 200 individuals and families understand their coverage options, whether they were eligible for transitional coverage, and/or potential premium costs. In several instances, MEJP was successful in helping these clients gain MaineCare coverage after they were denied by DHHS.

In 2013 MEJP was successful in several administrative agency fair hearings, filed on behalf of three clients regarding the issue of whether DHHS following its own MaineCare rules, which call for disregarding the COLA if counting it would result in ineligibility. DHHS was unsuccessful in its claim that people were losing their MaineCare solely because of the lowering of the income limits for eligibility. MEJP successfully argued that if the COLA was not counted, these low-income seniors would still qualify for MaineCare under the new lower income limits.

Consumer issues

FairPoint Lifeline Program: The Lifeline program is a national program that provides discounts on monthly telephone service for eligible low-income consumers. Consumers who receive benefits under the Medicaid program (MaineCare in Maine) are one such eligible group. FairPoint Communications determined that certain elderly and disabled people in Maine who are on the MaineCare program were nevertheless not eligible for the Lifeline program.

Jack Comart of Maine Equal Justice Partners filed complaints both with the Maine Public Utilities Commission and the Federal Communications Commission, which eventually determined that FairPoint Communications was incorrect and directed the company to identify customers that were erroneously denied, enroll them in Lifeline, with retroactive benefits, if applicable.

Income supports

MEJP handled several cases related to extensions to TANF (Temporary Assistance for Needy Families) benefits in 2013. In one instance, a mother of three had been denied an extension due to her disability because her primary care provider (PCP) had moved out of state and the new PCP wouldn't complete the required medical forms until he'd seen her, which was after the deadline for submitting the forms to the Department of Health and Human Services (DHHS). DHHS denied the extension for lack of medical evidence. MEJP pointed out to the DHHS worker that the program rules require DHHS to help clients obtain medical verification, not simply deny the request when the documentation is not forthcoming. DHHS reopened the case, waited until the PCP provided the necessary medical evidence and ultimately, granted the extension.

In another case, a mother with two children had applied for an extension of her TANF benefits due to a domestic violence situation but was denied. She had been granted two previous extensions for this reason but was told that she couldn't receive another extension. MEJP worked with her advocates at the local Domestic Violence program to assess the current status of her situation. We then informed DHHS that her abuser was being released from prison in February, such that she had to get a new Protection from Abuse (PFA) in place. She also needed to find new housing because she had 'timed out' of her transitional housing. Her abuser had violated the PFAs in the past and come after her so she needed to come up with a safety plan for her and her children, wherever she might end up living. Her name was at the top of the Section 8 waiting list in her area but she had not yet received a voucher. MEJP convinced DHHS that another 6 month extension was appropriate given the myriad of obstacles and unknowns for her and her family.

Administrative Advocacy

MEJP's advocacy before administrative agencies of government arises from 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 2013.) 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 2013, MEJP either advocated or submitted rulemaking comments at the state and federal level on a wide range of issues, including the following:

Health Care

1. **MaineCare – Opioids, Methadone and Suboxone** – In 2012, the Legislature passed a bill restricting access in the MaineCare program to opioids for the treatment of pain and to Methadone and Suboxone to treat addiction. After DHHS issued emergency rules to implement this change, effective January 1, 2013 it then issued proposed rules later in the year. MEJP provided comments on the rules regarding compliance with federal law and the prior authorization process for approving prescribed medications.

2. **MaineCare transportation services** – DHHS issued proposed rules in May 2013 to implement MaineCare’s new Non-Emergency Transportation service system. MEJP provided lengthy comments in June, addressing several issues and concerns, including the respective roles and responsibilities of the Broker and the Transporter, the impact on certain services such as pharmacy, eligibility criteria for services, appeals process and performance standards for the contracted broker. Final rules were adopted in August 2013.

3. **MaineCare Physical Therapy and Occupational Therapy Services** – DHHS issued proposed rules in October to require prior authorization for all Occupational Therapy and Physical Therapy Services for persons age 21 and older. The Department also proposed new limits to services. MEJP filed comments on the proposed changes in November 2013, some of which were adopted by DHHS in its final rule.

4. **Asset Test for Medicare Savings Program** – DHHS issued proposed rules in September 2013 to implement an asset test for members participating in the Medicare Savings Program, pursuant to legislation adopted by the 126th Legislature in June 2013. MEJP provide comments, requesting the Department to comply with the specific requirements of the legislation, to base the asset test on that used by state-funded home-based care program and to include a definition of ‘liquid assets’ in the rule, accordingly. The Department responded favorably to MEJP’s comments in its final rule, issued December 18, 2013.

5. ***Van Meter et. al. v. Mayhew***: MEJP continues to work with DHHS on the implementation of the terms of the settlement of this case. The case was brought on behalf of individuals with cerebral palsy, epilepsy and other similar conditions who wanted the opportunity to live in the community and not be confined to a nursing home. In the fall of 2013 several of the plaintiffs moved or are scheduled to move from nursing facilities into their own apartments. Other changes to take place under the terms of the settlement include substantially revising the process used to determine the scope of services that people with “other related conditions” (e.g. Cerebral Palsy, Epilepsy, etc.) may access while residing in nursing facilities.

6. **Affordable Care Act** – implementation in Maine. MEJP has engaged in a range of administrate advocacy activities to facilitate implementation and coordination of the new application, eligibility, enrollment, and notice and appeals systems in MaineCare and the Marketplace. We have conducted research and analysis of suitable options that meet the needs of our priority populations; developed recommendations for corresponding policies and procedures; participated in administrative advocacy with DHHS and conducted outreach with affected parties. These efforts are ongoing.

7. **Affordable Care Act** – **Comments on proposed rules for the Basic Health Program.** In November 2013 MEJP provided lengthy comments to the Centers for Medicare and Medicaid Services on the Administration’s proposed rules governing administration, eligibility enrollment, benefits, performance standards, and premiums and cost sharing for the Basic Health Program. It is anticipated that CMS will issue final rules for this component of the Affordable Care Act (ACA) in the summer of 2014.

Income Maintenance

1. **Food Supplement (FS)** – As described in MEJP’s 2012 report, we learned through several cases in which we represented individual clients that although federal law required Maine to waive Food Supplement (formerly Food Stamp) overpayments in certain cases, that, in fact, Maine had never followed this federal law. MEJP has continued to pursue this issue in 2013 and has been in discussions with the Attorney General’s office about the need for a standard for DHHS to use when determining whether an overpayment claim may be compromised. We have provided recommended language for such a standard, which is currently under review by the AG’s office.

2. **Temporary Assistance for Needy Families – Administration of TANF Hardship Extensions** – MEJP has been in ongoing discussions with DHHS regarding administration of the new TANF eligibility requirements that were implemented in 2012. We have made recommendations to increase uniformity in the administration of the TANF time limit extensions, particularly with respect to the ‘disability extension and gainful employment’.

MEJP provided two forms for the Department’s consideration in improving standardization of the eligibility review process. The *Standard Extension Request form*, developed by MEJP, would improve process and uniformity in decisions related to TANF time limit extensions. It would give families with pending TANF terminations at 60 months the opportunity to request an extension and to indicate which extension(s) they believe fit their circumstances. It would also establish a clear process by which the DHHS worker can make a determination.

MEJP also recommended changes to the current Medical Release/Physician’s Statement Form that is used to assess whether an individual is able to retain ‘gainful employment’.

Higher Education

The Competitive Skills Scholarship Program (CSSP), through the provision of certain supports, helps low-wage workers go to school and earn a degree so that they have the opportunity to gain the necessary skills to succeed in today’s economy. MEJP has championed this program since its inception, developing strategies to encourage participation and help participants succeed. Despite its demonstrated success, the Department of Labor issued proposed rules in December to restrict the amount of time that someone can participate in the program and reduce its supports and services. MEJP testified at the public hearing and issued lengthy comments, objecting to the proposed restrictions and identifying the value of the program, as demonstrated by data and supporting research.

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. By explaining the statutory and regulatory requirements of public assistance programs to these providers, they in turn are better equipped to assist clients who turn to them for

assistance. Through these targeted trainings, MEJP is able to provide critical rights and responsibilities information to a larger number of low-income individuals than we would otherwise be able to accomplish with our small staff. In 2013, MEJP conducted approximately 53 separate training events, reaching close to 2,000 individuals.

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, health care reform, TANF/ASPIRE, Parents as Scholars, prescription drugs, Food Supplement, Alternative Aid, General Assistance and more. In 2013, MEJP's website served as a resource for 91,625 unduplicated individuals, resulting in 169,414 page views.

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

In 2013, MEJP opened a total of 368 cases (includes full intakes, counsel & advice and referral cases *only*) of which 151 were supported by MCLS funding.⁵ The services impacted approximately 966 individuals, of which 396 were assisted with MCLS funding.

These numbers, however, do not include the individuals that are impacted by our administrative advocacy, which impacts all similarly-situated individuals, or our training, education and outreach efforts. The total number of cases opened and people served as well as the number of cases and people served as a direct result of MCLS funding is broken down in the chart below.

Activity	Total # of Cases Opened/ People served	Cases Opened / People Served with MCLSF
Full intakes – includes limited and full representation	90 cases / 236 people	37 cases / 97 people
Counsel & Advice and/or Referred	221 cases / 580 people	91 cases / 239 people
Administrative Advocacy	21 / the exact # of people impacted by systemic initiatives is unknown	9 cases / the # of people impacted cannot be accurately determined due to systemic nature
Activity	# of People Participating	# of people served with MCLSF funding
Training, Education & Outreach – 53 separate trainings and workshops	2000	820

⁵ MCLS funding represents 41% of the total legal aid funding (MBF, CFJ, and MCLSF) received by MEJP in 2013.

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

MEJP represents the interests of all Maine residents living in or near poverty, which is defined as less than 200% of the federal poverty level (FPL) or \$39,060 in annual income for a family of three in 2013. According to state data on the Kaiser Family Foundation website, there are 460,300 Maine people, of all ages, living under 200% FPL.⁶ MEJP's representation is focused on public benefit programs; therefore, our target population is the 460,300 individuals under 200% of FPL receiving or potentially in need of assistance from one or more public benefit programs. We focus specifically on efforts to benefit:

- Temporary Assistance for Needy Families (TANF) (income support): 7,509 cases, representing 12,297 children⁷;
- Food Supplement (FS) (food assistance): 128,057 cases, representing 241,131 individuals of which 80,638 are children under 18⁸; and
- Medicaid & Buy-In (health insurance or limited assistance with drugs and out-of-pocket costs): 308,270 individuals⁹.

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

In 2013, Maine Equal Justice provided legal services to individuals residing in all sixteen Maine counties.

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

In 2013, MEJP opened a total of 368 cases of which 151 were funded with MCLS funds. Of the 368 cases opened, MEJP closed 341. In addition, MEJP opened 21 administrative cases with 4 completed during 2012.

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 2011. 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.

⁶ <http://kff.org/other/state-indicator/population-up-to-200-fpl/?state=ME>

⁷ www.maine.gov/dhhs/ofi/reports/2013/index.html#poverty

⁸ Report for December 2013, accessed at www.maine.gov/dhhs/ofi/reports/2013/index.html#poverty; Summary Count of 5 Year Olds and Younger Active on TANF and/or Food Supplement as of December 2013, accessed at www.maine.gov/dhhs/ofi/reports/2013/index.html#poverty

⁹ Overflow A for 2013 Reports – December, accessed at www.maine.gov/dhhs/ofi/reports/2013/index.html#poverty

7. *Outcomes measurements used to determine compliance.*

The proposal submitted for 2012-2013 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 receives more requests for trainings than it can actually provide. The reason MEJP's trainings are so widely sought after is due to our public benefit program expertise as well as our up-to-date information regarding recent changes to the programs. MEJP's training and outreach sessions are requested and or attended by a diverse number of organizations, including but not limited to, social service providers, family practice residency programs, provider associations, 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 2013 were extremely favorable and underscored 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.*

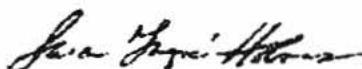
Maine Equal Justice Partners receives funding from the MCLSF, the Maine Bar Foundation, the Campaign for Justice (a joint collaboration of six civil legal aid providers) as well as individual donations and grants from Maine and national foundations. Over the last several years, we have seen a significant decrease in our core legal aid funding due to low interest rates and lower than anticipated MCLSF collections. While MEJP's funding has decreased over the past few years, demand for our services continues to increase due to Maine's slow economic recovery. The need for our services will continue to increase as federal and state fiscal issues result in additional comprehensive changes to eligibility and other criteria within Maine's safety net programs, which leave many individuals and families with low-income confused and misinformed about where they can turn for assistance.

As reported in MEJP's 2012 Annual Report, systemic consumer and housing law issues continue to go unmet. The consumer law area is of particular concern to MEJP, because there is no agency currently handling systemic consumer law issues in Maine. 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

The funding MEJP receives from the MCLSF is vital to our ability to pursue systemic reform on behalf of Maine's most vulnerable people. Quite simply, without MCLSF the level and breadth of services MEJP currently provides would be severely diminished. We are grateful to MCLS 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 in which MEJP staff actively participated during 2013. Although these commitments consume a great deal of time, it is vital that we participate in these forums as MEJP staff 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 benefit Maine people with low income.

Health Care

- Maine Health Access Foundation Board of Trustees (Chair)
- MaineCare Advisory Committee
- Cover Maine Now Coalition (MEJP is member of steering committee)
- Health Care For Maine Steering Committee
- SIM (State Innovation Models) Steering Committee
- MaineCare Member Materials Committee
- Maine Health Exchange Advisory Committee
- Greater Portland Health Care Collaborative (related to immigrant issues)

Oral Health

- Maine Dental Access Coalition
- Oral Health Advisory Committee

Legal

- Maine Civil Rules Advisory Committee
- Campaign for Justice Steering Committee
- Justice Action Group (JAG) (non-voting member)
- Advisory Committee of Providers to the JAG

Poverty

- Maine Council of Churches' Policy Committee
- Temporary Assistance to Needy Families Advisory Council and Parents as Scholars Subcommittee
- DHHS-OFI Community Partners Advisory Group

Social and Economic Security

- Coalition for Maine Women
- Maine Can Do Better Steering Committee
- Working Families Coalition
- Maine Immigrant Rights Coalition
- Unemployment Insurance Blue Ribbon Commission

**Maine Volunteer Lawyers Project
Report to the Maine Civil Legal Services Fund Commission
January 2014**

Overview

The Maine Volunteer Lawyers Project (VLP) is pleased to submit this year-end narrative report on its operations and services provided to Maine people with low incomes during 2013. 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 access to services despite a continuing decrease in overall funding levels.

VLP was formed in 1983 as a joint project of the Maine Bar Foundation and Pine Tree Legal Assistance for the purpose of organizing, encouraging, and coordinating the *pro bono* efforts of private attorneys on behalf of Maine people with low incomes facing civil legal problems. VLP services are generally limited to Mainers whose gross household incomes are at or below 200% of the federal poverty guidelines and whose net incomes following the deduction of certain basic living expenses fall at or below 125% of the federal poverty guidelines. Clients are also subject to asset limitations based on household size. (These eligibility requirements are determined by the federal Legal Services Corporation which provided approximately 20% of VLP's overall funding in 2012.)

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

Services

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

Participating *pro bono* attorneys, (and supervised law students), provide limited (unbundled) 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 from various colleges, (including Bates, Bowdoin, USM and Husson University among others), 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 unbundled service) to private attorneys around the state, out of the 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 meet the most pressing needs, ensure that VLP’s services complement the assistance provided by Maine’s other legal service providers, and maximize the impact of donated legal services.

In 2013, MCLSF funds represented 15.8 % of VLP’s total funding.

Cases Handled in 2013

In 2013, VLP staff or volunteers provided service in **4,314** cases:

- Hotline volunteers provided **legal information** to clients in 1035 cases
- *Pro bono* attorneys provided **limited representation** in 1939 cases
- *Pro bono* attorneys provided **full representation** in 1152 cases
- Cases pending for *pro bono* service: 188 cases

Total: **4314**

While MCLSF funds support all of VLP's work, service was provided in 627 of the above cases using specially designated MCLSF funds only.

VLP opened **3,394** new cases in 2013, which break down into the following law categories:

Case Type	Total Cases OPENED
Consumer	282
Education	4
Employment	41
Family	2482
Juvenile	87
Health	4
Housing	122
Income Maintenance	255
Individual Rights	7
Miscellaneous (Torts, licenses, wills & estates, etc.)	109
TOTAL	3,394

Clients Served in 2013

- VLP's direct services benefited 4,298 Maine households and benefited an estimated 12,000 individuals. The average annual household income was \$21,891 and the median annual household income was \$19,416. The average household size was 3.
- The average age of a client at intake was 38.8 years.
- 572 clients (or 13%) were 55 or older.
- 88.2% of clients identified as White, 4.0% as Black, 2.9% as Native American 1.6% as Asian, and 2.1% as Hispanic.
- 36.6% of households had at least one person with a disability.
- 4.6% of clients were veterans and .5% were active military.
- 65.8% of clients were female and 34.2% were male.
- About 4.5% of clients did not speak English as a first language
- 53.8% of households included children
- 30.3% of households were headed by a single parent

Geographic Areas Served in 2012

Geographic distribution of VLP clients shown by county:

County	
Androscoggin	12.2%
Aroostook	1.8%
Cumberland	28.7%
Franklin	1.6%
Hancock	2.2%
Kennebec	10.4%
Knox	1.7%
Lincoln	1.5%
Oxford	3.6%
Penobscot	12.2%
Piscataquis	1.1%
Sagadahoc	2.3%
Somerset	2.8%
Waldo	2.3%
Washington	1.6%
York	13.7%

(Out of state 2.7% / Unknown 3.2%)

Unmet Need

Most qualifying clients who receive an intake would benefit from full representation, but VLP is able to provide less than one in four with that service because of lack of resources. Further, VLP is aware of a bottleneck in our system wherein we do not have the resources to expand our phone intake to accommodate more than the 2,500 plus phone intakes that we already conduct each year. To mitigate some of this problem we have set up special phone lines for unemployment compensation and probate issues, where we are confident of having pro bono capacity in the Bar. In addition, VLP is able to provide some “court panel” pro bono service for victims of domestic violence, who are referred at court for help with protection from abuse.

Most of these underserved clients, however, are seeking help with Family Law. VLP is well positioned to help clients with low incomes needing help in Family Law because, as a referral project, VLP can find different pro bono attorneys for each party, thereby avoiding the conflicts that arise in other direct legal service programs with family law assistance. VLP has been able to respond to the increasing number of unrepresented family law litigants by creating limited representation family law projects that offer meaningful

service to many clients, including courthouse clinics. In fact, client numbers rise in every county where a family law courthouse clinic is opened because these clinics are a walk in service, which provides immediate access to pro bono assistance.

In the past few years, VLP has started to collaborate with public libraries across the state to work on providing wider geographical access to pro bono legal services. In 2013, VLP started to use video and “Skype” technology to connect clients in libraries with pro bono lawyers around the state, as well as providing library based clinics for veterans needing legal help with benefits issues. Still, VLP lacks the resources to respond to all callers, to provide full representation to all clients who fit within our priorities, or to set up clinics in courthouses and libraries all over the state where more people could have access to our services.

Compliance of Services Delivered to Services Proposed

In its application to the Maine Civil Legal Services Fund for 2013, 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 unbundled and full representation, as well as legal information and referrals, to clients across Maine, including service from the 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 2013. While VLP was not able to increase the number of clients served (as we were able to do from 2007 through 2011), VLP was able to maintain services at a high standard and continue a high level of client intake, despite decreased income from IOLTA and LSC. 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, and by pioneering new service models, VLP is able to leverage extraordinary levels of legal service for Maine people. VLP continues 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 2013, 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 2013 in its efforts to maintain and 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 12, 2014
Re: Annual Progress Report, January-December 2013

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, dating violence, sexual assault, 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 or perpetrator 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

The Penquis Law Project seeks to increase physical, emotional, and economic safety for Penobscot and Piscataquis county residents – particularly those who have experienced or are experiencing domestic violence, dating violence, sexual assault, or stalking – by providing civil legal assistance, primarily in matters of family law, to individuals who would not otherwise be able to access these services.

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 choose to dismiss their case and reunite with their abuser or perpetrator 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, dating 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

During 2013 we followed the work plan as outlined in our 2011 application. In our 2011 application to the MCLSF we proposed to serve Penobscot and Piscataquis counties with a staffing structure consisting of two full-time attorneys, a part-time Directing Attorney, and part-time legal secretary. We were fortunate to be fully staffed throughout the year. At the end of the year, we did begin preparing for a change in staffing structure that will occur in the first quarter of 2014. We were fortunate to receive continuation funding from the US Department of Justice, Office on Violence Against Women, Legal Assistance for Victims grant program, but due to reduced funding available overall for the Legal Assistance for Victims grant program at the federal level, grant awards have been reduced. Though our request was fully funded, we will need to eliminate one full-time attorney position.

One of the unique aspects of the Law Project is that our priority population is individuals who have experienced or are experiencing domestic violence, dating violence, sexual assault, or stalking. In order to ensure that our services are sensitive to issues of violence all staff are required to take, and have completed, domestic violence and sexual assault trainings to learn the dynamics of domestic violence and sexual assault, including power and control and

trauma. We also have strong, formalized partnerships with the victim services providers in our two-county area. These partnerships help promote cross-trainings and technical support among the agencies and help to ensure that the safety needs of our clients are met as well. Program evaluations and client comments have demonstrated the success of these trainings in making clients feel understood and respected.

During the year we also continued our efforts to promote access to our services, particularly for rural populations in our service area and particularly in Piscataquis County. We have continued our “attorney for the day” program on Order for Protection days in the Dover-Foxcroft District Court and have provided weekly office hours at the domestic violence project in Dover-Foxcroft.

Funds from the MCLSF provided crucial operating support to the Law Project as a whole, which made it possible to achieve the outcomes described below. These outcomes, as well as an independent evaluation conducted by Renate Klein, Ph.D., demonstrate the significance and efficacy of services provided by the Law Project.

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 2013. 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 or multiple post-judgment actions.

Case Type	Rep.	One-times
Divorce	42	28
Protection from Abuse	33	13
Parental Rights	37	27
Post-judgment	49	42
Other	1	0
Total Case Types	162	110

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

The attorneys served a total of 248 unduplicated individuals. There were 143 clients who received representation and 105 individuals who received one-time consultations. There were 109 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. Ninety-six (96) 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	1
18-24 years	24	14
25-59 years	117	86
60+ years	2	4
Unknown	0	0
Gender		
Female	137	98
Male	6	7
Race		
White	140	102
Hispanic	1	1
Black or African American	0	0
American Indian	2	2
Asian	0	0
Native Hawaiian/Pacific	0	0
Unknown	1	0
Housing		
Rent	88	53
Own	18	26
Other (includes staying w/ relatives, friends)	33	23
Homeless	0	2
Unknown	4	1
Health Insurance		
MaineCare	108	62
Other Insurance	16	27
No Insurance	17	16
Unknown	2	1
Disabled	25	21
With Minor Children	122	88
Income Level		
≤ 75% of poverty	86	50
≤ 100% of poverty	24	10
≤ 125% of poverty	11	10
≤ 150% of poverty	10	10
≤ 175% of poverty	10	6
≤ 200% of poverty	2	8
At or above 200% of poverty	0	6
Unknown	0	5
TOTAL PERSONS	143	105

All clients have experienced some form of victimization. The overwhelming majority of individuals receiving one-time consultations have experienced domestic violence, dating violence, sexual assault, or stalking – 80% 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
Aroostook	1	0
Cumberland	1	0
Hancock	1	0
Kennebec	1	1
Knox	1	0
Lincoln	0	0
Penobscot	96	70
Piscataquis	35	31
Somerset	1	2
Waldo	1	0
York	1	0
Out of State	4	1
TOTAL	143	105

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

Of the client files, 95 were closed by the end of December 2013. 48 clients remained open as of January 1, 2014.

Of all client files closed, 82 clients received a final order in at least one of their pending matters. Additional outcome information is 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.

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 provided services as described in its application. We proposed serving 275 individuals annually, 125 individuals through representation and 150 through one-time consultations; 248 were served during this time period, 143 through representation and 105 through one-time consultations. Whenever possible and when caseloads allow, we prioritize providing full representation rather than one-time consultations as full representation is the most needed and impactful service we can provide. Outcome data demonstrates the positive outcomes for clients served.

7.) Outcome measurements used to determine compliance:

The following table describes the projected and actual outcomes for calendar year 2013, with associated indicators, measurements, and data sources. Data confirms that we have substantially met, or in some cases exceeded, our projected outcomes. We do not track outcome data for the individuals who receive our one-time consultations. Though we know this service is valuable to those who receive it, because it is a brief service, we do not have long-term contact with recipients and, therefore, it is not possible to track long-term outcomes.

Outcomes	Indicator	Projected	Actual	Data source:
Initial Outcomes: 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%	94% (96)	The Law Project keeps records regarding those individuals with whom we have met. Files are maintained for each client.
Intermediate Outcomes: 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%	96% (23)	(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.	92%	80% (30)	
	Percent of clients who report that threats or abuse were less during involvement with the Law Project than previously.	70%	75% (6)	
	Percent of clients who report that their involvement with the Law Project made them feel more in control of the process.	80%	90% (9)	
Long term Outcomes: 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.	90%	93% (50)	(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%	86% (44)	
	Percent of clients who report that threats or abuse were less after involvement with the Law Project than previously.	80%	88% (7)	
	Percent of respondents to a Closed Client Survey reporting that utilizing the Law Project helped them to feel that the court process was manageable.	100%	90% (9)	
*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:

Reported domestic assaults in the two-county area increased 8% in 2012 over the previous year, from 512 to 551. FY12 civil filings in the two-county area included 480 protection from harassment, 875 protection from abuse, 898 divorce, 313 paternity/parental rights, and 43 other family matters. Demand for civil legal services is high, due to limited capacity among all of the legal providers, including the Law Project.

As a result of the population we serve, many of our cases are more likely to involve complex legal issues, such as interstate custody, and be more time intensive and ongoing, with multiple post-judgment actions. As a result, we are limited in the number of individuals we can serve. We still make every attempt to provide one-time consultations when time allows, believing it is far better than turning away individuals without providing any information or assistance. However, the majority of those individuals would benefit from full-representation. Thus, we see full representation as a still unmet need for many.

The court process is lengthy, intimidating, and confusing, especially when one party has experienced interpersonal violence perpetrated by the other party. In the absence of an attorney, parties are often intimidated into agreeing to settlement orders that do not benefit them or their children or address crucial issues. In addition to feeling intimidated, litigants are often simply confused about the process and unaware what their rights may be. Unfortunately, lack of representation can lead to poor long-term outcomes for families and children, including lack of financial and physical safety.

Another unmet area of need that we see is access to guardians *ad litem*. Most families cannot afford a guardian and the availability of *pro bono* guardians is limited. The Law Project works to secure funding for unmet needs for our own clients. For example, in 2012, the Law Project received an award of \$3200 from the Francis Hollis Brain Foundation to cover costs such as witness fees, fees for medical records, and *guardians ad litem*, expenses that most clients are unable to afford on their own. However, lack of available guardians *ad litem* is an ongoing issue, particularly for unrepresented parties.

CONCLUSION

The Law Project utilizes a survey developed by Renate Klein, Ph.D., a social science researcher from the University of Maine, to provide an outcomes-based assessment of the work of the Law Project. The survey is distributed to former clients and used as an exit survey to provide feedback on the program's effectiveness. Dr. Klein compiles the survey results annually. According to survey results from 2002-2012:

- 94% of clients would have been without legal representation without the Law Project.
- Overall, respondents evaluated the Law Project very positively. Interactions with the Law Project were described as helpful, supportive, and overall very satisfying.

- The Law Project enhanced respondents' quality of life, contributed to their sense of empowerment, and helped respondents feel in control of the legal process.
- Respondents experienced less intimate partner violence once they started proceedings with the Law Project.

In conclusion, the report stated, "[T]he Law Project is achieving all of its objectives. It has developed into an essential part of community-based interventions in domestic violence and is an effective way to support victims, increase safety, and promote justice."

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

"I have had no experience with the legal system at all, she [the attorney] made it easier for me to understand the process after 33 years of abuse..."

"I backed out the first time but I returned and she [the attorney] welcomed me and guided me in the right direction... Thanks for helping save my life."

--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 2014**

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. In addition, Pine Tree operates several 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 Bangor 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;

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 26-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 \$5,000 (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 14 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). 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 2013

While the database for calendar 2013 is still being finalized, it appears clear that the staff of Pine Tree Legal Assistance handled a minimum of 7,503 cases during the year with all sources of funding, including some support from MCLSF. This total included the following:

While the database for calendar 2013 is still being finalized, it appears clear that the staff of Pine Tree Legal Assistance handled a minimum of 7,503 cases during the year with all

sources of funding, including some support from MCLSF. This total included the following:

- 855 consumer matters;
- 174 education matters;
- 458 employment matters;
- 766 family law cases (including domestic violence);
- 44 juvenile issues;
- 148 health law cases;
- 4,259 housing issues (including foreclosure);
- 638 income maintenance issues;

A total of 303 cases were funded exclusively with MCLSF funding. This total was allocated as follows:

- 69 consumer matters (e.g., debt collection);
- 16 employment cases;
- 9 family law;
- 6 health law cases (e.g. Maine Care eligibility);
- 158 housing issues;
- 30 income maintenance cases (e.g., food stamps and Social Security);
- 7 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 18,238 individual in 2013, including 705 whose cases were supported exclusively with MCLSF funding and 17,533 whose legal services were supported in part with MCLSF funding.

Some MCLSF funding has been traditionally used to support a range of other important services. In 2013, these services included:

- more than 2,753 individuals who were trained by Pine Tree staff during a wide range of presentations and programs around the state;
- the distribution of 8,950 "hard copies" of self-help materials or other legal education tools created by Pine Tree; and
- consultations with 6,039 low-income individuals needing legal help who were ultimately referred to other resources.

Pine Tree's popular websites (www.ptla.org, www.kidslegal.org, www.helpmelaw.org and www.statesidelegal.org) continued to provide important legal information and self-help tools to people in Maine and around the country. Website traffic continued to outpace legal aid sites in far more populous States and kept Pine Tree in the "top ten" of Google searches for legal aid services, including

- 2.6 million “page views” of website content in 2013;
- 1.046 million “unique visitors” to the websites (almost a 50% increase above 2012 numbers)

Stateside Legal continues to attract visitors from all 50 states and more than 170 foreign countries for its national content on laws and benefits specific to military and veteran households. This national site continues to be important to Maine families because the State ranks third in the country in the percentage of its population who are veterans.

Demographic information about people served because of MCLSF funding

MCLSF funds were the sole source of support for legal representation to 303 low-income Maine households in 2013. The average age of the MCLSF client was 43 and 57% of the group were women. Forty four percent of these client households included at least one person with a disability. Almost 14% of client households included a veteran or current service member.

MCLSF funding rovided partial support for an additional 7,200 cases handled by Pine Tree staff. As with cases funded exclusively by MCLSF, Pine Tree’s “typical” client for representation in 2013 was a single parent household with at least one minor child although people of all ages and household compositions were included in the service mix. Because of Pine Tree’s statewide service area and role as a “first resort/last resort” provider, there were several important characteristics that defined the clients who rely on Pine Tree for service:

- Thirty six percent of all clients received some household income from employment;
- Forty one percent of all client households included at least one person with a disability.
- More than 10% of client households included a veteran or current service member.
- Legal work benefitted 7,001 children
- Victims of domestic violence and sexual assault were also prioritized during 2013,

These totals do not reflect people served in ways other than individualized legal service. For instance, the tiny staff of the Migrant Farmworker Unit continued to conduct outreach to migrant workers in Maine for a range of seasonal harvest activities:

- 628 workers received legal information or consultations during outreach to 64 different labor camps through Maine;
- 1,364 copies of an innovative “Harvest Calendar” were distributed at the camps, (combining easy-to use legal information in Spanish and English with a calendar suitable for recording work hours)

- 286 newsletters were distributed at the camps addressing the laws impacting on H-2A workers as part of a regional collaboration in New England.

In 2013, Pine Tree was fortunate to hire Penobscot Nation tribal member Sherri Mitchell to staff its Native American Unit. Ms. Mitchell is only the second Penobscot Nation woman to be admitted to the practice of law in Maine, having been sworn into practice in May 2013. Together with staff in the Presque Isle and Machias offices, she helped conduct regular outreach to all of Maine’s tribal communities in Maine in 2012, 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 over 3,500 issues of “Wabanaki Legal News” (addressing important legal developments for Maine’s tribal populations) in two editions during the year.

Geographic area served because of MCLSF funding

The cases supported exclusively with MCLSF funding involved residents of 129 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 2013 involved residents of 505 Maine towns and communities. The following table reflects the allocation of cases on a countywide basis during 2013.

County	Cases funded only with MCLSF	Total cases
Androscoggin	20	902
Aroostook	24	718
Cumberland	88	1758
Franklin	4	77
Hancock	3	143
Kennebec	17	725
Knox	1	98
Lincoln	3	107
Oxford	8	166
Penobscot	33	916
Piscataquis	2	54
Sagadahoc	0	125
Somerset	6	130
Waldo	4	102
Washington	18	555
York	46	702

Status of matters handled

Staff continue to work on closing legal matters in the program database for which work was completed in 2013. At the present time, the database reflects the following level of service on cases handled in 2013:

Of the 303 cases handled exclusively with MCLSF funding, the status of each case is as follows:

- 131 involved individualized advice on a specific legal issue;
- 38 involved the provision of additional services, including assistance with legal forms or informal negotiations with an opposing party;
- 7 involved a formal negotiation outside the context of litigation;
- 32 involved a negotiation with litigation;
- 39 were resolved with a court decision or involved extensive transactional assistance; and
- 33 remained open on December 31, 2013.

The status of Pine Tree's total caseload during 2013 is as follows:

- 2,520 involved individualized advice on a specific legal issue;
- 760 involved the provision of additional services, including assistance with legal forms or informal negotiations with an opposing party;
- 216 involved a formal negotiation outside the context of litigation;
- 1,234 involved a negotiation with litigation;
- 682 were resolved with a court decision or involved extensive transactional assistance; and
- 1,561 remained open on December 31, 2013 (although this number will drop significantly as staff finalize data entry for 2013).

Relationship of services to MCLSF proposal

In 2011, Pine Tree began the year with a staff of 49 employees, including 28 attorneys working in the six field offices around the State. As a result of funding pressures that were noted during the 2013 MCLSF hearing, Pine Tree ended 2013 with a staff of only 45, and its attorney staffing level had dropped to 21 attorneys (of which fewer than 8 were supported with general funding.).

This represents a 20% loss since 2009 as a result of federal and state funding declines, especially for general legal services.

In the 2011 application, Pine Tree projected handling a minimum of 7,200 cases benefitting 20,000 Maine residents (which represented a significant decline from previous years and was based on certain assumptions about future funding from a range

of different sources.) As noted above, Pine Tree did achieve its case handling target, although those cases did not impact on the projected level of Maine residents.

Pine Tree also projected that it would prevail in 93% of the cases in which it was able to devote staff time to fully resolve the client's legal problem. In fact, Pine Tree prevailed in 96% of those cases, and the percentage of cases receiving full representation increased to 36% of the total number handled (as a result of a conscious effort to target limited resources in this way.)

As noted above and consistent with the 2011 application, some MCLSF funding was also used to maintain and update the Pine Tree library of legal education materials and self-help tools on program websites. As legal aid resources shrink, access to accurate legal education materials written at a 6th grade reading level, as well as other self-help tools and forms, has become even more essential. The Pine Tree websites remain a unique resource in Maine.

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 78 MCLSF cases closed with some level of extended service in 2013, all but 6 (92%) were resolved in favor of the Pine Tree Legal Assistance client.

Of the 2,132 cases involving extended representation and completed in 2013 with all sources of funding, including MCLSF, all but 85 (96%) were resolved in favor of the Pine Tree Legal Assistance client.

As noted in the 2011 application, Pine Tree continues to use outcome measures to track the actual impact of legal representation in client lives, demonstrating remarkable achievements for the individuals whose cases could be accepted by the program:

In 2013, Pine Tree's legal advocacy has already documented the restoration/return of over \$5.4 million to Maine families as a result of enforcement of legal protections/remedies for Pine Tree clients, and protected employment representing \$793,156 in income/year. Family law

advocacy also secured \$282,000/year in alimony and child support and almost \$57,000 in property for Pine Tree clients, especially victims of domestic violence or sexual assault.

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 15, 2014
Re: Maine Civil Legal Services Fund Annual Report
January – December 2013

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 and/or economic stability. 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 two days per week in our Biddeford office and two days per week in Sanford, with days spent in the Kittery office on an as-needed basis. If required, 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 1236 unduplicated clients, during 1963 office visits or phone calls. Of note:

- * Just over 42% 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 431 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.
- * 209 individuals, or approximately 17%, were referred to civil legal services providers such as Pine Tree Legal Assistance, Legal Services for the Elderly, Cumberland Legal Aid, other attorneys, etc.
- * 69% had incomes equal to or less than 125% of the Federal Poverty Guidelines; 84% had incomes less than 150% of the Poverty Guidelines; and 98% had incomes less than 200%.

Geographic Area Served:

ACTON	26	BUXTON	26	KENN'PORT	6	NEWFIELD	11	SANFORD	322
ALFRED	28	CORNISH	5	KITTERY	48	NO.BERWICK	28	SHAPLEIGH	17
ARUNDEL	16	DAYTON	4	LEBANON	44	OGUNQUIT	1	SO.BERWICK	23
BERWICK	67	ELIOT	31	LIMERICK	9	OOB	28	WATERBORO	56
BIDDEFORD	133	HOLLIS	11	LIMINGTON	12	PARSONSFIELD	7	WELLS	44
		KENNEBUNK	20	LYMAN	29	SACO	64	YORK	32

OTHER MAINE TOWNS 28 OTHER STATES 60

TOTAL: 1236 UNDUPLICATED CLIENTS 1963 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 family and economic stability.*

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 2013, 1236 unduplicated individuals were provided assistance, including 209 referrals to legal services providers, and 89 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 2013, we received the following responses:

"Huge help. We have a high volume of people at windows – it is very helpful. When we can we refer... mostly they need help understanding and navigating the process." "It is a huge impact. These parties need time to go over the forms line by line, time the clerk's office doesn't have... a great asset and resource for the clerks". "If we can refer people to her it can get them out of the courthouse faster and give them a sense of security." "Papers come in with fewer errors and the clients have fewer questions." "It makes a big difference when people arrive with paperwork filled out and more importantly procedural questions answered...clients seem more prepared – again their questions and concerns are addressed ahead of time."

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 2012, staff conducted a telephone survey of seventy-eight individuals who had received services through the Access to Justice Program in 2011-12, and were able to reach thirty. All but two believed that they were adequately prepared to represent themselves through the various court processes (i.e. case management conferences, mediation or hearings), and that the court clerks were satisfied with their paperwork. Twenty-six of the individuals surveyed reported a positive outcome: nine stated that their financial situation improved (for example, receipt of child support so could pay for security deposit and not lose new apartment) and seventeen stated that the court action provided more stability for themselves and/or their children (for example, a grandparent granted temporary guardianship of children in an unsafe situation). Two survey respondents stated they consider themselves to be safer; ten stated that their children or grand-children are safer. And fifteen of the respondents, or half, reported that they had delayed going to court because they lacked funds for fees and paperwork.

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

209 individuals were referred to a legal services provider, and an additional 89 were referred to a wide range of other resources and services, e.g. Caring Unlimited, DHHS, Social Security, 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 serious unmet need relates to clients who must represent themselves at a trial. In front of a judge, the Rules of Civil Procedure must be followed. When one side is *pro se* and the other side has an attorney, the self-represented individual is disadvantaged in a number of ways. They do not know how to prepare for court, questions to ask, how to subpoena witnesses, how to prepare exhibits, and how to testify. They can be overwhelmed or easily cut off by an attorney, and justice is not served. Going to trial is difficult under any circumstances, but being unprepared is a serious liability on the day of trial. When both parties are self-represented, they are still expected to follow the rules, but often the judges can be more lenient.

It would be helpful if a small booklet could be available, in simple and clear language, which detailed how to prepare for a trial. It could also provide guidance on conduct in court and proper ways to give testimonies and ask questions of witnesses.

- D) Finally, an issue which the court cannot address, but which impacts many low-income clients, is transportation. Many clients miss court dates because their car breaks down, they don't have the money for gasoline, a friend fails to pick them up as promised, and so forth. This is a great barrier to access to justice.

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 continuum of legal services that allow many poor Maine citizens access to justice.

Respectfully submitted,

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