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Maine Civil Legal Services Fund Commission

Report to the Joint Standing Committee on the Judiciary

127th Legislature, First Regular Session

February 2, 2015

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Maine Civil Legal Services Fund Commission

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MAINE CIVIL LEGAL SERVICES FUND COMMISSION

January 30, 2015

David D. Burns, Senate Chair
Barry J. Hobbins, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, Maine 04333-0100

RE: 2014 Report of the Maine Civil Legal Services Fund Commission

Dear Senator Burns and Representative Hobbins:

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

The Commissioners are now John P. Foster, Angela M. Farrell, and myself. Paul Chaiken's term as Commissioner expired on January 1, 2015, and we thank him for his significant contribution to the Commission both as a Commissioner and Chair of the Commission.

Included in the report are the individual reports from each of the nine recipients of funds. Distributions were made according to the following formula and in the following amounts:

Cumberland Legal Aid Clinic	6.4350%	\$88,743.55
Disability Rights Center	2.9800%	\$41,096.47
Immigrant Legal Advocacy Project	4.7025%	\$64,851.05
Legal Services for the Elderly	19.1565%	\$264,182.71
Maine Equal Justice Partners	10.8900%	\$150,181.39
Penquis CAP Law Project	1.2870%	\$17,748.71
Pine Tree Legal Assistance	47.7180%	\$658,067.53
Volunteer Lawyers Project	6.0390%	\$83,282.41
York County CAP	0.7920%	\$10,922.28

The Maine Civil Legal Services Fund continues to play a critical role in funding access to justice for Maine's vulnerable and needy low-income, elderly and disabled population. You will note that the Fund recipients indicate that without these funds they would be far more limited in the assistance they provide to their clients.

We will continue to monitor the good work performed by the fund recipients to ensure that the allocations from the Fund are used in a manner that will most efficiently and effectively maintain and enhance access to justice in Maine consistent with the provisions of 4 MRS 19-A. On behalf of all persons benefitted by this Fund, I thank you for your support.

If you or any members of the Committee have any questions, please feel free to contact me. I can be reached at 207-879-6054 or at mary@marytoole.com.

Respectfully submitted,

A handwritten signature in black ink that reads "Mary C. Toole". The signature is written in a cursive, flowing style.

Mary C. Toole, Esq., Chair
Maine Civil Legal Services Fund Commission

Enclosure

cc: John P. Foster, Esq., Commissioner
Angela M. Farrell, Esq., Commissioner
Paul Chaiken, Esq., Past Commissioner

**2014 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 2014 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, Refugee & Human Rights Clinic, and Protection from Abuse programs, but each program serves indigent clients almost exclusively.

A total of 57 students enrolled in Clinic courses during the spring and fall semesters in 2014. During the summer, the Clinic hired six law students to work as full-time interns, and one student worked as a full-time fellow 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 **General Practice Clinic**, a six-credit course, 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 2014, the Prisoner Assistance Clinic provided legal information, advice, and, in some cases, full representation to 135 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 a small number of 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.

The Clinic's newest program is the **Refugee and Human Rights Clinic (RHRC)**, a six-credit course which provides an opportunity for students to advocate on behalf of low-income immigrants in a broad range of cases and projects. The RHRC was developed as a collaboration with the Immigrant Legal Advocacy Project (ILAP), which refers most of the RHRC's clients. RHRC students assisted 91 immigrants and refugees during 2014. Full representation clients include asylum applicants who have fled human rights abuses in their home countries and are seeking refuge in the United States; immigrant survivors of domestic violence; immigrant victims of certain crimes; and abandoned or abused children seeking legal status in the United States. RHRC students, working with ILAP staff, also provide limited representation to individuals through Pro Se Forms Clinics to assist asylum seekers in applying for work authorization and to assist asylees (those who

have been granted asylum) in applying to bring family members to the United States. RHRC students also participating in a wide range of public education and outreach initiatives that reached hundreds of people, including creating and distributing fact sheets with information targeted to immigrant youth, workers, and survivors of domestic violence, and conducting training sessions on how to apply for asylum using a pro se manual developed in collaboration with ILAP.

Students enrolled in all Clinical 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 183 victims in 2014 in protection from abuse or protection from harassments matters in Lewiston District Court. The Clinic provided such representation in 2014 through support from the Fund, as well as federal funding received from the United States Department of Justice Office of Violence Against Women.

INFORMATION REQUESTED BY THE COMMISSION

The Fund provided nearly 12.3% percent of the total funds used by the Clinic for its programs in 2014 and approximately 43% 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, Refugee & Human Rights Clinic, and Protection from Abuse Program.² In 2014, the Fund provided the resources by which the Clinic was able to retain two of our four 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 53% of the Clinic's General Practice and Prisoner Assistance civil caseloads in 2014 (a total of 118 cases) and we also assisted 11 teens and young adults with family law matters through the Street Law Program. The Clinic handled 207 Protection from Abuse/Harassment cases (including two Maine Supreme Court appeals), for a total of 336 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 minor guardianship, *de facto* parent status, and protective custody. Other areas of civil legal services in the General Practice Clinic 2014 caseload

² The Clinic does some work in the areas of criminal and juvenile law, and those clients (a total of approximately 127 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.

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, civil rights, adult guardianship, non-profit/501(c)(3) status, social security, 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; minor 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, housing, emancipation, adult guardianship, family law, Protection from Abuse, Protection from Harassment, Special Juvenile Immigrant Status, employment and child protective through the Street Law Program at the Preble Street Teen Center. RHRC students assisted 17 clients who are seeking protection under federal asylum law, the Violence Against Women Act, or Special Juvenile Immigrant status, and 70 clients in completing work authorization applications.

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

In 2014, the Clinic provided civil legal assistance to a total of 482 individuals.³

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

The primary demographic information tracked by the Clinic is the client's county of residence. The county-by-county breakdown of our clients' places of residence is as follows: Androscoggin 185; Cumberland 255; Franklin 3; Kennebec 4; Knox 5; Lincoln 2; Oxford 4; Penobscot 3; Sagadahoc 1; Somerset 24; York County 15; Out of State 3.⁴ The Clinic assisted a large number of clients with Limited English Proficiency and/or who were born outside of the United States. During 2014, our clients' countries of origin included: Angola, Burundi, Democratic Republic of the Congo, Djibouti, El Salvador, Ethiopia, Honduras, Iraq, Mexico, Rwanda, Somalia, Syria, and Sudan. The Prisoner Assistance Clinic also assisted clients from Maine's tribes, including one with a matter pending in tribal court. The Clinic also represents a large number of people with disabilities, particularly those with serious mental and cognitive illnesses.

³ We have excluded from our calculations 37 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 2073, who contacted the Clinic for legal assistance last year by calling or walk-in and who were provide referrals to other agencies due to a lack of available openings or ineligibility for representation by the Clinic.

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

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 2014 we provided full representation to clients with cases in courts and agencies located in Portland (including the Maine Supreme Judicial Court, Federal District Court, and Department of Homeland Security), 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 2014. During the year, the Clinic opened 439 new cases and closed 430. The Clinic has 79 civil cases open at this time. With the start of the new semester in January 2015, we expect to take on several new clients in the upcoming weeks.

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

The Clinic has complied in all respects with the proposal submitted in September 2013. 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 (LegalFiles) 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 2014, there was nearly 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 2013 proposal to the Commission.

The Clinic continues to employ specific evaluation mechanisms to ensure that we are providing high 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 (for which they receive a final grade during the school year), 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, the Maine Legislature, and Pine Tree Legal Assistance (both Coffin Fellows are former Clinic students), as well as public interest law positions outside of Maine, including one who recently started working for the NGO RefugePoint in South Africa. 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 and Immigrant Legal Advocacy 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.

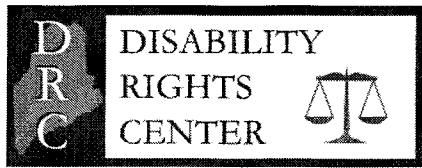
Respectfully submitted,

/s/ Deirdre M. Smith

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**DISABILITY RIGHTS CENTER
2014 ANNUAL REPORT TO THE
MAINE CIVIL LEGAL SERVICES FUND COMMISSION
JANUARY 14, 2014**

The Disability Rights Center is Maine's statewide protection and advocacy agency (P&A) for people with disabilities. Incorporated in 1977 as a private, nonprofit corporation, DRC's mission is to advance and enforce the rights of people with disabilities throughout the state. DRC currently employs 27 people, 15 of whom are attorneys.

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 A), 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 (DSA) 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.¹

¹ DSA employs five advocates, three of whom are attorneys.

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

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

In 2013, DRC applied for funds to hire a full time attorney and was awarded 2.98% of the fund. For 2014, DRC received \$35,961.66 from the fund.

DRC used the MCLSF funding to supplement our federal funding in cases where the caller has a disability, lives in poverty and has experienced disability based discrimination or a violation of his or her rights as a citizen with a disability. The award is essential to DRC in ensuring 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.

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 in that DRC uses the funding to supplement our federal funding to provide legal services 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. 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.

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

Appendix B includes 22 case examples that provide a description of the types of cases DRC attorneys handled during 2014. Because the amount of the award did not allow DRC to hire a full time attorney, 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 2014 are listed below:

<u>Problem Area</u>	
Abuse, neglect and other rights violations	112
Community integration/integrated settings	83
Due process	22
Education	119
Employment	41
Financial entitlements	0
Government services/public accommodation	56
Guardianship	2
Health care	4
Housing	40
Social Security Beneficiaries	2
Total	488

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

DRC attorneys provided direct legal representation to 507² clients on 488 cases.

In addition, the DRC advocates, each of whom is supervised directly by an attorney case handler, provided direct legal advocacy to an additional 320 individuals cases in 382 cases.³

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

Gender

Female	224
Male	264
Total	488

Ethnicity

American Indian	9
Asian	2
Black	5
Hispanic/Latino	2
Multi-ethnic/multi-racial	13
Somali	3
White	428
Declined	1
Unknown	25
Total	488

Disability

Absence of extremities	3
ADD/ADHD	0
AIDS/HIV	4
Autism	53
Blindness	4
Brain Injury	13

² These numbers include cases handled by DRC staff attorneys, not including the three DSA staff attorneys.

³ These numbers number includes cases handled by the three DSA staff attorneys and DSA non-attorney advocates, as well as non-attorney advocates in other programs. None of the numbers include cases handled by the advocates at the two state psychiatric institutions and one private hospital.

Cancer	3
Cerebral Palsy	32
Deafness	20
Diabetes	2
Epilepsy	5
Hearing impaired	4
Heart/circulatory disorders	3
Intellectual disability	30
Learning Disability	2
Mental Illness	238
Muscular dystrophy	2
Muscular/skeletal	3
Specified Learning Disability	13
Neurological Disorders	9
Physical/orthopedic	39
Respiratory	1
Spina Bifida	2
Substance abuse	0
Visual impairment	3
Total	488

<u>Age</u>	
Birth – 18	167
19 – 30	62
31 – 40	52
41 – 50	73
51 – 60	81
61 – 70	39
71 and older	14
Total	488

<u>County</u>	
Androscoggin	44
Aroostook	18
Cumberland	115
Franklin	8
Hancock	11
Kennebec	82
Knox	10
Lincoln	2

Oxford	15
Penobscot	66
Piscataquis	6
Sagadahoc	15
Somerset	18
Waldo	13
Washington	8
York	42
Out of state	15
Total	488

No. of cases

Opened in 2014	404
Closed in 2014	300
Active in 2014	577

- **Whether and to what extent the organization has complied with its proposal submitted to the Commission.**

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.

- **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 comprised of both attorneys and

advocates. 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 to monitor cases and projects and to assess and record team progress on annual program priorities.

The state funded Developmental Services Advocates (formerly known as the Office of Advocacy) 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, as is the privately contracted advocate who works in a free standing psychiatric hospital.

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.

Appendix A

DRC's Federal Programs

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

In order to receive federal funding under the DD Act, states were required to create and designate a P&A agency. In 1977, the Maine Legislature had the foresight to create Maine's P&A agency independent of state government. Later that year, then Governor James Longley designated the Advocates for the Developmentally Disabled (ADD) as the state's P&A agency. ADD later changed its name to Maine Advocacy Services, and then to 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).

Appendix B

Sample Closed Case Report 2014

Children's Services (including Education)

- The blind mother of a child with a developmental disability living in a residential placement contacted DRC because her daughter's residential provider was threatening to discharge the daughter, not because the client was ready to be discharged, but because her mother was not able to attend family therapy. The client's mother was unable to attend family therapy because DHHS's non-emergency transportation broker would not provide her with transportation. The DRC was able to negotiate with DHHS so that broker would provide the mother with non-emergency transportation so that the client's mother could attend family therapy.

- Two children, one with autism and multiple health conditions and the other with a intellectual disability continued to receive the services they needed after DRC intervened. Both clients lived in residential homes for over a year and had been receiving 1-to-1 support due to their high medical and behavioral needs. The parents contacted the DRC after DHHS's agent attempted to significantly reduce the number of hours when the clients could receive 1 to 1 support. The agent acknowledged that it was medically necessary for the clients to continue receiving 1:1 support at the same level but contended that Maine's regulations provided that this service was intended to be temporary and should continue for more than a month. In reviewing the files, the DRC discovered that the DHHS had failed to consider whether the children should receive continued 1:1 support through the Early Periodic Screening Diagnostic and Treatment (EPSDT). It turned out that DHHS had no process for looking at children who were denied services pursuant to Maine's regulations but who were entitled to receive them under the EPSDT benefit and needed them. DRC met with DHHS senior staff and advocated that the EPSDT process in Maine should be changed so it complies with federal EPSDT requirements and previous Maine consent decrees. DHHS agreed to change its EPSDT process and approved the clients' continued 1:1 services without the need for an administrative appeal.

- The parent of a 16 year-old Student who is Deaf contacted DRC because the student wanted to continue to attend his neighborhood high school, where he participated in cross country and track. The District claimed it could not find sufficient services from a Teacher of the Deaf to maintain him at his home high school, and instead sought to place him at the Baxter School, which would

have required the Student to spend 2 hours each way on the bus. The DRC education advocate assisted the family in seeking "stay put" so that the student would not have change schools, first through a stand-alone mediation, then through a state complaint. The mediation was unsuccessful and the advocate and the attorney determined that a due process hearing was appropriate. The DRC attorney drafted a due process hearing request. Settlement discussions were not fruitful until the prehearing conference, on the eve of the hearing. Following this conference, the District agreed to maintain the Student in his home high school for the remainder of the year, agreed not to place the student at the Baxter School without the consent of the Student and his Parent, agreed to provide compensatory education services for each hour it was unable to provide the Teacher of the Deaf services in the Student's IEP, and agreed to pay a significant portion of attorney's fees and costs. (Atlee-1427595)

- The parent of a 5 year-old student with Autism contacted DRC regarding concerns that allegations of abuse at school were not adequately investigated. The DRC attorney notified the school district, the local police department, DHHS and the Maine Department of Education of the parent's concerns and assisted the parent in gathering all available information. The school district terminated the alleged perpetrator. The school district subsequently met with the parent and explained its investigation in further detail. In addition, the district took steps to improve its communication with all parents in its Autism program and the school climate was improved. The case illustrated a gap in the protective system for children because it became clear that complaints of this nature are referred to licensing in the Department of Education and not investigated by DHHS. As a result of this case, legislation was introduced assigning the responsibility for investigating these cases to DHHS. The text of the bill changed to become a study group that has produced a draft report.
- The parent of a 3 year old student with an intellectual disability contacted DRC because the student was not receiving appropriate early intervention services. The DRC advocate determined that Child Development Services (CDS) had failed to provide services in a timely manner due in part to flawed evaluation procedures. The DRC advocate filed a Complaint with the Maine Department of Education. The DRC attorney attended mediation with the family and the matter was resolved. The resolution included compensatory education services, additional hours of speech and language services, and reimbursement to the parent for all costs for privately obtained evaluations.

- A case manager for a 13 year old student with Autism contacted DRC because the school was pushing to change the student's placement after he was discharged from the hospital, and, when the parent refused, was isolating him with a teacher for the majority of the day. The DRC attorney attended an IEP Team meeting where the district agreed to return the student to his previous educational placement, add the services of a consulting psychologist to the IEP team, conduct additional evaluations, and focus on preparing the student for the transition to a high school based program the following year.
- The case manager for a 20 year old student with an intellectual disability contacted DRC because the student was living in emergency housing but wanted to finish out the school year in her previous school district. When DRC was contacted, the student was not receiving educational services. DRC contacted the district and asked that transportation to and from the student's program begin as soon as possible. Transportation was arranged for the following week and the student returned to her program.
- The mother of a 13 year old student with a mental illness, who had been hospitalized three times in the past 12 months due in part to inappropriate educational services, contacted DRC. The DRC attorney concluded that the lack of a therapeutic program at school was placing the student at risk for future hospitalizations. The DRC attorney attended an IEP meeting with the family and advocated for the private therapeutic day treatment placement recommended by the student's providers. The district stopped the meeting and scheduled a follow up meeting with a representative from the private program in attendance. The DRC attorney attended this follow up meeting and the placement was approved.

Mental Health Services

- A 60 year old woman with mental illness who was receiving from a mental health agency contacted DRC after her daily living skills support services (DLSS) were terminated with no notice or referral to other services in violation of her rights. Client had been receiving these in home services for several months when the agency scheduled a meeting with the client and her community support worker. Unbeknownst to either of them, the meeting was to inform the client she was being discharged from services. An administrative grievance was filed against the agency alleging state regulations violations. The regulations required that the client be given notice of the decision to terminate along with appropriate referrals to other services. The agency responded to the

grievance by issuing the client an apology and changing their discharge policies to ensure that such a discharge does not happen in the future.

- A 26 year old woman with mental illness under public guardianship contacted the DRC after she was told that she may have to move from her own apartment into a group home because she was receiving an unusually high number of hours of in-home Daily Living Support (DLS). She also said that she wanted fewer hours of support services. Through DRC's intervention, an agreement was reached to reduce the number of DLS hours while she is at school. As a result of DRC's advocacy, referral to a more restrictive group home was prevented. Client is also receiving fewer hours of DLS services as she requested, and has gained increased independence.

Housing

- The guardian of an adult male with an intellectual disability contacted DRC after the ward had been told to move out of his residence with less than twenty-four hours' notice. The client did not want to move and the guardian thought that there should be better transition services in place before any move took place. DSA Attorney contacted the guardian and assisted the client in filing a grievance and contacted the service provider to ensure that the services stayed in place pending the resolution of the grievance. As part of the grievance, the service provider agreed to meet with the guardian to address her concerns. During the meeting, the service provider agreed that the client did not need to move.
- The administrator of an assisted living facility (ALF) called the police asserting that one of its residents, a 53 year old man with mental illness, was suicidal and needed to be removed. The client was transported to an emergency room where he was evaluated and subsequently deemed clinically appropriate for discharge back to the ALF. The administrator refused to allow the client to return asserting that he had discharged himself. The client remained in the hospital due to this refusal. State licensing regulations allowed for this type of discharge decision to be appealed to the Department of Health and Human Services (DHHS). A hearing was held and the DHHS found that the ALF had discharged the client in violation of the regulations. The client, however, decided not to be discharged back to this ALF, but instead choose to be discharged to a different ALF.
- A federally subsidized housing voucher belonging to a 30 year old woman with mental illness was terminated by the housing authority administering it due to her failure to appear at an informal hearing. The client had been involuntarily admitted to a psychiatric hospital several days after the date of this hearing and her treating providers were of the opinion that on the date of the hearing, she

was unable to attend the hearing due to her disability. DRC made a reasonable accommodation request of the housing authority to rescind the voucher termination and reschedule the hearing sometime after the client's discharge from the hospital. The housing authority agreed to grant this accommodation and to schedule a new hearing.

- A 49 year old man with mental illness faced possible eviction proceedings and potential loss of his federally subsidized housing voucher due to the behaviors of his 7 year old grandson who had an intellectual disability and also lived with the client. The client was given a notice terminating his tenancy due to the grandson's behaviors which included damage to the property. The client had no other housing options and, if evicted, would have lost his federally subsidized housing voucher. Prior to the expiration of the notice terminating the tenancy the grandson was admitted to a developmental disabilities unit of a psychiatric hospital. An intensive outpatient community treatment plan was created in order to address the behaviors upon his discharge. The DRC made a reasonable accommodation request of the landlord to rescind the notice to terminate the tenancy and allow the family to remain in the apartment due to the new treatment plan's addressing of the behaviors that were the cause of the notice to terminate. The landlord agreed and rescinded the notice and the grandson returned from the hospital with the new services in place.

Public Accommodations

- A restaurant in Maine will become fully accessible to people with disabilities after an elderly woman with neurological impairments who used a seated walker contacted DRC. The client went to the restaurant's restroom which was so small it could not fit her walker. She could not use her walker in the stall and almost fell twice. She did not make it in time due to the lack of accessibility, which was humiliating and embarrassing. When client's adult daughter complained to the manager, he told her they don't have to be accessible. The family's additional calls to the corporate office to complain about the lack of accessibility at the restaurant were ignored. Client then contacted DRC and a DRC attorney filed a Charge of Discrimination on client's behalf with the Maine Human Rights Commission alleging violation of the ADA and MHRA. Soon thereafter, counsel for the restaurant contacted DRC to discuss settlement. A DRC attorney successfully negotiated terms of settlement including complete reconstruction of the restroom and full compliance with the ADA and MHRA, ADA training for all managers, compensatory damages for client and attorney's fees for DRC.

- An 82 year old woman with a visual impairment contacted DRC because Amtrak was attempting to exclude her service animal by (1) asking impermissible questions about whether the animal was certified and (2) requiring that the animal's trainer be present on the trip. DRC contacted NDRN and was referred to the Department of Transportation. Client called us back a few weeks later to report that Amtrak was no longer asking her impermissible questions about her service animal when she called to make reservations.

Assistive Technology (Durable Medical Equipment)

- A 52 year old man who had his leg amputated above the knee as a result of an accident contacted DRC after MaineCare denied his request for a myoelectric knee. The DRC attorney appealed the denial and obtained a reversal of the decision, arguing that the DHHS policy of requiring individuals to first master a hydraulic knee before obtaining a myoelectric knee functioned as an impermissible absolute prohibition on funding medically necessary mobility equipment. The hearing officer agreed and issued a strong decision, concluding that the "microprocessor knee is medically necessary based on the evidence presented. Furthermore, I find it would be unreasonable, costly, and a detriment to [the individual's] rehabilitation for [DHHS] to require that [the individual] prove that he had mastered the hydraulic knee first before the microprocessor knee could be approved, as this prerequisite ignored the medical evidence and recommendations from the treatment team."
- A 71 year old woman who is hard of hearing called DRC seeking assistance in obtaining assistive hearing devices (AHD) so that she could fully participate in town council meetings and because programming at her local public library was inaccessible to her. DRC investigated Client's issue and called several town managers to determine what kinds of auxiliary aids are generally provided to persons who are hard of hearing in towns of similar size throughout the state. Shortly thereafter, Client contacted DRC again after the Town Manager promised her the Town would install an AHD system in council chambers. DRC requested confirmation and a few weeks later, DRC received a call from Town Manager informing us that the AHD system had been installed and was available. DRC requested that the Town also advertise the availability of the AHD system on their website and in signage in the Town Hall building. DRC also negotiated with the Library Director and the Library also purchased an assistive hearing system to accommodate patrons with hearing loss.

Class Action

Implementation of Class Action Settlement to Move Individuals Out of Nursing Facilities FY2014

- As a result of a 2011 settlement of a class action filed by the DRC and Maine Equal Justice Project and a private attorney, 11 individuals, including 2 Named Plaintiffs, moved from nursing facilities and into the community in 2014. DRC and co-counsel settled the class action brought on behalf of persons with cerebral palsy, epilepsy, and "other related conditions" to move them out of nursing facilities and into the community. The case brought claims under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act for the State's failure to provide appropriate community services for these individuals. In order to resolve this claim, the State agreed to create a new home and community based waiver (HCBW) that would serve individuals in the community. In addition, to resolve claims under the Pre-Admission and Resident Review provisions (PASRR) of the Nursing Home Reform Act for the State's failure to provide necessary "specialized services" to these individuals, the State agreed to review and revise its PASRR program to comply with federal law. The DRC discovered systemic obstacles that were preventing individuals from moving out of the nursing facilities to the community, including the lack of availability of affordable housing and the limited number of providers that have signed up to provide services. The DRC and co-counsel successfully negotiated with the State to have the State's case monitor and a DRC advocate work with individual plaintiffs to have their individual care plans reflect their individual needs for specialized services. They met with all of the class members who are currently residing in nursing facilities and who were not seeking services under the waiver. This process is ongoing and the DRC and DHHS continue working with individual clients to have their care plans revised by incorporating specialized services.

Employment

- DRC represented a 16 year old minor with one leg and half a pelvis who was hired in a summer position to work on a cash register. Soon after client began working, problems arose. Client's wheelchair would not fit under the register and the employer would not alter the registers for her. The employer agreed to provide the client with a chair, but did not always do. When the chair was not provided, the client was in pain as she was forced to stand. One of the managers told client on two different occasions, "if we were to give you a chair, everyone would want a chair." Another manager asked client why she did not use a prosthetic leg. On the last morning that client worked, she had come in at the last minute to fill in. When she arrived at work, client found no chair and

she was forced to begin working right away and standing for a prolonged period, which caused significant pain. She asked for a chair but it was very busy and no chair was provided. After about 3.5 hours on crutches, client told the manager that her back was hurting and that she was unable to stand for the rest of her shift. The manager told client that “this was not working out” and client was terminated. DRC attorney filed a Charge of Discrimination with the Maine Human Rights Commission alleging failure to accommodation and illegal termination. Thereafter, counsel for the employer requested to engage in mediation at the MHRC, which resulted in a confidential settlement agreement which included back wage and compensatory damages for client; attorney’s fees for Disability Rights Center and training at the store within six months of the date of the agreement.

- DRC represented woman, in her forties, who had been hired into a job she loved after having been on Social Security Disability for years for a mental illness. About a month after she was hired, she experienced an epileptic type seizure at home, for the first time in her life, and her husband rushed her to the hospital. She was diagnosed with a seizure disorder. She then contacted her supervisor via email (as this was the customary way they communicated), explained what had happened and requested a reasonable accommodation of about a month off leave to find the right course of treatment. The supervisor completely ignored the request, which prompted the woman to contact the supervisor a second and third time. Finally she was directed to contact human resources office, who informed her that she would not qualify for FMLA because she had been employed for too short a time. The company denied her request for leave and terminated her employment. When the woman inquired, the director said she was let go because the employer did not want the woman to be in an “unsafe situation.” She contacted Disability Rights Center for assistance and a DRC attorney filed a charge of discrimination with the Maine Human Rights Commission and undertook negotiation with counsel for the employer. After the charge was filed, the employer agreed to reinstate the woman back into her same job; undergo ADA training for key employees; pay monetary damages and attorney’s fees to Disability Rights Center.

Community Integration

- A 54 year old man under public guardianship who has a brain injury, terminal esophageal cancer, and multiple other conditions contacted the DRC requesting assistance after having been confined in a hospital without sufficient medical justification for over a year. Client did not want to spend his remaining months confined in an institution. Legal director began negotiating with DHHS for his immediate release to a less restrictive setting. When it

appeared that DHHS's efforts to find a less restrictive placement were at a standstill, the DRC's post graduate legal fellow prepared a Motion for Preliminary Injunction to file with the court. Just prior to filing, the hospital contacted the DRC that DHHS had approved client's transfer to a neurorehabilitation facility out of state.

- DRC successfully represented a girl with a developmental disability at an administrative hearing. As a result, she was able to retain her targeted case management services. The hearing officer found that in initially denying the client's services, DHHS's agent was imposing criteria that did not exist in regulation.
- For the past several years, a 20-year-old woman with an intellectual disability and multiple, significant medical conditions received 70 hours per day of private duty nursing services, which has allowed her to live at home with her parents. The client's mother contacted the DRC because Goold Health Systems (GHS), the assessing agent for the Department of Health and Human Services, conducted an advisory assessment of the client in anticipation of her 21st birthday. According to the assessment, the client only receive 38 hours of nursing services when she turned 21. The client's mother appealed the determination and sought the DRC's assistance. The DRC attorney represented the client in a pre-hearing conference. The DRC attorney also prepared a federal complaint and motion for a temporary restraining order asserting that the reduction violated the client's ADA rights under the Olmstead decision. To avoid this litigation, 4 days before her 21st birthday DHHS agreed to continue providing the client with 70 hours per week of nursing services.

Government Services

- Every Office of Family Independence (OFI), Department of Health and Human Services across the State of Maine will be equipped with Video Remote Interpreting (VRI) to help ensure effective communication with the Deaf. The OFI lacked the capacity to provide a Deaf client, a single mother with three children, with effective communication when she came in for assistance on multiple occasions. The client was denied an interpreter when she attempted to apply for aid, to obtain emergency housing assistance and for a scheduled meeting. After attempting to resolve the case on amicable grounds, DRC files suit under the ADA, Sec. 504 and the MHRA. DRC asserted that while the State of Maine provides hearing individuals with limited English proficiency with instant interpreting services, the State refused to provide Deaf individuals with VRI. The parties agreed to mediation and reached resolution.

- A 71 year old woman who is hard of hearing called DRC seeking assistance in obtaining assistive hearing devices (AHD) so that she could fully participate in town council meetings and because programming at her local public library was inaccessible to her. DRC investigated Client's issue and called several town managers to determine what kinds of auxiliary aids are generally provided to persons who are hard of hearing in towns of similar size throughout the state. Shortly thereafter, Client contacted DRC again after the Town Manager promised her the Town would install an AHD system in council chambers. DRC requested confirmation and a few weeks later, DRC received a call from Town Manager informing us that the AHD system had been installed and was available. DRC requested that the Town also advertise the availability of the AHD system on their website and in signage in the Town Hall building. DRC also negotiated with the Library Director and the Library also purchased an assistive hearing system to accommodate patrons with hearing loss

Appendix C

Unmet and Underserved Need

Over the past 5 years, DRC has received minimal increases in some of its federal programs or been flat funded in others. As a result, DRC has lost staff. For example, in 2012, DRC lost two staff attorneys both of whom were not 100% restricted to federal grants and so were “generalists” and could take a wide array of cases, including those billed exclusively to the Fund. DRC also reorganized and becoming more selective in the cases we take on. An example of becoming more selective is the nursing home waiver cases. DRC used to represent individuals receiving services under the two nursing home waivers, if the individual was threatened with a significant reduction of hours of service. For the last couple of years, because of funding, DRC has only represented individuals if the threatened loss of service hours would result in institutionalization. DRC handles significantly fewer of these cases as a result. Because of these staff reductions and more selective case selection criteria, there is unmet need in the cases where we do represent.

Children

DRC has two attorneys dedicated to special education, yet special education advocacy remains the area of greatest need for legal assistance. There remains no discrete federal funding for education advocacy. DRC uses federal funds from its state appropriation, Developmental Disabilities Program and Mental Health Program, (both intended to serve adults) and uses them to fund the attorneys who handle special education matters. The federal funding limits DRC’s ability to address special education issues, as we can only take cases of children who have developmental disabilities or serious mental health issues. 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.

The only state or federal money earmarked for special education advocacy for children and families in Maine is the legislative appropriation to the Disability Rights Center, which has been reduced over the last few years. Yet, the State Department of Education (DOE) reimburses districts for a portion of the costs they spend on special education attorneys. 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.

Many children who receive special education services are also eligible for children's mental health services. DRC has created a Children's Team that looks at these and other issues, and meets regularly with the Office of Child and Family Services within the Department of Health and Human Services.

Some of the other children's issues are children with disabilities (either behavioral or developmental) who are placed out of state because of the lack of appropriate resources within the state. While DHHS and DOE, and in some cases DOC, have responsibility for monitoring what happens to these children, usually it is inadequate. There is no clear authority or resources to ensure the needed oversight to protect these children and ensure that they are receiving adequate services. Children with disabilities placed out-of-state, because of developmental or mental health issues, need to be monitored. This remains an unmet need.

Finally, DRC recognizes that much work needs to be done within juvenile justice system. Many of the children incarcerated in those institutions have disabilities and are eligible for special education services. DRC is currently looking into children with disabilities who are ensnared in the juvenile justice system, we do not have the resources to address this need as it should be addressed.

Brain Injury

State and private funding that allowed DRC to create the Brain Injury Information Network (BIIN) has ended. BIIN has folded. DRC was also 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. DRC is severely limited in the brain injury case work, outreach and training that it can do.

Privacy

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

Housing

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. This includes people who may be facing eviction because of their children's disabilities. It also includes those who need housing accommodations.

Employment Association cases

Because DRC's is limited to representing individuals with disabilities, we cannot

represent individuals who are in danger of losing their employment because of their association with a person with a disability. Most often, this occurs when a parent of child with a disability must leave work because of their child with a disability. Parents are often called by schools to pick up children and remove them from the school, meaning the parent must leave work. This also occurs when an individual is a caregiver for a person with disability.

Deaf

The Maine Center on Deafness (MCD) no longer has a staff attorney. MCD now looks to DRC to fill that void. The ability of DRC to do so is limited.

Mental Health

The mental health needs of those in jails and prisons remain unmet. DRC does not have the resources to see that the mental health needs of individuals with mental health needs, adults and juveniles, who are incarcerated, are met.

Guardianship

When children with disabilities turn 18, their parents often seek, and are awarded, full guardianship. Some people with disabilities are placed under guardianship because they make a “bad” decision, a decision if made by someone not under guardianship could not result in guardianship. People with disabilities who do not need a guardian are often placed under guardianship, without objection. DRC is working on alternatives to guardianship, including supported decision making. DRC is also working to challenge the guardianship of individuals who do not need a guardian or only need a limited guardian.

Personal Injury/Medical Malpractice

People with disabilities who are injured or who receive substandard medical care often do not have their day in court. Private attorneys are reluctant to take on cases involving people with disabilities who are injured or who receive substandard medical care, sometimes because of the value of the case and sometimes because of the complexities of the lives of those individuals. DRC does not have sufficient resources or the expertise to seek justice for individuals with disabilities who are injured. This is an unmet need.

Public Accommodations

July 2015 is the 25th Anniversary of the Americans with Disabilities Act (ADA), yet some public accommodations remain inaccessible to people with disabilities. DRC is actively involved with celebrating the ADA’s 25th Anniversary. However, DRC’s resources are limited. DRC understandably gives 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 cannot enjoy equal access to public or private goods and services.

Other

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 and DHHS child protective services issue. Another serious unmet need in Maine are 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.



IMMIGRANT LEGAL ADVOCACY PROJECT

FY 2014 Annual Report (January 1, 2014 – December 31, 2014)

The Immigrant Legal Advocacy Project (ILAP) is pleased to present the Maine Civil Legal Services Fund Commission with its 2014 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, and consultations for Maine's criminal defense attorneys on the potential immigration consequences of criminal convictions; 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 Asylum 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 2014, 94% 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 2014 were critical to our ability to offer legal assistance to benefit a total of 2,721 individuals including 2,558 at no fee (94% of our clients) and 163 individuals at low-fee, residing in all sixteen of Maine's counties. 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 2014, the MSCLF grant supported direct legal aid provided at no fee to **2,558 individuals**¹, 1,805 of whom received various services through ILAP's *Immigration Clinic*. The rest were full representation clients, including those whose cases were opened in 2014 and those whose cases were opened in prior years and were still ongoing in 2014.

In 2014, ILAP's clients came from all 16 of Maine's counties. The following demographics were represented: Males: 53.2%; Females: 46.8%; under 18: 15%; ages 18-60: 81%; over 60: 4%.

Additional demographics include the number of clients in categories of citizenship and ethnicity: U.S citizens by birth: 3%; U.S citizens by naturalization: 9%; noncitizens: 88%; Africans: 66%; Latinos: 16%; Caucasians: 13%; Asians: 5%.

ILAP also collaborated in 2014 with dozens of entities statewide, including the Refugee and Human Rights Clinic at the University of Maine School of Law, 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 2014, ILAP's **6.6 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 94% of ILAP's clients received free services in 2014. Those who attend our education and outreach events, all provided without charge, are not included in the "direct services" number.

All Clinic Services: 1,529² matters, directly benefiting 1,920 individuals. Services included:

- 386 attorney consultations for 307 individuals;
- 400 brief legal advice provided during intake screenings (in addition, 75 individuals were referred during intake, and are not counted as matters);
- 23 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;
- 68 individuals attended naturalization presentations;
- 47 persons received brief interventions (without an ILAP attorney entering her appearance as the person's attorney);
- 604* *pro se* immigration forms assists were completed, and 62 were in progress at year's end, including:
 - 100 permanent residency applications (12 in preparation at year's end);
 - 34 citizenship (naturalization) applications (8 in preparation at year's end);
 - 53 family-based visa petitions (9 in preparation at year's end);
 - 183 work authorization applications completed (12 in preparation at year's end);
 - Temporary protected status granted to 15 clients;
 - 7 Applications under President Obama's Deferred Action for Childhood Arrivals (DACA) program completed (1 in progress);
 - 227 other types of applications or assists (including applications for replacement permanent resident cards, refugee travel documents, and humanitarian parole, among others), 20 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 2014, ILAP's staff and *Pro bono Immigration Panel* attorneys provided full representation services in **267 cases benefiting 457 clients with complicated immigration issues** (including cases still open from prior years). Case activity under the grant included³:

- Cases opened: 69
- Cases closed: 140
- Cases open at year-end: 225 for 259 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: 19 granted;
- Asylum applications pending or in preparation: 145;
- Initial stage of residency granted: 25 (including 2 domestic violence survivors' cases);
- Initial stage of residency applications pending or in preparation: 39 (including 2 domestic violence survivors' cases);
- Permanent residency (final stage) granted: 15;
- Permanent residency (final stage) applications pending or in preparation: 14 (including 5 domestic violence survivors' cases);
- Employment authorization applications granted: 11;
- Employment authorization applications pending or in preparation: 31;
- Naturalization to U.S. citizenship applications granted: 3;
- Removal proceedings successfully terminated (to allow applications to be pursued affirmatively before USCIS), or closed (because relief granted): 2;
- Cases finally denied (including after appeals): 2;
- Other applications approved: 25.

ILAP measures the quality of its full representation work by tracking the outcomes of all intermediate or final decisions received. In 2014, ILAP had a 98% approval rate for full representation cases that received a final decision. 100 applications were approved and 2 were denied. Immigration cases can take years in the ordinary course to receive final decisions; three to five years is common.

Education and Outreach: During 2014, ILAP conducted 73 education and outreach events throughout the State attended by 1,578 immigrant community members and service providers, regarding relevant Constitutional and immigration laws. This number also includes 54 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 and interviewed 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 2014 include:

- **Advocacy on Asylum Issues:** ILAP worked in collaboration with national and local partners to address significant problems with the asylum adjudication process. Asylum applicants are currently waiting for several years for an asylum interview, and those in court are being scheduled out into 2020. ILAP's Asylum Coordinator Phil Mantis participates in a local Asylum Working Group to address these issues. ILAP's Executive Director Sue Roche, along with other members of the New England Chapter of the American Immigration Lawyers' Association, met with Maine's Congressional delegation

to discuss these issues and suggest administrative fixes. Due in part to these advocacy efforts, U.S. Citizenship & Immigration Services has opened a Boston Asylum Office that will have jurisdiction over Maine cases. Maine asylum applicants will no longer have to wait for New Jersey asylum officers to make circuit rides to Maine (in past years they only made 1-2 trips each year to adjudicate 40 asylum applications, while over 500 cases remain pending).

- **General Assistance Advocacy:** In partnership with other organizations in the Maine Immigrants' Rights Coalition, ILAP testified before the Department of Health and Human Services against a proposed rule to eliminate general assistance benefits for immigrants, including asylum seekers. ILAP played a key role in providing legal expertise on the asylum application process and the relevant immigration laws. ILAP Executive Director Sue Roche was interviewed numerous times by the media on this issue.

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 2014 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 2014, over 120 *pro bono* attorneys donated \$800,000 worth of services in their asylum cases.

During 2014, ILAP also saw an increase in the number of unaccompanied minors seeking immigration legal assistance. Many have been abused, neglected, or abandoned by their parents and qualify for Special Immigrant Juvenile Status. ILAP has worked hard to develop relationships with family law attorneys who can handle the family law component of those cases. A shortage of *pro bono* attorneys has been a challenge.

ILAP anticipates an additional increase in demand for services as President Obama's executive action on immigration is implemented early this year. Hundreds of Maine immigrants are likely to qualify and will be turning to ILAP for assistance. ILAP staff have begun outreach and eligibility screening throughout the state, with events in Portland, Lewiston and Milbridge. We will follow up with those who qualify once the application process begins, and assist individuals in completing their applications and compiling documentation.

6. Conclusion

The MCLS Fund was a critical partner in ILAP's mission in 2014, 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 2014 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 2014

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 2014. The financial support provided to LSE by the Maine Civil Legal Services Fund (“MCLSF” or the “Fund”) is used to provide free legal help to disadvantaged seniors when their basic human needs are at stake. This includes things like shelter, sustenance, income, safety, health care and self-determination.

In 2014, LSE offered the full range of legal services described in the request for funding submitted by LSE to the Commission. During this reporting period, the Fund provided 24% of the funding required to provide the legal services described in this report. The Fund remains LSE’s single largest source of funding and LSE would not be able to provide services on a statewide basis without the support of the Fund.

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

STATISTICAL INFORMATION

Number of People Served

In 2014, 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 defense;
- 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; and
- Financial and health care powers of attorney.

This reflects a 16% increase over the service levels in 2013. This increase was managed by continuing to provide less and less service to many of those who seek help from LSE while directing LSE’s shrinking resources toward those most at risk of harm and where the resources will have the most impact. See **Attachment B** for more detailed information about LSE’s service levels.

LSE's staffing levels are at historically low levels and LSE is increasingly dependent upon short term and temporary sources of funding to maintain even this low staffing level. The direct legal services staffing in 2014 is the same as 2013 and included: .80 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. This is a total of only 11.65 FTEs of direct legal services staff (including supervisory staff). Of these positions, **2.6 FTEs (24%) were entirely dependent upon short term grant funding.**

LSE's attorneys are handling 500 matters per year on average, with the Helpline Attorneys handling about 1,300 matters per year (entirely by phone) and the Staff Attorneys, who are doing full representation/litigation, handling a much lower case volume due to the complexity of the matters they are handling. Most seniors served exclusively by the Helpline would benefit from more intensive services.

Types of Cases Handled

The following chart breaks down the number of cases handled in 2014 by general case type. **Attachment C** to this report provides a detailed chart of case types.

LSE CLIENT SERVICES BY GENERAL CSE TYPE	
Case Type	Total
Self Determination (1,256)	23%
Consumer/Finance (1,172)	22%
Housing (1,162)	22%
Health Care (684)	13%
Miscellaneous (281)	5%
Income Maintenance (249)	5%
Individual Rights (includes elder abuse and exploitation) (241)	4%
Family (242)	4%
Employment (114)	2%
Total Cases (5,401)	100%

The greatest overall demand for LSE services based upon total legal matters handled (not time spent on the cases) was in the areas of self-determination/aging preparedness (probate, powers of attorney, advance directives, will referrals), consumer issues (debt collection, consumer fraud, creditor harassment), housing (public and private housing, foreclosures, evictions), and access to health care (Medicare and MaineCare). **LSE saw a 42% increase elder abuse cases in 2014.** These are highly complex and resource intensive cases. This increase appears to be the direct result of a statewide

public awareness campaign LSE was able to conduct for eight months in 2014 using grant funding.

Status of Matters Handled

The reported matters were all opened during 2014 and are reported regardless of whether or not they were closed in 2014 (only 167 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 5,401 matters breaks down as follows (from most to least intensive): 3% extended representation services; 8% limited action taken/brief services provided; 60% counsel and advice only; 3% information only and attempted but failed pro bono or reduced fee referral; 20% information only and referral; and 6% clients who no longer desired services after making initial contact with LSE or who could not be reached again after making initial contact.

Demographic Information

The clients served were 29% male and 71% female. All clients served were sixty years of age or older and 40% were 75 years of age or older. While LSE serves both socially and economically needy seniors, 84% of LSE's clients were below 200% of the federal poverty level and 58% were below 100% of the federal poverty level. Those callers who are not below 200% of the poverty level typically receive only basic information and a referral with the rare exception of a financial exploitation case that may be handled by LSE when a referral to the private bar is not possible due to the time sensitive nature of the case.

Geographic Distribution of Cases

The chart provided as **Attachment D** provides data regarding the geographic distribution of LSE's clients in 2014. 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 and without increased funding LSE is not able to provide a level of service in that area that is justified based upon demographic data.

DESCRIPTION OF LSE'S SERVICES

Since its establishment in 1974, LSE has been providing free, high quality legal services to socially and economically needy seniors who are 60 years of age or older when their basic human needs are at stake. This includes things like shelter, sustenance, income, safety, 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 seven staff attorneys located across the state who work regular but very part-time hours in LSE's seven local offices located in Scarborough, Lewiston, Augusta, Bangor, Presque Isle, Machias and Ellsworth ("Area Offices"); 3) special local projects that focus on particular regions of the state where LSE has been able to obtain local sources of financial support; and 4) client education and outreach conducted throughout the state by LSE attorneys and other LSE staff.

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

The 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. 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. **LSE's intake system is set up to ensure that anyone trying to reach LSE to ask for help is able to speak with someone about their problem.**

The Helpline Attorneys provide legal assistance to seniors exclusively via telephone. This is the level of service received by about 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 10,000 calls for help in 2014 and these calls were handled by a single intake paralegal. About half of those callers end up being referred to other resources because they do not have legal problems, or they are not eligible for LSE's services. In addition to making social service referrals, referrals are

made by the Helpline, when appropriate, to other legal services providers (in particular, for those under 60), private attorneys, and other existing resources (e.g., the Attorney General's Consumer Division or Adult Protective Services) to take advantage of and ensure there is not any duplication of other available resources. In addition, LSE maintains a panel of referral attorneys who have agreed to accept reduced fees or provide pro bono services when a client is between 125% and 200% of the federal poverty level. The panel has 256 members from across the state. LSE's panel includes lawyers who practice in substantive areas that are in great demand by callers to the Helpline, but are not handled by LSE, including things like probate, MaineCare planning, real estate, and estate planning. LSE made 48 pro bono and 263 reduced fee referrals to referral panel members in 2014.

Extended Representation/Area Office Services

The other primary component of LSE's service delivery system involves providing full representation to seniors. This level of service is provided to less than 20% of those seeking help from LSE. These more intensive services are provided by seven staff attorneys who each have assigned geographic areas of the state. These attorneys work out of offices in Scarborough, Lewiston Augusta, Bangor, Presque Isle, Machias and Ellsworth. With the exception of the administrative office in Augusta, the Area Offices are located within the local Area Agency on Aging or local Community Action Program. This unique co-location relationship is very 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.

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

Special Regional Projects

In addition to providing services on a statewide basis through the Helpline and Area Offices, LSE conducts special projects that operate on a regional basis and target specific substantive areas of unmet need. These projects are all supported in part by local funding sources such as United Way as well as by private foundations. The **ten special regional projects in 2014** 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 132 educational presentations in 2014 that reached over 2,000 people across the state. LSE focuses these presentations on professionals that are potential referral sources rather than trying to reach individual seniors.

The LSE website was expanded in 2014 to include an extensive online elder rights handbook. Grant funding made this project possible. The website provides a valuable resource not just to Maine's seniors, but also to their family members and caregivers. The design of the handbook meets all national standards for on line materials for seniors and is accessible on a wide range of devices. The handbook was also distributed in print form. It includes information on elder abuse, powers of attorney, advance directives, housing rights, consumer debt problems, MaineCare estate recovery, MaineCare eligibility for nursing home coverage, Medicare Part D, and many other topics.

Using grant funding, LSE conducted a major public awareness campaign for eight months of the year focused on the financial exploitation of seniors by family members. This unprecedented and highly successful campaign was developed and conducted in close collaboration with the Office of Adult Protective Services and the Maine Council for Elder Abuse Prevention.

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.

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) low income elderly face legal problems much more frequently than the general population.

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 60.¹ 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.² 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

¹ U.S. Census Bureau, Population Division, Interim State Population Projections, 2008.

² U. S. Census Bureau, 2005-2007 American Community Survey and Across the States 2011: Profiles of Long-Term Care, AARP 2011.

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 years of age or older experience at least one legal problem each year. LSE assists approximately 3% of the very low income seniors in Maine each year and that percentage is shrinking as the population grows. Seniors who do not get access to the legal help they need often end up requiring extensive social and health care services.

The legal needs studies done in Maine found that without free legal assistance being available when it is needed, elders who can't afford a lawyer are most likely to 'do nothing' about their legal problem. This explains why the growing unmet need for legal help for seniors who are facing situations where their basic human needs are at stake remains a silent crisis in Maine.

SUMMARY

LSE remains committed to working on behalf of Maine seniors to protect their safety, shelter, income, health, autonomy, independence, and dignity. The accomplishments by LSE in 2014 were many but these successes mask what is actually a very dire situation as the number of seniors needing help steadily climbs and the secure and predictable public sources of funding to support LSE's services steadily decline.

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 provided by LSE that are not supported by the Fund

Services Complementary to LSE's Core Legal Service

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

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.

A major initiative for LSE in 2014 was our involvement with the Attorney General Elder Fraud Task Force. This Task Force was formed at our request and the LSE Executive Director provided staffing support for the Task Force. The Task Force is focused on identifying barriers to the prosecution of financial crimes against seniors and making recommendations that would increase the rate of prosecution.

ATTACHMENT B
LEGAL SERVICES FOR THE ELDERLY

Client Services Summary—All Direct, Individualized Services

	2008	2009	2010	2011	2012	2013	2014
Total Legal Matters Opened (these are the <u>only</u> LSE services supported by the Fund)	3,738 (9.5% increase)	4,217 (12.8% increase)	4,668 (10.7% increase)	4,542 (2.5% decrease due to funding and staffing cuts)	4,094 (10% decrease due to funding and staffing cuts)	4,661 (14% increase, but only just returning to 2010 levels)	5,401 (16% increase)
Medicare Part D Appeals (not supported by the Fund)	595	775	808	748	535	911	1,360
State Health Insurance Assistance Program (SHIP) services (not supported by the Fund)	955	1,000	1,073	1,139	994	1,345	1,322
Total direct services	5,288	5,992	6,549	6,429	5,623	6,917	8,083

ATTACHMENT C
LEGAL SERVICES FOR THE ELDERLY
Detailed Case Type Report

CASE TYPE	CY 12	CY 13	CY 14
CONSUMER/FINANCE			
Bankruptcy/Debtor Relief	23	26	22
Collection/including Repossession	472	492	535
Collection Practices/Creditor Harassment	220	98	74
Contracts/Warranties	26	48	83
Funeral/Burial Arrangements	5	14	6
Loans/Installment Purchase (Other than Collection)	43	43	44
Other Consumer/Finance	208	220	270
Public Utilities	57	122	85
Unfair & Deceptive Sales & Practices	51	56	53
TOTAL	1105	1119	1172
EMPLOYMENT			
Employee Rights	5	3	6
Job Discrimination	4	10	4
Other Employment	32	35	45
Taxes	38	36	59
TOTAL	79	84	114
FAMILY			
Adoption	0	1	2
Child Support	9	10	5
Divorce/Separation/Annulment	83	100	104
Domestic Violence	16	26	33
Name Change	0	1	1
Other Family	95	132	130
TOTAL	203	270	275

CASE TYPE	CY 12	CY 13	CY 14
HEALTH			
Home & Community Based Care	19	26	32
Long Term Health Care Facilities & Services	43	42	58
Medical Malpractice	27	21	15
Medicare	19	68	71
Maine Care	355	402	489
Private Health Insurance	16	19	19
TOTAL	479	578	684
HOUSING			
Federally Subsidized Housing	137	169	264
Homeownership/Real Property (Not Foreclosure)	322	311	409
Mobile Homes	30	62	45
Mortgage Foreclosures (Not Predatory Lending/Practices)	126	175	163
Other Housing	42	29	38
Private Landlord/Tenant	148	157	208
Public Housing	36	36	35
TOTAL	841	939	1162
INCOME MAINTENANCE			
Food Stamps	21	27	48
Other Income Maintenance	31	17	31
Social Security (Not SSDI)	38	74	74
SSDI	10	21	22
SSI	20	30	32
State & Local Income Maintenance	19	25	17
Unemployment Compensation	9	5	9
Veterans Benefits	4	8	16
TOTAL	152	207	249

CASE TYPE	CY 12	CY 13	CY 14
INDIVIDUAL RIGHTS			
Civil Rights	2	0	2
Disability Rights	3	3	1
Elder Neglect, Abuse, & Financial Exploitation (see also domestic violence)	87	111	161
Immigration/Naturalization	1	2	0
Mental Health	3	3	2
Other Individual Rights	30	35	42
TOTAL	126	154	208
MISCELLANEOUS			
Indian/Tribal Law	2	0	0
License (Auto, Occupational, & Others)	19	21	14
Municipal Legal Needs	5	2	2
Other Miscellaneous	177	230	225
Torts	22	22	40
TOTAL	225	275	281
SELF DETERMINATION			
Adult Guardian/Conservatorship	33	34	42
Advance Directives/Powers of Attorney	334	394	443
Wills/Estates	517	607	771
TOTAL	884	1035	1256
GRAND TOTAL	4094	4661	5401

**ATTACHMENT D
LEGAL SERVICES FOR THE ELDELY**

Geographic Distribution of Services

	LSE 2014 STATISTICS		COUNTY STATISTICS³	
	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	380	8%	8%	9%
Aroostook	221	5%	7%	10%
Cumberland	851	19%	19%	14%
Franklin	96	2%	2%	2%
Hancock	186	4%	4%	4%
Kennebec	433	10%	9%	9%
Knox	104	2%	4%	3%
Lincoln	113	3%	3%	3%
Oxford	200	4%	5%	5%
Penobscot	612	14%	11%	11%
Piscataquis	70	2%	2%	2%
Sagadahoc	90	2%	2%	2%
Somerset	210	5%	4%	5%
Waldo	149	3%	3%	3%
Washington	163	4%	3%	6%
York	613	13%	14%	12%
Total	4,491	100%	100%	100%

³ U.S. Census 2000. Current poverty data by age and by county is not available at this time.



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**2014 Annual Report to the
Maine Civil Legal Services Fund Commission
January 2015**

Maine Equal Justice Partners (MEJP) is pleased to provide the Maine Civil Legal Services Fund Commission with its annual report for 2014.

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 many of the 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 in 2014 was on behalf of and informed by people with low income and those groups that represent them, including 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. The issues of concern

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

raised by MAIN and other groups guide MEJP's efforts in every forum necessary to accomplish systemic change in public policy.

INFORMATION REQUESTED by the COMMISSION

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

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

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 throughout the state; (2) administrative advocacy; and (3) outreach and training.

In 2014, MEJP handled the following types of legal cases:

Case Type	# of Cases	# of MCLSF supported cases ²
Consumer	2	
Employment (UI)	2	
Family	10	
Health Care	157	
Housing	8	
Income Maintenance (i.e. TANF, FS, LIHEAP, SSI)	207	
Individual rights	1	
Miscellaneous	3	
Total	390	176

Administrative advocacy cases:

Case Type	# of Cases	# of MCLSF supported cases ³
Consumer	1	
Health	9	
Income Maintenance (i.e. TANF, FS, LIHEAP, SSI)	8	
Administrative	1	
Miscellaneous	1	
Total	20	9

² MCLS funding represents 45% of total legal aid funding (MBF, CFJ, and MCLSF) received by MEJP in 2014. Number of MCLFS-supported cases calculated based on percent of funding.

³ Id.

Outreach and Training:

Type of Training	# of Trainings	# of MCLSF Supported Trainings ⁴
Health Care	12	
Legal services	1	
Immigrant Related	11	
Safety net (all Public Benefit Programs)	26	
Total	50	23

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 Maine's public assistance 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 MEJP's 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 administration of these programs to make the changes necessary so that the same legal issues do not reoccur. In the rare instances 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 the issues and barriers that beneficiaries encounter on a daily basis. 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.

⁴ Id.

In 2014, MEJP handled a total of **390** cases (this number does not include MEJP's administrative advocacy cases). Maine Civil Legal Services funds supported MEJP's efforts on 176 of those cases. A sample of those cases is summarized below:

1. MaineCare

Protecting access to affordable health care for more than 6,000 children

Ensuring access to affordable health care for Maine's low-income population is one of MEJP's top priority areas. Thus, in 2012, when the Maine Department of Health and Human Services (DHHS) proposed to the federal Centers for Medicaid and Medicare Services (CMS) a plan to eliminate MaineCare coverage to more than 6,000 children between the ages of 19 and 20, MEJP opposed the plan. This group has been provided with access to affordable health care since 1991 in Maine. MEJP filed with CMS its opposition to this proposal based upon the "maintenance of effort" provision in the Affordable Care Act (ACA). CMS rejected Maine's proposal.

In 2014, Maine DHHS filed suit against CMS in the U.S. Court of Appeals for the First Circuit to overturn the CMS decision. MEJP joined that lawsuit to help uphold the decision of CMS. MEJP also brought into the case as *Amici* a number of other organizations including the National Health Law Program, the Maine Medical Association, the Maine Children's Alliance, and several other organizations. In a unanimous opinion issued in November 2014, the Court upheld the decision of CMS, thus ensuring continued access to affordable health care for more than 6,000 children, at least until 2019. (This case was co-counseled with attorneys from the National Health Law Program.)

Ensuring that Maine seniors and others experiencing hearing loss have access to treatment

Maine's Medicaid program (MaineCare) provides access to evaluations for hearing loss, but then fails to cover treatment for hearing loss. MEJP challenged this policy, first meeting with officials at Maine DHHS and presenting our legal and policy reasons why MaineCare should provide coverage for hearing aids. Ultimately, after sending a draft Class Action Complaint to DHHS, a settlement was achieved with the Department agreeing to amend its rules to provide for this medically necessary service. Coverage for several thousand Maine people should begin in the spring of 2015. (This case was co-counseled with private attorneys in New York and Maine. The Maine Center on Deafness helped to identify clients and provided technical advice.)

Improving access to treatment in Maine's nursing homes

As part of the settlement of the class action lawsuit, *Van Meter, et. al. v. Commissioner*, Maine DHHS agreed to reform its outdated and underutilized Pre-Admission Screening and Resident Review (PASRR) program, a federally-mandated requirement designed to: a) divert from nursing home admissions those with Intellectual Disabilities, Severe Mental Illness and Other Related Conditions who can be better served in other settings; and b) for those for whom nursing home placement is appropriate to ensure that they receive "specialized services" which are federally

mandated services to help people with these conditions to achieve maximum independent living skills.

Over the past two years, MEJP, along with the Disability Rights Center, has engaged in ongoing negotiations with Maine DHHS, both in and out of court, to bring needed improvements to this entire process, which impacts several thousand of Maine's most vulnerable citizens. MEJP is confident that the agreed-to reforms will make a difference to many; we will continue to monitor the successful implementation of this program.

Other MaineCare Cases

MEJP handles many individual cases involving people denied or terminated from MaineCare or denied access to covered MaineCare services. These cases are generally resolved successfully and often help us identify systemic problems. We engage regularly with DHHS over the systemic issues identified through this process which often lead to changes in the process at DHHS, including rule changes.

2. Immigrant-related issues

Protecting Access to Basic Necessities for New Mainers

The General Assistance law requires all municipalities in Maine to provide assistance for basic necessities to needy individuals. This requirement applies to citizens and immigrants, alike. Maine DHHS oversees and provides significant reimbursement to the towns. In late 2013 DHHS proposed rules to eliminate General Assistance benefits to immigrants. The Maine Attorney General determined that this proposed rule violated Maine law and was unconstitutional. Nevertheless, in 2014 DHHS went ahead and implemented the policy without a rule.

The issue is now in court: the Maine Municipal Association (MMA) and several municipalities filed a lawsuit against DHHS, questioning the legality of the administration's directive to cities and towns, prohibiting disbursement of GA funds to undocumented immigrants, without adopting a rule through Maine's Administrative Procedures Act. MEJP and the American Civil Liberties Union (ACLU) of Maine have filed for intervenor status in the suit on behalf of two asylum seekers who will be affected by the outcome.

As noted in a previous document, MEJP has developed considerable expertise during the past several 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 and provide direct assistance to individuals. Our educational materials, which have been translated into several languages, have been extremely helpful in explaining Maine's programs and services.

3. Protecting Access To Food Assistance

Supplemental Nutrition Assistance Program ‘overpayment’ case.

Federal law governing the administration of the Supplemental Nutrition Assistance Program (SNAP), [formerly named Food Stamps and now the Food Supplement (FS) program in Maine], requires Maine DHHS to notify people who have been overpaid benefits of their right to apply for a waiver or compromise of the overpayment. These overpayments occur, most often, due to an error by DHHS or an unintentional error made by the FS recipient. DHHS then tries to collect the overpayment by reducing current Food Supplement benefits, intercepting a tax refund, or reducing Social Security or other income.

Under federal law, states may waive or forgive all or some of the overpayment. While Maine DHHS policy and notices say that this option is available, it appears that DHHS has never forgiven an overpayment. DHHS also has no standards, no forms to collect information and no rules for waiving or forgiving an overpayment.

MEJP started negotiating with DHHS two years ago to get the Department to implement a policy and process. When that failed, MEJP, along with Legal Services for the Elderly, filed a case in the Maine Superior Court challenging that policy or lack of a policy. The parties are currently seeking a negotiated settlement. (The case is co-counseled with an attorney from the law firm of PretiFlaherty.)

MEJP provided direct assistance regarding SNAP benefit issues to more than 150 clients in 2014. Changes in DHHS policy regarding photos on EBT (electronic benefit transfer) cards, and new benefit limits for certain childless adults without dependents precipitated calls from both clients and case workers, seeking guidance as to the impact of the changes. In addition to our direct client assistance, MEJP prepared and distributed client education materials to address the 3-month benefit limit and clients’ rights and responsibilities in complying with the Department’s new photo ID policy. Further, we developed a Request Form for Food Supplement extension, for people losing their benefits because of the 3-month limit who might qualify for an extension. MEJP provided technical assistance to caseworkers, legal service providers and staff in other service organizations so that they could better assist their clients in completing program requirements.

Administrative Advocacy

MEJP’s advocacy before administrative agencies of government arises from issues identified through the following: (1) direct client services; (2) community involvement and coalition work; (3) outreach and training activities 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 staff 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 2014.) 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 2014, MEJP either advocated or submitted rulemaking comments at the state and federal level on a wide range of issues. The following provides examples of some of our activities in this area.

Protecting Access to Food Assistance Benefits

In 2014, Congress amended the Supplemental Nutrition Assistance program (SNAP), making it more difficult for people residing in subsidized housing to qualify for heating assistance benefits through the LIHEAP (Low Income Heating and Energy Assistance Program). The change in federal law would result in about 6,000 mostly elderly and disabled Mainer people each losing about \$100 per month in benefits.

MEJP conducted administrative advocacy with Maine State Housing, urging the agency to amend its rules for LIHEAP to ensure that this group of needy Maine people not lose their benefits. This advocacy effort was successful. This change means that about 6,000 households in Maine will continue to receive more than \$7 million in food assistance per year.⁵

In other administrative advocacy related to Maine's Food Supplement program, MEJP urged DHHS to pursue a statewide waiver with USDA so that unemployed childless adults with limited economic means could continue to qualify for FS benefits. Our efforts were unsuccessful; as of 1/1/15 Maine implemented a policy that limits food assistance to 3 months in a 3-year period, affecting 6,500 individuals. Further, DHHS issued proposed rules to create a new mandatory Food Supplement Employment and Training (FSET) program for this population. MEJP has filed comments on this rulemaking, opposing the establishment of a mandatory program. We propose keeping this program voluntary so that it gives people the opportunity to participate in activities that are helpful to them without fear of losing their benefits. In our rulemaking comments, MEJP made a series of what we believe are constructive suggestions for modifying the program and better tailoring it to the needs of people who are seeking meaningful education, training and

⁵ This figure is derived by multiplying the average savings of \$100 per month times 12 months (\$1200 per person per year) times 6000 for a total of \$7.2 million per year.

employment opportunities so that they can lift themselves out of poverty. We believe that DHHS may be receptive to some of our recommendations; final rules will be adopted sometime in 2015.

Assistance with Electric Bills

Each year thousands of people with low income fall behind in the payment of their electric bills, often resulting in termination of service or a never ending cycle of potential shut-offs. Research has shown that programs that encourage on-time payment in exchange for forgiveness of the arrearage, and coupled with energy efficiency upgrades, result in lower monthly bills and better payment history over time. MEJP used this research in its advocacy with the Office of Public Advocate (OPA), resulting in a new electric utility “arrears mitigation program” or AMP. Maine’s utilities are supportive of this program.

Currently, MEJP is working with OPA, the Maine Association of Community Action Agencies, Maine’s electric utility companies, Efficiency Maine Trust and the staff of the Public Utilities Commission to adopt rules for this new program.

Help With Child Care Costs

Maine receives federal funds to operate a program to assist low-income Maine families with child care costs. Over the years, MEJP has identified problematic aspects of the program. MEJP has advocated for changes in the program to better meet the needs of Maine’s working families. Currently, DHHS is conducting a rulemaking process to make some needed changes. MEJP has provided extensive comments on the proposed rules and expects to continue to work with DHHS and others, in trying to simplify the administration of this important program, thereby improving it for approximately 2,000 Maine families.

Protecting the Privacy Rights of TANF Recipients from Unconstitutional Drug Testing

MEJP has submitted comments to a Maine DHHS rulemaking procedure that seeks to implement random drug testing of TANF recipients who have a prior drug-related conviction. MEJP pointed out in its comments that an individual’s earlier drug use is a poor predictor of later behavior, and therefore the use of prior convictions does not support reasonable inferences of contemporary drug use. The proposed drug testing policy is vulnerable because it unreasonably relies on past convictions from as early as 1996. A prior drug-related conviction from fifteen years ago does not, by itself, create a reasonable suspicion that the person is currently using drugs. Yet this is the presumption that underlies the Department’s proposed rule.

MEJP identified a number of other practical problems with the proposed policy that need to be addressed in any final rule promulgated by DHHS. Depending on the content of the final rule, MEJP may pursue other avenues to address any problems with the rule.

Health Care

MEJP continues to work with DHHS on implementation of the MaineCare Children's Waiver to serve children with Autism and Intellectual Disabilities to allow them to be served in their homes rather than in facilities. Implementation of this waiver is a complex undertaking due, in part, to changing federal rules and the state's interpretation of these rules.

Implementation of the Affordable Care Act (ACA) in Maine. DHHS continues to implement the many provisions of the Affordable Care Act, including those impacting the state's Medicaid program. The changes brought about by the ACA in how Medicaid (MaineCare) eligibility is determined are complex. MEJP brought to the attention of DHHS that its rules are not in full compliance with federal law and advocated for changes that will bring the rules into compliance. It is anticipated that DHHS will issue proposed rules to address these issues in early 2015. These proposed rules, which MEJP has had a hand in helping to draft, should address the remaining compliance issues.

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 2014, MEJP conducted 50 separate training events, reaching more than 1,800 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 89,035 unduplicated individuals, resulting in 150,664 page views.

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

In 2014, MEJP opened a total of 390 cases (includes full intakes, counsel & advice and referral cases *only*) of which 176 were supported by MCLS funding.⁶ The services impacted

⁶ MCLS funding represents 45% of the total legal aid funding (MBF, CFJ, and MCLSF) received by MEJP in 2014.

approximately 1,022 individuals (including those cases still pending), of which 460 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 closed, and people served, as well as the number of cases and people served that can be attributed to MCLS funding is illustrated in the chart below.

Activity	Total # of Cases Opened and closed/ People served (pending and withdrawn cases not included)	Cases Opened / People Served with MCLSF
Full intakes – includes limited and full representation	110 cases / 288 people	50 cases / 130 people
Counsel & Advice and/or Referred	192 cases / 503 people	86 cases / 226 people
Administrative Advocacy	20/ 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 50 separate trainings and workshops	1,800	810

Demographic information about 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 \$39,580 in annual income for a family of three in 2014. According to state data on the Kaiser Family Foundation website, there are 482,800 Maine people, of all ages, living under 200% FPL.⁷ MEJP's representation is focused on public benefit programs; therefore, our target population is the 482,800 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:

⁷ <http://kff.org/other/state-indicator/population-up-to-200-fpl/?state=ME>

- Temporary Assistance for Needy Families (TANF) (income support): 6,234 cases, representing 10,247 children⁸;
- Food Supplement (FS) (food assistance): 114,865 cases, representing 216,399 individuals of which 72,779 are children under 18⁹; and
- Medicaid & Buy-In (health insurance or limited assistance with drugs and out-of-pocket costs): 289,073 individuals¹⁰.

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

In 2014, Maine Equal Justice provided legal services to individuals residing in all sixteen Maine counties.

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

In 2014, MEJP opened a total of 390 cases of which 176 were funded with MCLS funds. Of the 390 cases opened, MEJP closed 302; 53 are pending. In addition, MEJP opened 20 administrative cases with 7 completed during 2014.

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 2013. 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.

Outcomes measurements used to determine compliance

The proposal submitted for 2014-2015 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 people with low income; the number of task forces,

⁸ <http://www.maine.gov/dhhs/ofi/reports/2014/geo-nov.pdf>

⁹ <http://www.maine.gov/dhhs/ofi/reports/2014/SummaryCountsByCounty-Dec.pdf>

¹⁰ Overflow A for 2014 Reports– November, accessed at <http://www.maine.gov/dhhs/ofi/reports/2014/geo-nov-overflow.pdf>

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 provide in any given year. 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 education sessions are requested and or attended by a diverse number of organizations, including but not limited to, social service providers, family practice residency programs, provider associations, 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 2014 were extremely favorable and underscored the value of MEJP's expertise and knowledge for direct service organizations and legal aid providers throughout the state.

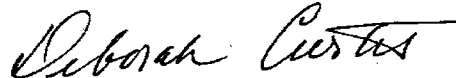
Information particular to each recipient organization regarding unmet and underserved needs

Maine Equal Justice Partners supports its operating budget through funding from the MCLSF, the Maine Bar Foundation, the Campaign for Justice, Maine-based and national foundations, and individual donors. Similar to our response in previous reports, we have seen a significant decrease in our core legal aid funding over the past several years due to low interest rates and lower than anticipated MCLSF collections. While MEJP's funding from these sources has decreased, the demand for our services has increased, as Maine's hardworking people continue to suffer from the economic downturn. Further, as changes are made to eligibility criteria and scope of benefits for the state's public assistance programs, individuals and families and their caseworkers increasingly turn to MEJP for guidance as to how to navigate this complex system. We do our best to meet the needs of these individuals and to address the systemic problems inherent in their cases but it is often difficult to adequately address the extent of the demands. Finally, MEJP does not have the staffing capacity or resources to address several areas of concern to people with low income in Maine. We receive requests from clients and organizations that represent them for assistance with consumer and financial issues, family law issues, certain housing issues, and employment issues. We remain particularly concerned about consumer issues, given the limited resources and availability of assistance in this area in Maine. In order to meet this need, MEJP would need to increase its staffing; we do not have adequate funding to sustain such a position, however.

CONCLUSION

The funding that Maine Equal Justice Partners 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 the MCLSF Commission for making the work of MEJP possible. The Board, staff and clients of Maine Equal Justice thank you for your continued support.

Respectfully submitted:

A handwritten signature in black ink, reading "Deborah Curtis". The signature is written in a cursive, flowing style.

Deborah Curtis
Associate Director

APPENDIX A

The items listed below represent work groups, advisory committees, coalitions and boards in which MEJP staff actively participated during 2014. These commitments often consume considerable staff time; we have found our participation in these forums to be vital in representing the interests of our clients. MEJP staff are often the only public benefit experts serving in these groups 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 and Payment Reform subcommittee
- MaineCare Member Materials Committee
- Maine Health Exchange Advisory Committee
- Greater Portland Health Care Collaborative (related to immigrant issues)

Oral Health

- Maine Oral Health Coalition

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
- Maine Hunger Coalition

Social and Economic Security

- Coalition for Maine Women
- Maine Can Do Better Steering Committee
- Working Families Coalition
- Maine Immigrant Rights Coalition

Maine Volunteer Lawyers Project
Report to the Maine Civil Legal Services Fund Commission
January 2015

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 2014. 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 2014, MCLSF funds represented 12 % of VLP’s total funding.

Cases Handled in 2013

In 2013, VLP staff or volunteers provided service in **3,753** cases:

- Hotline volunteers provided **legal information** to clients in 805 cases
- *Pro bono* attorneys provided **limited representation** in 1859 cases
- *Pro bono* attorneys provided **full representation** in 917 cases
- Cases pending for *pro bono* service: 172 cases

Total: **3753**

While MCLSF funds support all of VLP's work, service was provided in 544 of the above cases using specially designated MCLSF funds only.

VLP opened 2,995 new cases in 2014, which break down into the following law categories:

Case Type	Total Cases OPENED
Consumer	271
Education	11
Employment	26
Family	2213
Juvenile	70
Health	2
Housing	128
Income Maintenance	175
Individual Rights	3
Miscellaneous (Torts, licenses, wills & estates, etc.)	96
TOTAL	2,995

Clients Served in 2014

- VLP's direct services benefited **3,753** Maine households and benefited an estimated 11,250 individuals. The average annual household income was \$23,802 and the median annual household income was \$20,640. Over 70% of households had income from employment or employment based benefits. The average household size was 3.
- The average age of a client at intake was 39 years.
- 550 clients (or 14%) were 55 or older.
- 88.9% of clients identified as White, 4.3% as Black, 2.6% as Native American 0.9% as Asian, and 2.0% as Hispanic.
- 38.9% of households had at least one person with a disability.
- 59.7% of clients were female and 40.3% were male.
- About 4% of clients did not speak English as a first language
- 52.9% of households included children
- 30.2% of households were headed by a single parent

Geographic Areas Served in 2014

Geographic distribution of VLP clients shown by county:

County	
Androscoggin	13.5%
Aroostook	1.5%
Cumberland	25.7%
Franklin	1.7%
Hancock	2.4%
Kennebec	9.6%
Knox	1.5%
Lincoln	2.0%
Oxford	3.8%
Penobscot	13.2%
Piscataquis	1.0%
Sagadahoc	2.1%
Somerset	2.8%
Waldo	2.6%
Washington	1.8%
York	14.4%

(Out of state 2.9% / Unknown 2.9%)

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, foreclosure 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 when they appear in court for help with protection from abuse. Further, VLP has a number of ongoing efforts to recruit and support attorneys who are willing to provide pro bono assistance for VLP clients.

Most of these underserved clients 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 2014, VLP provide administrative assistance and technical support for a new pro bono homeless clinic in Portland. This clinic is staffed by lawyers from fourteen Portland law firms (and UNUM), and helps meet the need for legal services for people who are homeless, or at risk of becoming homeless, by providing supported access to legal representation that was previously unmet.

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, in 2014, 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 2015. 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 ongoing funding declines. VLP has done this through innovative programming and increased efficiency, all of which are 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, Legal Files, which VLP uses as part of technology collaboration with other legal service providers in Maine. Each case is assigned a code indicating law type, funding source, level of service provided (including the total number of volunteer and staff hours) and, at the time of the case's completion, case outcome. Clients selected for service from a volunteer attorney must submit additional documentation including a signed financial eligibility form.

For cases referred to volunteer attorneys, VLP requires regular reporting on case progress including the number of hours donated and the final case outcome. Case reporting forms are sent to volunteer attorneys 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 providing new opportunities for *pro bono* service while, at the same time, increasing the number of people able to access these services. In 2014, 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 2014 in its efforts to maintain and improve the delivery of legal services through the work of volunteers and in 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



To: Maine Civil Legal Services Fund Commission
From: Penquis Law Project
Date: January 14, 2015
Re: Annual Progress Report, January-December 2014

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 2014 we followed the work plan as outlined in our 2013 application. As mentioned in our application, we experienced an anticipated change in staffing from two full-time attorney positions to one. 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 were reduced. As a result, though our request was fully funded, we needed to eliminate one full-time attorney position.

This transition occurred at the end of February and has been a significant change for the Law Project. Much of the beginning of the year was spent preparing for this transition as the remaining attorney needed to take on the open cases of the attorney who left. While the remaining attorney was unable to take on new clients for a period of time, she was able to provide a significant number of one-time consultations throughout the year.

We will continue to focus on the best ways to maximize the attorney's time. We have worked closely with our formal partners, the Spruce Run-Womancare Alliance, the domestic

violence project serving the two-county area, and Rape Response Services, the sexual assault victim services agency serving the area and a subsidiary of Penquis, both of which also experienced significant cuts in funding through our Legal Assistance for Victims grant, to set priorities and find the best ways to deliver legal services given our reduced capacity. For example, we are continuing our efforts to reach the more rural parts of our service area, particularly in Piscataquis County, providing regular office hours at the Spruce Run-Womancare Alliance office 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 in the sections below.

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 2014. 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	24	34
Protection from Abuse	10	11
Parental Rights	18	28
Post-judgment	27	41
Other	1	1
Total Case Types	80	115

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

The Law Project served a total of 182 unduplicated individuals. There were 73 clients who received representation and 109 individuals who received one-time consultations. There were 113 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. Twenty-five (25) clients were newly served and the rest were carried over from the previous year.

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

Demographics	Rep.	One-times
Age		
Under 18 years	0	0
18-24 years	14	24
25-59 years	56	83
60+ years	3	1
Unknown	0	1
Gender		
Female	69	105
Male	4	4
Race		
White	71	107
Hispanic	1	1
Black or African American	1	1
American Indian	0	0
Asian	0	0
Native Hawaiian/Pacific	0	0
Unknown	0	0
Housing		
Rent	40	59
Own	18	23
Other (includes staying w/ relatives, friends)	14	23
Homeless	1	1
Unknown	0	3
Health Insurance		
MaineCare	51	67
Other Insurance	9	23
No Insurance	13	15
Unknown	0	4
Disabled	3	11
With Minor Children	64	94
Immigrant Status	2	1
Income Level		
≤ 75% of poverty	41	70
≤ 100% of poverty	11	8
≤ 125% of poverty	14	12
≤ 150% of poverty	3	9
≤ 175% of poverty	4	0
< 200% of poverty	0	6
At or above 200% of poverty	0	3
Unknown	0	1
TOTAL PERSONS	73	109

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 – 88% 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
Kennebec	1	0
Knox	0	2
Oxford	0	1
Penobscot	55	79
Piscataquis	14	22
Somerset	1	1
Waldo	1	1
York	1	0
Out of State	0	3
TOTAL	73	109

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

Of the client files, 48 were closed by the end of December 2014. 25 clients remained open as of January 1, 2015.

Of all client files closed, 36 clients received a final order in at least one of their pending matters. Additional outcome information is described in number 7. Cases close prior to the client receiving a final order for a variety of reasons including because the client reconciled with his/her abuser at some time during the case; the client decided not to move forward with or to dismiss his/her case; the client lost contact with us resulting in the case never being filed or the attorney withdrawing from a pending matter.

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. For the full two-year project period, we proposed serving 250 individuals, approximately 110 individuals through representation and 140 through one-time consultations; 182 were served during this time period, 73 through representation and 109 through one-time consultations. Whenever possible and when the attorney's caseload allows, 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 2014, 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. During the course of this year we implemented a new data source not mentioned in our proposal. In order to increase the amount of available data, the attorney has begun asking clients some interim survey questions, if or when appropriate during the course of a client's case. In addition to increasing client satisfaction data, this has provided a good opportunity for the attorney and client to communicate specifically about how the client is feeling and the client's safety needs. Over the next year we will continue to assess if the interim surveys are a useful tool.

Outcomes	Indicator	Projected	Actual	Data source:
<u>Initial Outcomes:</u> Individuals who are victims of domestic violence and would otherwise be unable to afford or have access to an attorney will receive direct representation and will therefore be able to successfully negotiate the court process.	Percent of individuals who meet with an attorney at an initial consultation gain access to representation and enter into the attorney/client relationship.	85%	96% (25)	The Law Project keeps records regarding those individuals with whom we have met. Files are maintained for each client.
<u>Intermediate Outcomes:</u> Clients will increase their physical, emotional and economic safety.	Percent of clients who seek an interim order for child support, spousal support or to address a specific property issue will receive the interim order.	90%	81% (17)	(1) Closed Client Survey, Interim Client Survey
	Percent of clients who seek an interim order granting them primary residence of their children will receive the interim order.	95%	93% (25)	
	Percent of clients who report that threats or abuse were less during involvement with the Law Project than previously.	76%	81% (17)	(2) Closed Client Form
	Percent of clients who report that their involvement with the Law Project made them feel more in control of the process.	88%	95% (20)	
<u>Long term Outcomes:</u> Clients will maintain their physical, emotional and economic safety.	Percent of clients who seek a final order for child support, spousal support or to address a specific property issue will receive the final order.	93%	88% (23)	(1) Closed Client Survey
	Percent of clients who seek a final order granting them primary residence of their children will receive the final order.	93%	93% (25)	(2) Closed Client Form
	Percent of clients who seek a final protection order will receive one.	95%	100% (5)	
	Percent of clients who report that threats or abuse were less after involvement with the Law Project than previously.	80%	60% (3)	
	Percent of respondents reporting that utilizing the Law Project helped them to feel that the court process was manageable.	100%	100% (5)	
<i>Percentages are based on the answers of those clients who choose to complete and return the anonymous Closed Client Survey and information gathered from Interim Client Surveys administered by the attorneys when appropriate. The Closed Client Form is completed by attorneys and contains information contained in the client file and the attorneys' observations.</i>				

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

The combined number of reported domestic assaults in the two-county area was 549 in 2013. While reported domestic assaults in Penobscot County declined by 3.9%, reported domestic assaults in Piscataquis County increased by 47.4%. FY14 civil filings in the two-county area included 701 protection from abuse, 730 divorce, 273 paternity/parental rights, and 745 post-judgment motions. Demand for civil legal services is high, due to limited capacity among all of the legal providers, including the Law Project. Capacity of the Law Project is now even more limited as a result of a reduction in available funding at the federal level.

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. In 2014 clients benefited from access to the remaining funds of a 2012 award from the Frances 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 MCLSF's support of the Penquis Law Project provides us with crucial funding to help meet our objectives and has a measurable impact on the lives of those experiencing violence. Data demonstrates that accessing representation through the Law Project improves client outcomes and helps clients to feel more in control of the court process, in control of their lives and safer for themselves and their children.

Without the Law Project and especially my lawyer who was the most compassionate professional ever, I do not know what I would have done. [She] was very attentive to me, and returned my calls, and answered all of my questions, and walked me through the process of divorce.

--former Law Project client

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,

A handwritten signature in cursive script that reads "Tamar P Mathieu".

Tamar Perfit Mathieu
Directing Attorney
Penquis Law Project

Pine Tree Legal Assistance
Report to the Maine Civil Legal Services Fund Commission
January 2015

Overview

Pine Tree is Maine's oldest, largest civil legal aid provider. It has been in continuous operation since 1967, allowing it to develop a unique place in Maine's justice system. It is recognized nationally as one of the country's best civil legal aid providers: its reputation reflects the many landmark court decisions secured through Pine Tree advocacy, its ability to attract, support and retain high quality staff, and its commitment to make the justice system more accessible to all Mainers through programs including its nationally acclaimed websites and user-friendly self-help materials.

Pine Tree's network of six local offices in **Presque Isle, Machias, Bangor, Lewiston, Augusta and Portland** assures that its advocates can reach any court in the State within roughly an hour's drive, stay attuned to local needs, and be active partners with other agencies and individuals in local collaborations. In addition to providing a wide range of general legal services responsive to problems impacting basic needs, Pine Tree also operates several specialized projects:

- The **Native American Unit** 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;
- The **Farmworker Unit** operates statewide to provide legal assistance to agricultural workers. Due to its effectiveness, Pine Tree has been chosen by the Legal Services Corporation to also administer LSC-funded farmworker advocacy throughout New England;
- **KIDS LEGAL** provides legal assistance focused on the special needs of low-income children and youth, including homeless teens;
- The **Foreclosure Unit** provides legal assistance to low-income Maine homeowners and works closely with Maine Attorney Saving Homes and other HUD housing counseling agencies to address this issue;
- The **Low-Income Taxpayer Clinic** provides legal assistance with IRS disputes;
- The **Fair Housing Unit** enforces federal and state laws barring housing discrimination around the State; and
- The **Family Law Unit** provides legal assistance to victims of domestic violence, sexual assault and teen dating violence in areas of the State where funding allows, especially where no other legal aid resources are available.

Requests for legal assistance can be made via multiple points of entry over the phone or in person (rather than just relying on a single 1-800 number answered in a single location). In 2015, Pine Tree will offer Maine's first online application for civil legal aid services, which is expected to increase access to services by rural Mainers who live some distance from a Pine Tree office. 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 legal services.

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.) Some MCLSF funding supports legal advocacy to low-income individuals with critical legal needs who do not meet the criteria for other general funding services, typically because they are slightly above the income or asset guidelines for those programs but cannot otherwise access 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, federal funding restrictions bar Pine Tree from providing legal assistance to certain categories of non-citizens and undocumented individuals except in cases of domestic violence or sexual assault

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 individuals who must represent themselves in legal matters. These include the development of legal education materials and other "do it yourself" tools available in hard copy from local offices and online at its program websites (including www.ptla.org, www.helpmelaw.org, www.kidslegal.org, and www.statesidelegal.org, Pine Tree's newest and national website that addresses the legal needs of veteran and military service members.) **In 2014, www.ptla.org alone recorded 1.09 million "unique visitors" (Maine's population is 1.3 million.) These resources benefit all Mainers, regardless of income.**

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, landlord associations, municipalities, the Courts and the private bar. Pine Tree staff work closely with other members of the legal service community to avoid duplication of services.

Pine Tree's diverse staff includes advocates who began working at Pine Tree in the 1970's and others who began their legal careers in the past year. Some have always lived in Maine and are deeply familiar with their local communities, others bring varied experience from a wide range of other settings to their work in at Pine Tree. The average Pine Tree staff member has 14 years of legal aid experience, ensuring that program services can be delivered efficiently and effectively. 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. To strengthen the quality of service, Pine Tree offers ongoing in-house training and supports staff participation in external CLE programs. 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 staff also represent Maine in national endeavors, which currently include service on the American Bar Association Commission on Homelessness and

Poverty and a new advisory committee on electronic filing in the court systems being organized by the National Center for State Courts.

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 2014

While the database for calendar 2014 is still being finalized, Pine Tree Legal Assistance handled a minimum of 7,276 individual cases. MCLSF provided partial funding support for all of these cases, because it is general funding and augments the more limited support available from other funders. In addition, Pine Tree uses a small portion of its MCLSF award to handle high priority cases that cannot be accepted with Pine Tree's other funding.

Law Category	Cases handled with MCLSF & other funding	Cases handled with only MCLSF funds
Consumer	765	49
Education	188	12
Employment (includes tax issues)	398	
Family Law (includes domestic violence and sexual assault)	791	6
Juvenile	36	
Health (includes Maine Care eligibility)	135	7
Housing (includes foreclosure)	4,264	162
Government Benefits	557	29
Individual Rights (includes trafficking)	48	2
Miscellaneous (includes tribal law, probate matters)	94	
Total cases handled	7,276	276

Number of people served as a result of MCLSF funding

A minimum of 17,816 individuals (including 7,001 children) were directly impacted by individual legal advocacy in Pine Tree cases handled in 2014. These cases involved families living in all 16 Maine counties, and a total of 505 Maine communities around the State. Pine Tree staff attorneys also appeared in all 29 District Court locations around the State, reflecting the program's commitment to local representation.

In addition, MCLSF supports other core activities that advance the goal of justice and strengthen our civil legal system in Maine. In 2014, these services included:

- more than 1,861 individuals who were trained by Pine Tree staff during a wide range of presentations and programs around the state;
- the distribution of 2,862 "hard copies" of self-help materials or other legal education tools created by Pine Tree;

- Consultations with 8,022 low-income individuals who received legal information and other referral resources to address their issue.

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. The volume of traffic to Pine Tree websites dwarfs that of most legal aid programs, including:

- 3.7 million "page views" of website content in 2014;
- 1.72 million "unique visitors" to the websites (almost a 50% increase above 2013 numbers).

One of the program websites, StatesideLegal.org, launched at the White House in 2010 and serves as a national clearinghouse website for the unique legal needs of military and veteran households. It 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 fourth in the country in the percentage of its population who are veterans. Already in 2015, this website is averaging 11,500 unique visitors each week.

Demographic information about people served because of MCLSF funding

Pine Tree's "typical" client for representation in 2014 was a single parent household with at least one minor child with income below the federal poverty guidelines, although Pine Tree's statewide service area and role as a "first resort/last resort" provider ensured that a broad cross section of Maine people received help from the program in 2014. Several important characteristics defined the clients served in 2014:

- 44% of all client households included at least one person with a disability.
- 11% of clients were age 60 or older;
- 10% of client households included a veteran or current service member;
- 9% of clients were under the age of 24;
- 9% of clients were victims of domestic violence or sexual assault;
- 4% of clients were immigrants with limited English proficiency.

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 in order to ensure that the workers understood their legal rights and how to access help if needed:

- 277 workers received legal information or consultations during outreach to 88 different labor camps through Maine;
- 1,412 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)
- 277 newsletters were distributed at the camps addressing the laws impacting on H-2A workers as part of a regional collaboration in New England.

Pine Tree's Native American Unit is staffed by Penobscot Nation tribal member Sherri Mitchell, who is only the second Penobscot Nation woman to be admitted to the practice of law in Maine. 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 2014, 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.

Geographic area served because of MCLSF funding

As noted earlier, cases handled by Pine Tree in 2014 involved residents of 505 Maine towns and communities. Pine Tree also handled 120 cases for individuals whose legal difficulties arose in Maine but who were not permanent residents. Many of these matters involved seasonal agricultural workers; others were cases referred to Pine Tree on behalf of former Maine residents.

The following table reflects the allocation of cases on a countywide basis during 2014.

County	Total cases supported with MCLSF and other funding	Total cases supported with MCLSF only
Androscoggin	897	19
Aroostook	646	10
Cumberland	1526	47
Franklin	83	0
Hancock	171	19
Kennebec	754	19
Knox	91	7
Lincoln	91	2
Oxford	231	3
Penobscot	869	39
Piscataquis	66	3
Sagadahoc	142	3
Somerset	189	2
Waldo	96	1
Washington	506	66
York	786	26

Status of matters handled (including whether they are complete or still open)

In CY 2014, Pine Tree opened a total of 6,251 new matters and continued to work on 1,025 complex legal proceedings that were open around the State at the beginning of the year. While the database for 2014 is still being reviewed, current information indicates that Pine Tree completed work on a minimum of 5,609 cases during the year.

Of this total, 36% of all cases were resolved with full legal representation, **one of the highest ratios for a full service legal aid provider anywhere in the United States.** Moreover, in the 2,052 cases receiving full legal representation, 96% of the cases were resolved in a way favorable to the Pine Tree client.

Relationship of services to MCLSF proposal

The actual number of cases handled in whole or in part with MCLSF funding was below that originally proposed in the 2014-2015 application as a result of reduced funding. (Pine Tree had sought an increase in its MCLSF funding to \$950,000/year to compensate for other general funding losses. However, the formula was not increased and actual MCLSF revenue to Pine Tree in calendar 2014 was roughly one-third below the requested level.)

However, Pine Tree did exceed its application target of 34% in providing full legal representation to individuals accepted as a program clients. Handling a case to completion (rather than just providing advice to the client on how to represent himself or herself) is more time-intensive and reduces the total volume of cases handled by the program. However, the outcome of full representation cases is obviously more significant for affected clients, assuring that their legal obstacle has been confronted and resolved. Full representation is especially important for Pine Tree clients, because many barriers (including disability, transportation issues, language, and educational levels) make it difficult for them to advocate effectively for themselves. As noted above, Pine Tree won 96% of the cases that received full representation.

As noted in the 2014-15 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 2014, Pine Tree's legal advocacy has already documented the restoration/return of over \$5.9 million to Maine families as a result of enforcement of legal protections/remedies for Pine Tree clients. (As the 2014 data entry is finalized, this number may increase.)
- This total includes family law advocacy that secured \$818,816 in ongoing annual income from alimony and child support for 79 client households who were primarily victims of domestic violence or sexual assault. It also includes ongoing annual revenue or government benefits equivalent to \$987,564 for almost 200 low-income Maine families (including veterans who were homeless or at risk of homelessness.)
- Pine Tree also tracks non-monetary outcome measures. This data documented the program's effectiveness in securing court ordered protection from abuse for 265 victims of domestic violence, court orders stabilizing the family situation in 206 contested family law matters, 24 cases securing needed educational services for low-income students, and 7 cases protecting students from dating violence.

- 475 families received legal help that secured more time to find alternative housing before they became homeless, potentially saving the state more than \$855,000 in emergency shelter costs (assuming a low \$50/day cost for emergency shelter).

Consistent with the 2014-2015 application, some MCLSF funding was 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 and continue to grow in popularity:

- Our flagship website at www.ptla.org drew 1,090,575 unique visitors and more than 2.38 million page views of information;
- www.kidslegal.org was also a popular resource for families and others working with low-income children and youth, drawing 151,320 unique visitors and more than 200,000 page views of information;
- www.helpmelaw.org serves as a clearinghouse website for several legal aid providers and nonprofits in Maine; it recorded over 15,000 page views in 2014;
- www.statesidelegal.org is a national website providing legal information and legal resource referrals for veteran and military households around the United States: it drew almost 450,000 unique visitors in 2014 and close to a million page views of content.

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 tracks 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, Cumberland Legal Aid Clinic and Immigrant Legal Advocacy Project. The program identifies the primary funding code that supports each case as it is opened and includes a timekeeping function. The program also tracks the level of service provided and 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, as reported above.
- All Pine Tree staff track 100% of their work time according to the cases or projects on which they are working. 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 (including MCLSF) are identified with particular cases or types of legal work. Analysis of time records also allows Pine Tree managers to work with staff on ways to strengthen services in individual cases.

- All Pine Tree Legal Assistance staff are subject to internal “Standards of Practice” designed to insure the quality of all legal services provided to low-income Mainers, in addition to other professional standards governing their work.
- Pine Tree has voluntarily adopted rigorous anti-fraud and risk prevention measures to protect funder investments in its operations. Annual audits are consistently “clean” and confirm that the program’s financial operations are operated with integrity.
- Pine Tree Legal Assistance is one of six Maine nonprofits meeting the Better Business Bureau standards for charitable accountability. It is one of only 22 legal aid providers in the United States to earn GuideStar’s highest rating – the Gold Star for transparency and accountability.

Information regarding unmet and underserved needs

Pine Tree’s unique role as a full-service general legal aid provider in Maine makes it especially difficult to quantify the extent of unmet and underserved legal need in the State.

Legal needs studies consistently find that low-income families experience at least one civil legal problem each year for which legal aid support is needed. According to U.S. Census projections, roughly 75,000 Maine families were living at or below the federal poverty line in 2013 and an additional 100,000 Maine families were living at or below 200% of the federal poverty guidelines (making them potentially eligible for Pine Tree services.) **Collectively, they represent a potential demand for 175,000 civil legal cases/year.**

Voicemail traffic and other data suggest that actual demand for legal help at Pine Tree averages 50,000 requests/year, while the program is only able to accept 6,000 – 7,000 new cases/year. While Pine Tree has been able to provide full representation in over 2,000 cases/year, experience suggests that most of the remaining 5,000 client households receiving a lower level of service could have benefited from full representation if the program had capacity to do so. Unfortunately, because of funding challenges, Pine Tree had to eliminate one of its two general staff attorney positions in the Presque Isle office in the spring of 2014.

In addition, many families face multiple legal challenges and would benefit from a holistic approach that addressed and resolved all of their pending problems at one time, allowing the family to move forward. In many cases, the families are unaware that relatively simple legal interventions could help resolve a problem they face (such as problems their children are having in school, harassment by debt collectors, or unsafe housing.) In 2014, 16% of Pine Tree’s client households received help with more than one legal need; information suggests that the percentage of those who actually could benefit from that help is much larger. At one time, special funding allowed Pine Tree staff to conduct “legal check-ups” with all of their clients as a way to proactively identify and resolve problems that were not yet at crisis proportions. If funding allowed, this approach would undoubtedly allow more low-income households to achieve lasting stability.

Because of their experience and legal expertise, Pine Tree staff are valued trainers and partners on local, state and national initiatives, both in providing technical support and information and in facilitating connections between other stakeholders in the civil justice system. Pine Tree cannot always accept these requests because of the existing caseload demands on its small staff.

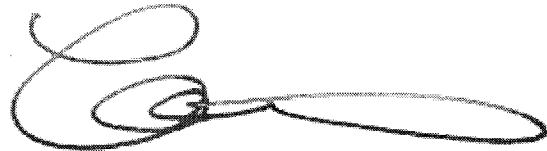
Finally, there is increasing recognition of the ways in which individual legal aid services can contribute to systemic changes benefitting a wide range of vulnerable client populations or addressing widespread social or environmental problems. For instance, Pine Tree was recently sought out by a large foundation to develop a program targeting the reduction of lead paint poisoning in children in the Lewiston area where poisoning rates are three times the rate of the state as a whole. Staff constraints limit Pine Tree from tackling similar problems within other communities and client populations around the State.

However, because of its strong infrastructure, Pine Tree is positioned to fully utilize any additional funding in the most effective way possible.

Conclusion

Every Pine Tree office (Presque Isle, Bangor, Machias, Augusta, Lewiston, and Portland) has been supported with MCLSF 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,

A handwritten signature in black ink, appearing to read 'Nan Heald', with a stylized, looping flourish extending to the right.

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, 2015
Re: Maine Civil Legal Services Fund Annual Report
January – December 2014

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 one day per week in our Biddeford office (formerly two) 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 1140 unduplicated clients, during 1813 office visits or phone calls. Of note:

- * Just over 67% 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.
- * 32%, or 360 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.
- * 179 individuals, or approximately 16%, were referred to civil legal services providers such as Pine Tree Legal Assistance, Legal Services for the Elderly, Cumberland Legal Aid, other attorneys, etc.
- * 68% had incomes equal to or less than 125% of the Federal Poverty Guidelines; 82% had incomes less than 150% of the Poverty Guidelines; and 96% had incomes less than 200%.

Geographic Area Served:

ACTON	18	BUXTON	15	KENN'PORT	3	NEWFIELD	13	SANFORD	305
ALFRED	33	CORNISH	7	KITTERY	55	NO.BERWICK	28	SHAPLEIGH	15
ARUNDEL	11	DAYTON	1	LEBANON	49	OGUNQUIT	4	SO.BERWICK	29
BERWICK	58	ELIOT	24	LIMERICK	11	OOB	28	WATERBORO	40
BIDDEFORD	89	HOLLIS	10	LIMINGTON	19	PARSONSFIELD	16	WELLS	42
		KENNEBUNK	19	LYMAN	21	SACO	56	YORK	29

OTHER MAINE TOWNS 31 OTHER STATES 61

TOTAL: 1140 UNDUPLICATED CLIENTS 1813 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 2014, 1140 unduplicated individuals were provided assistance, including 180 referrals to legal services providers, and 48 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 2014, staff forwarded a survey to fifty-eight individuals who had received services through the Access to Justice Program in 2013, and twenty-two were returned. 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 all but one stated that the court clerks were satisfied with their paperwork. Sixteen respondents stated that they had achieved the goal for which they went to court (e.g. a grandparent granted guardianship of two grandsons in unsafe situation, or an increase in child support granted); two achieved a mediated goal that was satisfactory; and four believed that their children are safer than they were prior to the court appearance. Seventeen stated that they had more knowledge of the court system and of their rights, which in turn gave them more confidence that they could proceed without the assistance of an attorney.

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

180 individuals were referred to a legal services provider, and an additional 48 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. *It is worth noting that, as the number of people representing themselves in court increases, and stakeholders are exploring solutions to this dilemma, there are community-based resources that can be effectively and efficiently leveraged at community action agencies and other non-profits.*

- 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. *The recent report by the Family Division Task Force on the decreasing resources for pro se litigants in family matters comments that the Maine family court system needs more judges and clerks. While that is certainly important, we suggest that a lower cost resource would be investment in additional Legal Advocates.*
- 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 details 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,

Deborah Downs
Director of Community Outreach

Helen Rousseau
Legal Advocate