

Maine Civil Legal Services Fund Commission

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Maine Civil Legal Services Fund Commission

Report to the Joint Standing Committee on the Judiciary

131st Legislature, Second Regular Session

January 30, 2024

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MAINE CIVIL LEGAL SERVICES FUND COMMISSION

January 30, 2024

Anne Carney, Senate Chair
Matt Moonen, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, Maine 04333-0100

RE: 2023 Report of the Maine Civil Legal Services Fund Commission

Dear Senator Carney and Representative Moonen:

I am pleased to submit the 2023 Annual Report of the Maine Civil Legal Services Fund Commission (MCLSFC) to the Joint Standing Committee on Judiciary, as required by 4 MRSA §18-A.

Angela Farrell, Edmond J. Bearor, and I were the three Commissioners who oversaw the Maine Civil Legal Services Fund (“Fund”) during this period. Angela’s term on the Commission ended on January 1, 2024. Carol Emery has since been appointed to the Commission.

The annual report includes information about the amounts and uses of the funds allocated from the Fund. This compilation includes a report from each of the seven organizations receiving these funds. In 2023, there were three sources of funds pooled in the Fund for distribution to these organizations: the regular pass-through payments made annually pursuant to 4 MRSA §18-A(3-A)(6); distributions from the general fund resulting from the FY2023 State of Maine Supplemental Budget appropriation for civil legal aid; and the American Rescue Plan Act of 2021 (ARPA) funds.

2023 MCLSF Fund Distribution Per 4 MRSA §18-A(3-A)(6)

The total amount distributed in 2023 from regular pass-through payments was \$ 1,467,631.69. The distributions in 2023 were made according to the following formula and in the following amounts:

Organizations Receiving Regular Pass-Through Funds from Maine Civil Legal Services Fund	% Share of Allocation	Amount Received (\$)
Cumberland Legal Aid Clinic	6.5000	95,396.06
Disability Rights Maine	3.0000	44,028.95
Immigrant Legal Advocacy Project	6.0000	88,057.90

Legal Services for the Elderly	22.0000	322,878.97
Maine Equal Justice	10.5000	154,101.33
Pine Tree Legal Assistance	47.5000	697,125.05
Volunteer Lawyers Project	4.5000	66,043.43
Total	100.0000	\$1,467,631.69

2023 General Fund Allotment – Added in FY2023 Supplemental Budget

The fiscal year 2023 State of Maine Supplemental Budget included an annual allocation of funds for civil legal services to benefit the same seven organizations who are beneficiaries of funds from the Maine Civil Legal Services Fund. Indeed, disbursements flowing through MCLSF is the mechanism for payment of the funds from the general fund appropriation. Payments were distributed according to the same percentage share of allocation of the existing MCLSF funds, were distributed to seven organizations in CY 2023, totaling \$ 1,625,000.00, as follows:

Organizations Receiving General Fund Allotment via Maine Civil Legal Services Fund in CY 2023	% Share of Allocation	Amount Received (\$)
Cumberland Legal Aid Clinic	6.5000	105,625.00
Disability Rights Maine	3.0000	48,750.00
Immigrant Legal Advocacy Project	6.0000	97,500.00
Legal Services for the Elderly	22.0000	357,500.00
Maine Equal Justice	10.5000	170,625.00
Pine Tree Legal Assistance	47.5000	771,875.00
Volunteer Lawyers Project	4.5000	73,125.00
Total	100.0000	\$ 1,625,000

American Rescue Plan Act of 2023 (ARPA) Funds

Finally, six civil legal service providers listed below were beneficiaries of ARPA funds in CY 2023, totaling \$ 295,504.00. These funds were made in distribution amounts equal to expired grant funds from the Maine Justice Foundation Bank of America settlement. The distributions were made as follows:

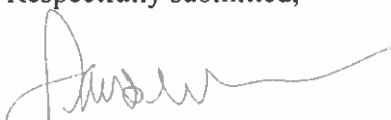
Organizations Receiving ARPA Funds via Maine Civil Legal Services Fund in CY 2023	Amount Received (\$)
Cumberland Legal Aid Clinic	10,000.00
Immigrant Legal Advocacy Project	40,000.00
Legal Services for the Elderly	71,085.00
Maine Equal Justice	83,334.00
Pine Tree Legal Assistance	71,085.00
Volunteer Lawyers Project	20,000.00
Total	\$ 295,504.00

In total, \$ 3,388,135.69 was distributed among seven civil legal services organizations for CY 2023 via the Maine Civil Legal Services Fund.

The Maine Civil Legal Services Fund plays a critical role in funding access to justice for Maine community members who are low income, elderly, and/or have a disability. As Commissioners, we will continue to monitor the good work performed by these organizations in order 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 MRSA §18-A. On behalf of all persons who benefit from this Fund, we thank you for your support.

If you or any members of the Committee have questions, please feel free to contact me. I can be reached at 207.791.1185 or smurphy@pierceatwood.com.

Respectfully submitted,



Sara A. Murphy, Esq., Chair
Maine Civil Legal Services Fund Commission

Enclosure

cc: Edmund J. Bearor, Esq., Commissioner
Hon. Carol R. Emery, Commissioner

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Cumberland
Legal Aid Clinic

**2023 ANNUAL REPORT
TO THE MAINE CIVIL LEGAL SERVICES FUND COMMISSION
AND THE JOINT STANDING COMMITTEE ON THE JUDICIARY**

The Cumberland Legal Aid Clinic of the University of Maine School of Law (“the Clinic”) is pleased to submit this report on its use of the funds it received in 2023 from the Maine Civil Legal Services Fund (“the Fund” or “MCLSF”).

A. OVERVIEW OF THE CLINIC’S PROGRAMS AND ACTIVITIES

Established in 1970 and now celebrating its 54th year, the Clinic is a program of the University of Maine School of Law in which second- and third-year law students, specially licensed to practice under court and agency rules, provide free legal services to low-income individuals in Maine. Student attorneys at the Clinic work under the close supervision of Clinic faculty, who are experienced members of the Maine Bar. The Clinic’s mission is two-fold: educating Maine Law students through an intense clinical and mentoring experience while providing high-quality pro bono legal services to indigent Maine citizens.

The Clinic serves clients with a range of legal matters pending in state, probate, and federal courts and agencies throughout Maine. Services are provided through six distinct clinical programs, five of which receive some of their critical support through MCLSF: General Practice; Prisoner Assistance; Youth Justice; Refugee and Human Rights; Rural Practice Clinic (supported by other funding), and Protection from Abuse. As described in more detail below, each of these programs has a target population. Eligibility requirements for clients are specific to each program, but all serve indigent clients almost exclusively.¹ Most individuals qualify for the Clinic’s services when (a) their household gross income falls within our financial guidelines, (b) the court or agency is within our geographic service area, and (c) we have openings for new clients.

Initial screening of clients to determine eligibility is conducted by Clinic staff. Student attorneys complete the intake process, and cases are accepted only after faculty approval. Due to limited resources, the Clinic cannot accept every case that meets our eligibility requirements. Other considerations given priority in accepting a case are (a) the acuteness of a client’s need, (b) the availability of alternative sources of legal services or assistance, (c) the Clinic’s ability to provide quality representation, (d) the amount of financial and other resources required to represent the client in the matter, and (e) the educational value of the case.

A total of fifty-five students enrolled in Clinic courses during the spring and fall semesters in 2023. In addition to the specific courses listed below, all students participating in Clinic during

¹ As a general matter, the Clinic provides assistance to low-income residents of Maine, defined as those receiving needs-based public benefits or having an adjusted income under 125% of the Federal Poverty Level.

the academic year are required to enroll in a separate Lawyering Skills for Clinical Practice course, which provides an in-depth classroom learning experience focusing on core lawyering skills including interviewing, counseling, trauma-informed lawyering, cultural humility, case theory, and negotiation, among others. During the summer, the Clinic hired seven law students in the Portland office and two students in our Fort Kent office as full-time interns, and three students as part-time fellows working on policy and outreach projects. As a result, the Clinic was able to provide much-needed representation to individuals on a year-round basis.

The **General Practice Clinic** enrolls up to ten law students, each of whom represents between four to eight clients over the course of a semester. This program provides full representation to low-income Mainers in a broad range of litigation-related matters at both the trial and appellate levels. The majority of cases involve family law and domestic matters, but student attorneys also work on state and federal cases involving consumer, criminal, juvenile, probate, administrative, and miscellaneous civil issues. Priority for representation by the General Practice Clinic is given to (a) clients with whom we have worked in the Protection from Abuse Project and other limited-representation programs of the Clinic, (b) referrals from other legal aid providers who are unable to provide assistance, and (c) referrals from area courts and agencies who have identified litigants as having a particularly acute need for quality legal representation in their legal matters. We provided extended representation to 43 clients in 2023.

Through its **Prisoner Assistance Clinic**, the Clinic provides civil legal services to persons incarcerated in the Maine state prison system. This program includes a course during the school year that enrolls up to five Maine Law students each semester. The program emphasizes the development of interviewing and counseling skills by delivering “unbundled” legal services (i.e., limited representation) on a wide range of issues. To meet with clients with civil legal matters, students in the program visit the Maine Correctional Center and the Southern Maine Re-Entry Center for Women in Windham every week. The Prisoner Assistance Clinic also serves a small number of clients in other facilities through correspondence, Zoom, and telephone calls. In 2023, this clinic provided 67 prisoners with legal information, advice, and, in some cases, full representation. Case types are addressed in a later section.

The **Youth Justice Clinic**² enrolls up to five Maine Law students each semester. Practicing under the supervision of a Clinic faculty member, student attorneys in this program have the opportunity to work with youth in several different contexts. As well as representing children with matters pending in the Maine Juvenile Courts, they provide information and advice on a wide range of legal matters to homeless teens and young adults through an outreach program at the Preble Street Teen Center. Law students in the Youth Justice Clinic also work with the Center for Youth Policy & Law to benefit Maine children and youth statewide through policy projects that have included juvenile record sealing, alternatives to incarceration, and cross-system collaboration to support youth transitioning out of the justice system.

² The Youth Justice Clinic, formerly known as the Juvenile Justice Clinic, has recently expanded its scope to include policy and practice work as it relates to older youth and young adults. This change reflects the national shift in the youth justice field acknowledging research in adolescent development, crime trends, and justice system policy reforms. The Center for Youth Policy & Law was founded by the Clinic to support this work.

The **Refugee and Human Rights Clinic (RHRC)** provides an opportunity for Maine Law 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 many of the RHRC's clients. Those served include (a) asylum applicants who have fled human rights abuses in their home countries and are seeking refuge in the United States, (b) immigrant survivors of domestic violence, (c) immigrant victims of certain crimes, and (d) abandoned or abused children seeking legal status in the United States. In 2023, RHRC students assisted 33 full representation clients and 411 immigrants, recent immigrants and refugees through public education and outreach work. We also reached 254 community members and professionals who work with asylum seekers, including teachers, housing coordinators, and medical professionals. Among these public education and outreach initiatives were training sessions in area hotels and community centers to Maine's immigrant population, in collaboration with ILAP, on how to apply for asylum, conducted by RHRC students.

Maine Law students enrolled in each of the above Clinic courses or covering Clinic cases as summer interns participate in the **Protection from Abuse Project**. This project receives top marks from students, courts, and clients alike. Student attorneys attend the weekly Protection from Abuse docket calls in the Lewiston District Court and represent victim-survivors of domestic or dating violence, sexual abuse, or stalking who need representation. In 2023, through support from the Fund and the United States Department of Justice Office of Violence Against Women, the program provided such representation to 163 Maine victim-survivors. The fund played a much larger role in the support of this project in 2023, as our DOJ funding ran out in September.

We opened our **Rural Practice Clinic** in Fort Kent this year. This project is currently fully funded by a grant from the Maine Attorney General's office. After beginning with a single Visiting Professor providing all supervision during spring semester, we shifted to a fellowship model this fall. Retired District Court Judge Dave Soucy serves as the supervising professor for our Teaching Fellow and our student attorneys. Attorney Soucy provides part time oversight for litigation activities as required by court rules, and much of the student preparation is handled by Maine Law 2023 graduate, Ryan Fowler. Ryan was one of our inaugural students in spring 2023. We hired him this fall as the Teaching Fellow, and we anticipate that he will take over all supervision as soon as he is licensed to practice this spring.

Our students and the RPC quickly became an integral part of the St. John Valley legal community. They took on the difficult Lawyer of the Day duties in Fort Kent and Madawaska District Courts and added a number of clients with family-law related issues. RPC reached its capacity soon after opening with a wide variety of cases including small claims, debt collection defense, wills, and eviction defense. The RPC students also spend time with Fort Kent undergraduate students, expanding their knowledge and understanding of issues of justice and process.

B. SPECIFIC INFORMATION REQUESTED BY THE FUND COMMISSION

The Maine Civil Legal Services Fund is a critical source of external funding for the Cumberland Legal Aid Clinic. In 2023, the Fund provided approximately 24% of the external funds received by the Clinic and 13% of the total funds we used for our programs. While the Clinic relies on money received from the Fund for nearly all the programs described above, it depends on that funding especially for the work of the Summer Intern Program, the Prisoner Assistance Clinic, the General Practice Clinic, and the Protection from Abuse Project.³ Thus, in 2023, resources provided by the Fund enabled the Clinic to help fund two of its five full-time supervising professors, an adjunct faculty member, administrative coordination for the Prisoner Assistance Clinic, and hire three of the seven Portland-based summer interns whose coverage of ongoing cases made it possible for us to operate throughout the year. MCLSF funds also enabled us to purchase training and research materials for our Clinic library and to cover expenses directly related to providing legal services, such as travel to court, hiring interpreters and translators, printing, telephone, and mail. Through its funding of the Clinic, the MCLSF has supported the training of a significant cohort of new lawyers in Maine's strong pro bono tradition and enabled hundreds of Maine's lower-income residents to have access to justice.

This year the Cumberland Legal Aid Clinic also received \$10,000.00 American Rescue Plan Act funds (ARPA) to support our programs. This amount accounted for approximately 1.4% of external funds received by the Clinic and almost 0.75% of the total funding we receive for our programs. We used the ARPA funding to expand our geographic reach, getting legal assistance out to more rural parts of Maine. Much of it supported our work in the Prisoner Assistance program, allowing the Clinic to serve people housed in correctional facilities throughout the state.

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 58% of the Clinic's General Practice, and Prisoner Assistance civil caseloads, or 70 cases. In addition, the Clinic handled 163 Protection from Abuse/Harassment cases for a total of 233 family-related cases last year. The family law caseload is varied. Such cases in the General Practice Clinic involve disputes regarding parental rights and responsibilities, child protection, de facto parent determinations, child support, divorce, and minor guardianship. We also assisted teens and young adults with family law matters through the Preble Street Law Program.

Other areas of civil legal services handled in the General Practice Clinic in 2023 include Special Immigrant Juvenile Status predicate orders, taxes, education, homeless student issue, and housing.

³ The Clinic does some work in the areas of criminal and juvenile law. While those clients (a total of approximately 84 cases) have not been included in the client totals for this report, some of them, particularly the youth clients, also had civil legal matters for which we provided assistance.

The Prisoner Assistance Clinic assisted clients with a full range of family law questions, including divorce, child protection, delegation of parental rights, child support, parentage matters, and protection from abuse. Student attorneys in this clinic addressed a wide variety of other civil legal issues, among them appeal, bankruptcy, small claims, tort claim, landlord tenant issues, trusts and wills; adult guardianship; minor guardianship; power of attorney and prisoner's rights.

Through the Street Law Program at the Preble Street Teen Center, Maine Law students in the Youth Justice Clinic provided information and advice to teens and young adults on a range of civil matters. These included education rights, public benefits, housing, immigration, and juvenile matters

In the Refugee and Human Rights Clinic, student attorneys assisted clients with matters involving defensive asylum (asylum claims asserted as a defense to deportation in immigration court proceedings), work permits, Freedom of Information Act requests, asylum derivatives/family reunification, lawful permanent residence, Special Immigrant Juvenile Status, and naturalization. Student attorneys also provided limited representation assistance to pro se asylum seekers in Portland to help them correctly fill out and file their asylum applications (the Form I-589) either in immigration court or with United States Citizenship and Immigration Services, depending upon each individual's circumstances.

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

In 2023, the Clinic provided civil legal assistance to a total of 320 individuals; for several of these clients, students provided assistance on multiple legal matters.⁴

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

The primary demographic information tracked by the Clinic is the client's county of residence. The county-by-county breakdown of our clients' places of residence in 2023 is as follows: Androscoggin 178; Cumberland 97; Kennebec 5; Knox 10; Oxford 1; Penobscot 7; Piscataquis 1; York County 17; Out of State 4.⁵

The Clinic assisted a large number of clients with Limited English Proficiency or who were born outside of the United States. During 2023, our clients' countries of origin included Angola,

⁴ An additional 1,376 individuals contacted the Clinic for legal assistance last year by phone or walk-in and were provided referrals to other agencies due to their ineligibility for our assistance or a lack of available openings at the Clinic. We have excluded from our calculations three prisoners with whom the Clinic had some contact but for whom services were not provided as they were released.

⁵ These numbers include clients in our Prisoner Assistance Clinic, 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.

Brazil, Burundi, Colombia, Cuba, the Democratic Republic of the Congo, the Dominican Republic, El Salvador, Guatemala, Honduras, Iraq, Mali, Mexico, the Philippines, Rwanda, Somalia, South Sudan, Sudan, Uganda, and Vietnam. The Clinic also assisted clients from Maine's tribes.

The Clinic also regularly represents many people with disabilities, particularly those with serious mental and cognitive illnesses.

4. The geographical area served by the organization because of money received from the Fund

The Clinic serves clients with matters pending throughout Maine. Because the legal work is performed entirely by law students enrolled in other courses in Maine Law School, the Clinic's geographic coverage in full representation matters is primarily in federal, state, and probate courts and agencies located in Cumberland, York, Androscoggin, and Sagadahoc counties. We do, however, appear in courts in other parts of Maine as well. In 2023, we provided full representation to clients with cases in state and federal courts and agencies located in Augusta, Bangor, Biddeford, Lewiston, Sagadahoc, Skowhegan, Springvale, Waterville, West Bath, York, and Portland (including the Maine Supreme Judicial Court and the Federal District Court), as well as the Department of Justice Immigration Court in Boston (which has jurisdiction of Maine deportation cases). In addition, through the Prisoner Assistance Clinic, we served, on a more limited basis, clients with legal matters arising anywhere in the state, covering nearly every district court, many county probate courts, and some tribal courts.

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

The Clinic had 72 civil cases open at the start of 2023. During the year, the Clinic opened 277 new cases and closed 259. Currently, at the end of the year, the Clinic has 90 civil cases open. We were able to wrap up a number of cases in anticipation of the start of the new semester in January 2024 when we expect to take on new clients.

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 key respects with the proposal submitted in September 2021. As indicated in the Overview provided in this report, the Clinic has maintained all the programs described in that proposal. Our central focus, providing high-quality full representation to low-income individuals while educating future attorneys, has remained unchanged. Clinic student attorneys were able to open and close a number of cases in 2023 and, as a result, we are poised to increase the number of cases in the New Year.

Additionally, thanks to vaccinations and the ability to resume in-person outreach events, the Clinic was able to significantly increase its outreach. RHRC students have presented to and been able to meet directly with over 274 asylum seekers and people who work with asylum seekers in large and small group settings.

7. *Outcomes measurements used to determine compliance*

The Clinic tracks data regarding its cases through the same case management system (Legal Server) used by many other legal services providers. This software enables us to review the type and volume of cases handled each year. Caseload volume usually depends on the complexity of the individual cases being handled as well as student enrollment. The latter can depend in turn on the number of Clinic faculty supervisors available, the degree of student interest, and overall enrollment in the Law School. Faculty supervisor approval is required for every case acceptance, ensuring that the case falls within the Clinic's relevant parameters, which include measurements set to ensure compliance with our 2021 proposal to the Commission.

The Clinic employs specific evaluation mechanisms to ensure both the high quality of the representation we provide to our clients and the benefit that students receive from their experience working in the Clinic. Faculty supervisors accompany students to every court appearance. All incoming mail and every phone message is routed to the student's faculty supervisor, and no text (e.g., letter, e-mail, or court filing) can be printed, faxed, or mailed without the supervisor's approval. Since the students are participating in an academic program for which they receive a final grade, every aspect of their work is subject to evaluation as well as supervision by faculty.

As an educational program, the Clinic is subject to ongoing evaluations conducted in the Law School and the University, including extensive evaluations of members of our faculty. In addition, the Clinic regularly contacts the judges, clerks, and social service providers who work with our program to solicit their feedback. All clients served receive a questionnaire when their case is closed, and completed questionnaires are reviewed by the relevant student attorneys, faculty supervisors, and the Clinic Co-Directors. While response rate to these exit questionnaires is not high, those clients who do respond nearly always give warm praise to the work performed by students and express deep appreciation for the assistance they received from the Clinic. Also, all students enrolled in Clinic courses are asked to complete detailed evaluations of the Clinic and of their experiences working there.

An important measure of the success of the Clinic's programs is our students' career choices after they graduate. Recent Maine Law graduates who participated in Clinic programs have taken positions with Catholic Charities, Disability Rights Maine, the Maine Legislature, the American Civil Liberties Union of Maine, Maine Legal Services for the Elderly, Pine Tree Legal Assistance, as well as positions in the state and federal courts as fellows, county prosecutors' offices, and the Office of the Attorney General. Other recent Maine Law graduates associated with the Clinic have joined or opened small firm practices in rural Maine, including counties with underserved populations. A number of our graduates tell us that, as a result of their experiences working in the Clinic, they have decided to become rostered guardians *ad litem* or to accept court appointments in the areas of child protection, juvenile defense, or criminal defense. Several Clinic graduates have signed on with the Maine Volunteer Lawyers Project and Immigrant Legal Advocacy Project to accept pro bono cases.

8. *Information regarding unmet and underserved needs.*

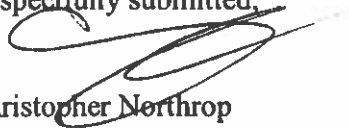
The Clinic receives hundreds of calls from individuals seeking legal assistance every year and also receives many referrals from courts and agencies. Because the number of low-income Maine residents who need our help greatly exceeds our program's capacity, the Clinic designates certain priorities for case acceptance. Thus, in assessing eligibility, we give priority to those potential clients who would otherwise have particular difficulty representing themselves due, for example, to language barriers, immigration status, mental illness or other disability, a 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, such as complex family law matters with issues of family violence, substance abuse, mental illness, or conflicting jurisdiction. The Clinic makes every effort to accommodate referrals from courts and other organizations that have identified specific individuals who would benefit from our assistance, particularly where this is due to the limitations of other legal aid programs. Because a number of our programs provide a broad range of assistance to many people, for example, at the Preble Street Law Project, through the Protection from Abuse Program, and through the Prisoner Assistance Clinic, we are able to identify individuals with a particular need for extensive legal assistance, thus ensuring that our resources are allocated to those for whom the need for such assistance is most acute.

C. CONCLUSION

The Clinic must rely on external sources of funding to continue its work. State funding for higher education in Maine has been limited for years. The faculty, staff, and students of the Cumberland Legal Aid Clinic join me in expressing our appreciation of the Maine Civil Legal Services Fund for its continued support of our programs. Without that support, we would be severely restricted in our ability to pursue the Clinic's double mission of providing much-needed legal services to chronically underserved populations in Maine while educating the next generation of attorneys. The Fund is an especially valuable source of support in enabling the Clinic not only to continue its legal aid work at current levels but to explore and develop ways to pursue that mission even more effectively and extensively.

We would be happy to answer any questions or supply any additional information that is requested.

Respectfully submitted,



Christopher Northrop
Co-Director of the Clinical Programs at Maine Law
Christopher.northrop@maine.edu

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2023 ANNUAL REPORT TO THE MAINE CIVIL LEGAL SERVICES FUND COMMISSION

JANUARY 12, 2024

I. Overview

Disability Rights Maine (DRM) is Maine's statewide protection and advocacy agency for people with disabilities. Incorporated in 1977 as a private, nonprofit corporation, DRM's mission is to advance justice and equality by enforcing rights and expanding opportunities for people with disabilities in Maine.

DRM is part of a national network of federally funded and mandated disability rights Protection & Advocacy agencies, which are the largest providers of advocacy and legal services for people with disabilities in the United States. As Maine's designated P&A, DRM has standing to bring lawsuits on behalf of people with disabilities, 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.

DRM priorities focus on ensuring individuals with disabilities are safe from abuse, neglect and exploitation; are able to live and work in integrated communities and to direct their own lives and services to the maximum extent possible; are not being subjected to unlawful disability-based discrimination; and have access to health care, housing, education, employment and public accommodations.

Using federal and state funds¹, DRM provides no-cost advocacy and legal services to people with disabilities who have experienced a disability related violation of their legal or civil rights. DRM currently employs 52 people, 12 of whom are attorneys.

II. Maine Civil Legal Services Funding

DRM has received MCLSF funding to support the provision of legal services to people with disabilities for many years, and continued to receive 3% of the Maine Civil Legal Services Fund in 2023. To date, ongoing funding has not been sufficient to fully support a staff attorney position. As a result, DRM used MCLSF funding in

¹ DRM receives funding under nine different federal grants and eight other state and private contracts.

**DISABILITY RIGHTS MAINE
2023 ANNUAL REPORT TO THE
MAINE CIVIL LEGAL SERVICES FUND COMMISSION
JANUARY 12, 2024**

2023, as we have in the past, to supplement our existing funding in cases where the client has a disability, has an income below or around the federal poverty level, and has experienced disability-based discrimination or a violation of their rights.

Approximately 16% of people in Maine are people with disabilities. And unfortunately, disability and poverty remain closely linked. Between 2017-2021, 52% of working-age Mainers with a disability lived in or near poverty, which was more than twice the rate for Mainers without a disability. Given the significant need for no-cost civil legal services within the disability community, the MCLSF award is essential to maintaining and expanding DRM’s ability to provide legal representation to Mainers with disabilities whose incomes are below or around the federal poverty level.

We appreciate the opportunity to highlight some of the important work that DRM attorneys engaged in on behalf of Mainers with disabilities in 2023.

A. Types of cases handled:

DRM continues to see an increasing demand for legal services. As outlined in the table below, DRM attorneys handled 844 cases in 2023. This was a slight increase over the 824 cases handled by DRM attorneys in 2022.

As outlined in the table below, the majority of individual advocacy cases involved: protecting people with disabilities from abuse and neglect and other rights violations; advocating for community integration; employment related advocacy; and securing equal access to education for students with disabilities. DRM attorneys also handled a significant number of guardianship and housing related cases.

**2023 Attorney Cases Handled
Case Problem Area (Based on Total # of Active Client Cases)**

Abuse, Neglect and Other Rights Violations.....	236
Community Integration.....	262
Due Process.....	17
Education.....	96
Employment.....	92
Government Services & Public Accommodations.....	10
Guardianship.....	71
Housing.....	59

**DISABILITY RIGHTS MAINE
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Voting.....	1
Total.....	844

Please refer to the Appendix for selected case narratives for cases closed in 2023.

B. Number of people served:

DRM attorneys provided direct representation in 844 cases to 749 individuals with disabilities in 2023. And DRM advocacy staff, supervised and supported by attorneys, provided services in 658 active matters to an additional 562 Mainers with disabilities. In total, DRM provided direct advocacy services to 1,311 Mainers with disabilities in 2023.

In addition, when DRM is unable to provide direct advocacy services for various reasons, individuals seeking assistance will receive information and referral services. An additional 1,875 individuals were served in this manner.

Finally, although this report is focused on the individual legal advocacy provided by DRM attorneys in 2023, DRM attorneys and advocates engaged in a significant amount of work that is not fully captured here. For example, during the 2023 federal fiscal year, DRM attorneys and advocates conducted 338 monitoring/outreach events reaching 11,536 people; and 208 training events reaching 3,389 people.

C. Demographic information about people served

Demographic information regarding the cases handled by DRM attorneys in 2023 is included below. This data covers the total number of unique clients with active service requests in 2023, where an attorney was the primary assigned staff.

Demographic information regarding the cases handled by DRM attorneys in 2023 is included below. This data covers the total number of unique clients with active service requests in 2023, where an attorney was the primary assigned staff.

Age:

Birth – 18.....	145
19 – 30.....	193
31 – 40.....	122
41 – 50.....	106
51 – 60.....	97

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61 – 70.....	58
71 & Over.....	28
Total.....	749

Ethnicity/Race:

Hispanic/Latino.....	19
American Indian/Alaskan Native.....	8
Asian.....	10
Black/African American.....	15
White.....	617
Two or More Races.....	30
Ethnicity/Race Unknown.....	50
Total.....	749

Gender:

Female.....	340
Male.....	396
Non-Binary.....	3
Other.....	1
Unknown/Declines to Respond.....	9
Total.....	749

Primary Disability:

Absence of Extremities.....	1
Autism.....	122
Blindness.....	2
Brain Injury.....	33
Cerebral Palsy.....	14
Deaf-Blind.....	2
Deafness.....	10
Epilepsy.....	3
Hard of Hearing (not Deaf).....	3
Intellectual Disability.....	340
Mental Illness.....	142
Muscular/Skeletal Impairment.....	5
Neurological Impairment.....	18
Orthopedic/Physical Impairment.....	28
Specific Learning Disability.....	4

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Spina Bifida.....	2
Tourette Syndrome.....	1
Visual Impairment (not Blind).....	3
Other.....	16
Total.....	749

D. Geographic area actually served:

DRM has a statewide service area. In 2023, DRM provided legal representation to Mainers with disabilities in all sixteen of Maine’s counties. See below for additional information regarding the geographic distribution of matters handled by attorneys:

County:

Androscoggin.....	164
Aroostook.....	27
Cumberland.....	190
Franklin.....	8
Hancock.....	19
Kennebec.....	91
Knox.....	20
Lincoln.....	18
Oxford.....	25
Penobscot.....	79
Piscataquis.....	5
Sagadahoc.....	20
Somerset.....	30
Waldo.....	25
Washington.....	17
York.....	102
Out-of-State.....	4
Total.....	844

E. Status of matters handled, including whether they are complete or open:

There were **844 active attorney** cases in 2023. During 2023, **616 cases were opened** and assigned to attorneys, and **564 attorney cases were closed**. In addition, there were also **658 active matters handled by non-attorney advocates**, with the support and supervision of DRM attorneys.

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F. Whether and to what extent the organization has complied with its proposal submitted to the Commission:

DRM used MCLSF funding in 2023, as we have in the past, to supplement our existing funding in cases where the client has a disability, has an income below or around the federal poverty level, and has experienced disability-based discrimination or a violation of their rights. The MCLSF funding helps expand our ability to serve Mainers with disabilities who are unable to otherwise access legal representation.

DRM complied with the terms of the award by using MCLSF funding to pay staff attorney salaries to represent Mainers with disabilities and not for any other expenses such as administrative costs, support staff salaries or advocate salaries. This allowed us to be as flexible and as broad as possible in using the MCLSF allocation.

G. Outcome measurements used to determine compliance:

The case numbers and other data included above demonstrates compliance with MCLSF requirements. DRM again served an increasing number of Mainers with disabilities in 2023, and we again delivered these services statewide, serving individuals in every Maine county.

In addition, when DRM closes a case, the reason for closing is documented and reported out as required by various grants. For the 2023 attorney cases reported here, 67% were resolved in the client's favor. Of the balance of the cases, the vast majority were closed because either the situation changed and the client no longer needed legal assistance or because the client was not responsive. And 4% were closed because after investigation, the case was found to lack merit. Less than 6% of cases were closed because no issues were resolved in the client's favor.

Every year, DRM prepares comprehensive program reports for our federal funders, called Program Performance Reports (PPRs). In these detailed reports, DRM outlines all of its activities in each of the programs, including cases and non-case activity and explains how our actions furthered the priorities DRM has established for each of its programs. DRM has similar reporting requirements related to state and private contracts. All of these compliance and outcome measures are also applied to cases that are partially supported by MCLSF funds.

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H. Unmet and underserved needs

DRM, like all the other legal service providers, receives many more calls for assistance than we are able to provide. And we have to turn down approximately 70% of the requests we receive for direct advocacy assistance. As indicated in our recent application for funding in 2024 and 2025, we continue to see significant unmet needs in the areas of education, guardianship and housing, discussed in more detail below.

Education Related Advocacy: DRM has two full time education attorney positions. Even with two dedicated attorneys, DRM receives many more calls for educational advocacy than we are able to provide, and the need for educational advocacy appears to be growing exponentially. As schools struggle with staffing challenges, the needs of many students with disabilities are simply not being met. And when students are not getting the supports they need, this can occasionally lead to behaviors that interfere with their ability to access their education because many schools resort to suspending, expelling or otherwise removing students from school. Students with disabilities are entitled to services to address disability related behaviors so they can access equal educational opportunities. DRM prioritizes cases where students are excluded from school for all or part of their day, and there is such significant demand for representation in those situations that they comprise the vast majority of our education docket. School exclusions have significant impacts on the students themselves, but these impacts quickly spread to the entire family, especially for families already struggling to make ends meet. It is unfortunately not uncommon for a prolonged school exclusion to result in a parent losing their ability to work, which can result in housing instability and food insecurity for the entire family. We continue to see a growing need for this vitally important work.

Guardianship Defense/Termination: DRM attorneys continue to represent individuals under guardianship seeking to avoid, terminate or limit their guardianship and restore their basic rights in Maine Probate Courts. Maine has extremely high rates of guardianship, with approximately 74% of Maine adults with intellectual or developmental disabilities under guardianship (as opposed to 41% nationally), so there is a significant need and demand for legal services in this area that DRM is unable to meet.

Housing Related Advocacy: DRM does not currently have an attorney dedicated to housing cases. Instead, attorneys across DRM represent clients in disability related

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housing matters. DRM attorneys have recently successfully secured reversal of a disability related denial of a housing voucher, supported clients experiencing homelessness with accessing emergency resources, helped individuals maintain their housing following psychiatric hospitalizations, and helped individuals avoid evictions for disability related behaviors by using the reasonable accommodation process. But we still receive many more calls for assistance with housing issues than we are able to fulfill. We are also seeing an increasing number of requests for assistance from individuals who are at significant risk of losing their housing for reasons unrelated to disability. While we refer those cases to Pine Tree Legal Assistance, we know the demand for housing related advocacy far outstrips our collective ability to meet it.

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Appendix - Selected Narratives for Cases Closed in 2023

We are providing some closing narratives from cases closed by DRM attorneys in 2023, which were selected to provide an understanding of the type of work reflected in the case numbers reported above and the positive impacts for people with disabilities in addressing rights violations, restoring rights, and securing equal access to education, employment, healthcare and other services.

DRM advocacy addresses improper restraints for medical procedures: Client is a 23-year-old diagnosed with moderate intellectual disabilities, pulmonary valve disorder cerebral palsy and epilepsy among other medical and genetic diagnoses. Client communicates non-traditionally, and lives in an ICF facility, which has been closed to visitors temporarily on and off due to COVID-19 infections. The issue for this case is residential provider utilizing "medical holds" i.e. restraints for COVID-19 testing without an approved behavior management plan, and beyond the scope of the medical hold exception to the safety plan regulations. Staff Attorney advocated with the Residential Provider to stop these types of medical holds because they did not meet the medical hold exception contained in Maine's safety plan regulations. As a result, the Residential Provider stopped performing this type of restraint without a doctor's order for the specific procedure, in accordance with the regulations.

DRM advocacy results in termination of years long guardianship: Client is a 32 - year-old male with an intellectual disability. Mom was appointed as full legal guardians when he turned 18 and client has continued to live with his mother but has been advocating for himself that he wanted to get out and live on his own or at the very least a shared living situation. Case manager and staff who provide services to client fully supported this and think Client is more than capable of being on his own. But when the case manager tried to ask mom what she thought Client needed to work on in order to live on his own/what the issues were, mom just said he can never live on his own. Client and team contact DRM for assistance. DRM attorney conducted a merit assessment and found the client had a very strong case for termination. Through help of the client and his team, the DRM attorney obtained a supportive PP-505 and filed for guardianship termination on behalf of the client. A hearing was held in January of 2023 attended by all parties. At the hearing DRM attorney presented all of the supporting evidence for termination and the guardian could not point to a legal

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reason why client should still remain under guardianship. The client is now free from guardianship and utilizing the support of his team to find a new living arrangement.

DRM advocacy results in appointment of guardian and then subsequent termination of guardianship: DRM received a request for assistance from a woman in her thirties who had a developmental disability. The individual had had a public guardian since turning 18 and believed she did not need a guardian. The woman's home provider and case manager agreed. The public guardian had objections, and, furthermore, the client had so much anxiety in directly communicating with her guardian, that it made planning for this goal impossible. A DRM attorney requested a new public guardian be assigned and encountered substantial pushback from the Department, who stated that they didn't have enough guardian representatives to allow individuals to "pick and choose" who they worked with. After a number of months of refusing to accommodate the individual, the Department eventually agreed to assign a new representative. The new public representative was a much better fit for the client, who got along well with her and, with DRM's assistance, and able to successfully plan and prepare for guardianship termination. In a matter of months, the public guardian agreed that the guardianship should be terminated, and filed in court to do so. Less than a year after the client's new guardian rep was appointed, her guardianship was terminated. As result of DRM's advocacy, the client's rights to autonomy and self-determination were elevates, allowing her to emerge from a guardianship that had lasted far too long.

DRM advocacy prevents guardianship: A young man with a developmental disability and his school supports contacted DRM seeking assistance on a guardianship issue. The individual's mother had petitioned in court for guardianship, and the client did not want a legal guardian. The school where the client resided agreed that less restrictive alternatives that the client had been using were working well. At the time the client contacted DRM, he had already turned 18 and was working well with his parents and providers in planning to transition to adult services. A DRM attorney agreed to represent the client in court. She met regularly with the client, his supports at school, and his case manager to prepare a case. The client's mother also participated in some meetings, but would not agree to a resolution that was less restrictive than guardianship. The attorney also spoke numerous times with the court-appointed visitor, who agreed the client did not need a guardian. The attorney represented the client at a contested hearing, and called witnesses including the client. The next month, the court officially denied the mother's petition for guardianship. The client moved in with a shared living provider of his choosing, and

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settled in nicely to his new home, and is now searching for employment in the new area where he lives.

DRM advocacy supports student in obtaining accessible transportation and a return to school: A 5-year-old child with an orthopedic disability was without access to her preschool program and the many supports and services of her IEP because the regional intermediate educational unit failed to find specialized transportation for her to travel to school when the previous provider became unavailable. The DRM attorney met with the family, reviewed records, and contacted the statewide central office of the intermediate educational unit, asking for them to step in. At an IEP Team meeting the following week, the regional intermediate educational unit informed the family it had located a transportation provider and the Student was able to return to school.

DRM advocacy secures return to school with nursing services and compensatory education: An 11-year-old student with autism, mental health diagnoses, and nursing needs was provided access to a full school day and nursing services after DRM assisted the family in a complaint against the school district. The parent contacted DRM concerned that the student's school day hours and days per week had been reduced by the school district due to the availability of nursing and not based on the student's individual needs. The DRM attorney met with the family and reviewed records and drafted a complaint. The DRM attorney assisted the family through the complaint process that resulted in a very favorable Report and Corrective Action Plan that directed the school district to return the Student to a full school day with full time nursing, and provide compensatory education for period she was not provided a full school day every day. The Student returned to a full day with nursing services and the school district and family agreed on a monetary compensatory education package.

DRM advocacy brings about quick reversal to illegal exclusion from school: A 15-year-old student with an autism diagnosis returned to school after DRM raised concerns with the school district and demanded his return. The family of the student contacted DRM because the student was not being provided appropriate positive behavior supports, resulting in exclusion from the learning environment including isolation, suspension, and restraints. The DRM attorney met with the family and reviewed the student's records and prepared for an upcoming IEP Team meeting. Shortly after, the student was indefinitely suspended from school and provided segregated tutoring in the meantime. The DRM attorney reached out to the special

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education director, raising concerns about the failure to provide a free and appropriate public education in the least restrictive environment and failing to complete a manifestation determination, and requested that the student return to school. At an IEP Team meeting the following day, the school district found the behavior to be a manifestation of his disabilities, and the Team agreed that he needed more, not less school. The Student was returned to school with appropriate supports.

DRM files writ of habeas corpus resulting in immediate end five-month involuntary hospital stay: A 43-year-old woman with a psychiatric label was transported to the emergency room from her apartment following a mental health crisis. The hospital executed emergency psychiatric hospitalization paperwork in order to continue to hold her there pending transfer to a psychiatric hospital. They held her there using this process for over five months. DRM filed a petition for a writ of habeas corpus asserting that her detention violated her constitutional and statutory rights. Within 16 hours of DRM filing this petition the client was transferred from the emergency room to a psychiatric hospital, where she received treatment and was then successfully discharged to her home.

DRM advocacy prevents illegal discharge of client, maintains community-based placement: A woman with a psychiatric label residing in an apartment managed by a mental health agency, which also provided her with services, was taken to the emergency room during a mental health crisis and was subsequently transferred to a psychiatric hospital. The agency packed up all of her belongings and informed her that she would not be permitted to return to her apartment. DRM contacted the agency, asserting that the client possessed an absolute right to return and any attempts to deny her access would be deemed an unlawful eviction and a violation of her state law rights. The agency relented and the client was discharged back to her apartment with the agency assisting in unpacking her belongings.

DRM advocacy helps client secure reasonable accommodations and avoid eviction: A 54-year-old woman with a psychiatric label was facing eviction due to a bed bug infestation in her apartment thus not meeting her landlord's cleanliness requirements for tenancy. Her inability to meet this requirement was due to her disability. Prior to the eviction hearing DRM requested a reasonable accommodation from her landlord to allow her to stay in the apartment with the assistance of community supports designed to address this issue as well as agreeing to periodic inspections. The landlord agreed and the parties presented the agreement to the court

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which continued the case in accordance with the agreement thus allowing the client to continue to live in her apartment.

DRM advocacy results in compensation and other relief in wrongful discharge matter: DRM was contacted by an individual with multiple psychiatric labels who believed he had been wrongfully discharged. The client was experiencing severe depression and suicidal ideation. As an accommodation, client requested that he be relieved of the holding keys to the gun case at his place of employment because he was having thoughts of self-harm. His employer terminated his employment the next day. Over the course of the next several months, DRM reviewed a copy of client's personnel file, engaged in written and oral advocacy with client's former employer, and provided client support and technical assistance to reach a settlement agreement to resolve the dispute. Ultimately, client's former employer agreed to (1) compensate client with back pay and a bonus, (2) provide staff and management training on issues related to mental health, (3) lift the "no rehire" status it previously placed on client, and (4) rescind its decision to exclude client from the former employer's premises. The client confirmed that the former employer paid the monies promised in the settlement agreement and shared a letter from the former employer in which the former employer recommitted to improve its workplace practices to better support employees who are experiencing mental health crises.

DRM advocacy helps client access housing voucher: A 49-year-old man with a psychiatric label eligible individual had been living in her car for over a year and had been denied a housing voucher due to a number of administrative issues. DRM negotiated with the agency administering the voucher to address these issues. This resulted in not only the client being awarded a housing voucher but also with the voucher being of a higher value due to the market conditions in the area where the client was living.

DRM advocacy helps client maintain access to housing: A man with a psychiatric label was facing homelessness after receiving a notice from his landlord that his lease would not be renewed due to cleanliness concerns. These concerns were directly related to the client's mental health disability for which he was newly receiving treatment and services. DRM filed a reasonable accommodation request with the landlord and his attorney. The client was thereafter able to renew his lease and continues to live in the apartment with no issues.

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DRM advocacy helps client access necessary dental services: DRM was contacted by a 67-year-old man with brain injury because he had been terminated as a patient with a community dental practice. The practice discontinued serving him because he was late for one appointment. He had informed them that he has an acquired brain injury and needs same-day appointment reminders due to recall issues related to the injury. He had been a patient since 2019 and had not missed any other appointments. DRM contacted the practice and they sent him the paperwork to reapply to be a patient, which he filled out and returned, believing the matter was resolved successfully. DRM followed up with a letter asking that he be reinstated and that the practice provide same-day reminders as well as calling the day before an appointment. As a result of DRM's advocacy, the client was then reinstated as a patient and the practice agreed to use same-day reminders moving forward. He is now able to resume getting crucial dental services.

DRM advocacy results in return to school and compensatory services: A 14-year-old student with an autism diagnosis and mental health labels returned to school with a compensatory education fund after DRM filed a complaint and advocated for his return. The family of the student contacted DRM since he was 'discharged' from a private school where the IEP Team had placed him, and his local educational agency (LEA) had no backup plan. The LEA had no school to offer, no programming, not even a tutor - the student was expected to sit at home and wait to come off one of the dozen waitlists for another private school. DRM represented the student in a complaint with the State regarding the LEA's failure to provide the student a free appropriate public education in the least restrictive environment. The DRM attorney represented the student at an IEP team meeting and in mediation and the LEA still had nothing to offer. The State issued a directive to the LEA that they must provide him compensatory education and the LEA then found a program that could implement his IEP fully.

DRM advocacy helps eliminate communication barriers so client could start trucking business: A 46-year-old Deaf man contacted DRM after the Maine State Police refused to provide the client with an interpreter for a new Entrant Safety Audit. The client wanted to enter the trucking business. DRM researched the issue and wrote a letter to the MSP outlining why they were required to accommodate the client. The MSP responded by acknowledging they were required to provide an interpreter. An interpreter was provided when the audit was conducted. The client passed the audit and has been allowed to go into business.

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DRM advocacy helps client leave hospital and avoid out of state placement:

DRM received a reportable event regarding an 18-year-old male client with an Autism diagnosis who was in a residential placement for the past three years. Due to aging out of children's services, he moved to a group home. Due to a failure of properly transitioning from children's services to adult services, the client had severe behaviors and ended up in the emergency room as his residential agency was not allowing him to be discharged back to their agency citing lack of appropriate staffing and services to meet the client's needs. DRM attorney attended meetings with the client's mother and sister over the course of several months trying to assist in finding an appropriate setting for him that did not include out of state placement. Eventually, an agency in Maine was identified as a potential adult placement for the client. The team held additional meetings to prepare for the move from the ED to his new home ensuring all safety measures were in place to ensure the agency was prepared to assist the client when he had severe aggressive behaviors. The client was approved for 3:1 staffing and moved into his new home in April of 2023. The CCU meetings continued to take place to ensure the transition stuck. The client is now happy and safe in his new adult residential home and there is limited risk of a return to the ED.

DRM secures waiver to cap on nursing services and prevents unnecessary

institutionalization: DRM received a request for assistance from the guardian and a young woman with a developmental disability and complex medical needs seeking assistance in obtaining Private Duty Nursing that we required to prevent institutionalization. The client had long received over 60 hours per week of skilled nursing in her home, where she lived with her mother, but, because she was turning 21 and aging out of children's services, she was at risk of having her nursing hours greatly decreased due to a monetary cap of services. A DRM attorney worked with the family to obtain clinical support for her nursing needs, and drafted and submitted a request for a reasonable modification to allow her necessary nursing to continue. The client was also in the process of transitioning to an HCBS waiver to allow her to receive additional, non-medical services in her home and community. The request was eventually approved by the Department, and the DRM attorney further assisted in issues related to her transition to the HCBS waiver services. During the pendency of this case, DRM met with DHHS to discuss systemic issues to clients in similar situations, and the barriers and uncertainty with regarding to young people with high medical needs aging out of children's Private Duty Nursing services. Although this is an issue the Department reports they are working on, there remains no clear procedure for seeking a modification, or clear communication to families in such situations that a modification is an option. DRM continues to have concerns that

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many families remain unaware of this process, which can be long, confusing, and cumbersome, and how it can result in the unnecessary institutionalization of individuals with high medical needs as they reach adulthood.

DRM files MHRC action regarding discrimination by dental provider: DRM was contacted regarding an individual with a developmental disability who was denied becoming a new patient of a dental practice after his case manager had submitted a reasonable accommodation request due to his disability. DRM represented the client in filing a complaint with the Maine Human Rights Commission. Prior to the fact-finding conference, a settlement was reached providing compensation to the client and a portion of attorney's fees to DRM. The client was happy with the outcome and had been able to find a different dentist within 3 months of being rejected as a client from the other dental practice.

DRM advocacy results in termination of guardianship: DRM received an intake from a 26-year-old female client with an intellectual disability who uses ASL and lip reading to communicate. DRM had previously helped the client successfully file a grievance against her guardians for not allowing her to receive the Covid-19 vaccine. The client reached out feeling ready to seek full termination and her guardians were not active in her life and she was making most decisions on her own. The client had the support of her case manager and housing provider to pursue termination. DRM attorney represented the client in filing for termination. A status conference was first held and a visitor was appointed. The visitor's report was provided and supported termination. The guardians did not attend a follow up status conference or file any objections. Based on hearing no objection from the guardian, having the supportive visitor's report, and the support of her case manager and housing provider, the probate judge signed the termination order.

DRM supports client in securing termination of guardianship: DRM received an intake regarding a 38-year-old male client with an Autism diagnosis who is a nontraditional communicator, mainly using an iPad to communicate with some gestural communicate. The client was under guardianship held by his father and the client and his team felt the guardianship was no longer necessary and the father was very uninvolved in the client's life. The client had been living with the same SLP since 2013 and had her support along with all other members of his team, other than his father. The client is a very active decision maker in his own life, able to communicate clearly what he does/does not want to do and advocates for himself using his iPad. DRM attorney represented the client in probate court, and while his father was

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initially against termination, he ended up agreeing to the termination during an in-person status conference held at court, leading the judge to sign the termination order.

DRM advocacy supports access to a full day and appropriate transition services: DRM was contacted by the parent/guardian of an adult student with Autism regarding concerns that he was not being permitted to access a full school day of programming. The DRM attorney reviewed records and provided self-advocacy assistance to the client and his family which included drafting a mediation request for the family to file. The school convened an IEP meeting after receiving the mediation request where the family advocated for and the school agreed to an appropriate placement determination that included a full day of instruction allowing the student to access necessary transition services.

DRM secures significant compensatory education for Student improperly removed from school: DRM began representing a 10-year-old student with a developmental disability who had been unlawfully placed on a shortened school day in 2019 after being contacted by his therapeutic foster parent. DRM initially provided self-advocacy assistance to the Student and foster parent resulting in the development of a plan to return the Student to school. But just prior to the date the plan was to be implemented, the school district filed an expedited due process hearing to unilaterally change the Student's placement. DRM filed a due process hearing on the Student's behalf to challenge the prior denial of an appropriate education as well as the offensive use of the expedited hearing procedures. While the matter was pending, schools closed due to COVID and the Student moved to another foster placement, where he was able to access an education. Eventually, a due process hearing was held and the Student prevailed on several issues and did not prevail on others. DRM then filed a complaint in federal court on behalf of the Student and the school filed a counterclaim to appeal one of the issues the Student had prevailed on below. Again, in the District court, there was a mixed result. DRM then appealed the case to the First Circuit and the school also appealed. During briefing, the parties realized that they had likely appealed the IDEA claims prematurely given that related claims had been set aside pending resolution of the IDEA dispute. The parties agreed to jointly withdraw the appeals and to ask the District Court for a judicial settlement conference to attempt to resolve the issue again before proceeding to litigate the related ADA and 504 claims. The parties were able to resolve the matter at this conference and the Student received significant compensatory educational funds, available through his graduation.

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DRM secures reasonable accommodation allowing client to return to work:

DRM was contacted by a 33-year-old male with Tourette Syndrome after his employer placed him on unpaid leave, effectively denying his request for a reasonable accommodation. DRM sought and obtained a copy of client's personnel file from his employer and sent a letter to client's employer that set out the facts and legal standards, and requested that the employer reconsider its decision to deny client's request for an accommodation. Following negotiation between counsel, the employer granted client's request for an accommodation, which allowed him to return to work immediately.

DRM advocacy ensures client was not responsible to pay for involuntary

medical care: A 34-year-old PAIMI eligible woman was brought involuntarily from an emergency department to a private psychiatric hospital. She was given a bill for close to two thousand dollars for the transfer, which was against her will. She contacted DRM to see if this was correct under current law. DRM after looking at the mental health statutes and speaking with the Department of Health and Human Services and hospital administration determined that the state was required to pay the bill. DRM worked with the hospital to obtain the necessary proof of involuntary transfer in order to have the bill paid by the state. The woman was relieved to find out she was not required to pay for an ambulance ride that was against her will.

DRM advocacy prevents hospitalized man from losing his car: A 54-year-old man with psychiatric labels ended up hospitalized in a private psychiatric hospital. He had left his vehicle close to 100 miles away from the hospital and it had been towed. He received a bill while in the hospital for close to two thousand dollars. He had nowhere to live and his car was his only asset upon discharge for the hospital. His vehicle was valued somewhere around twenty thousand dollars. The hospital social work department contacted DRM for assistance. DRM moved quickly and worked with the social worker to apply for state funds to get the vehicle out of impound and have it towed to the hospital. DRM and the hospital were able to convince the state to pay over what they usually do in emergency funds due the potential loss of this man's vehicle under state laws related to impounded cars. As a result of the intervention by DRM and the hospital the man was able to save his car, and some funds he had in order to look for housing, get a phone, and have some resources when discharged from the hospital.

DRM assisted a child with diabetes to obtain monetary relief from a summer camp that failed to accommodate her disability: The parents of a child with Type

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I diabetes contacted DRM after a summer camp excluded her from participating in camp due to her disability. As a reasonable modification, client requested that the summer camp monitor her glucose levels and, if necessary, administer fast-acting carbohydrates to help regulate those levels. The camp declined. DRM filed a complaint with the Maine Human Rights Commission (MHRC). The parties later attended a mediation session facilitated by a third-party mediator where the DRM attorney assisted client to reach an agreement to resolve this dispute. That final agreement contemplates monetary compensation for client and an agreement by the camp to review and improve on its policies related to serving and supporting children with diabetes.

DRM helps client prevent eviction and obtain a new bathroom floor: DRM was contacted by a 63-year-old man with kidney failure and urinary incontinence after his landlord served him with a notice of termination, which cited damage to the bathroom floor as the basis to terminate client's tenancy. DRM attorney visited client's apartment to observe the floor, which was significantly stained, molding, and rotting. DRM attorney promptly contacted the property management company and explained that the damage to the floor was directly related to client's disability. DRM attorney consulted with experts regarding flooring for individuals with incontinence and worked with the property management company to fashion a workable accommodation to prevent client's eviction. The property management company agreed to replace client's floor with the recommended vinyl flooring. Following installation of the new floor, the local housing authority conducted an inspection and confirmed that client's apartment passed inspection. Client shared that the floor looks "beautiful" and that he is very happy with the outcome.

DRM supports client at IEP meeting, restoring access to a full school day: DRM was contacted by the parent of a 12-year-old student with Autism regarding concerns that the school restrained her, placed her in seclusion, regularly called the caller to take the student home early, and on one occasion, called the police to intervene. The school had also subjected the Student to a shortened school day. The DRM attorney attended an IEP Team meeting where school agreed that the student would return to full-time in-person instruction and that the district's behavioral analyst would provide support to the Student's educational team..

DRM self-advocacy assistance results in an end to the use of seclusion: DRM was contacted by the parent of a 7-year-old student with Autism due to concerns that he was being placed in seclusion for disability related behaviors. The DRM attorney

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reviewed records and provided self-advocacy assistance, including an email with detailed steps for the caller to take in preparation for the student's next IEP meeting along with specific strategies that she could use to prevent the student from being inappropriately restrained and secluded in the future. The caller attended the IEP meeting and successfully advocated for her son. The resulting written notice clearly documented her concerns regarding the district's inappropriate use of restraint and seclusion. And the use of restraint and seclusion did in fact stop following the meeting.

DRM files two due process hearings to secure a return to school, evaluations and significant compensatory education funds: DRM was contacted by the parent of a nine-year-old with multiple mental health disabilities regarding concerns that he had been placed on an abbreviated day for disability related behaviors and was now only receiving several hours of virtual instruction each day. He missed most of an entire school year as a result. Following self-advocacy support from the DRM attorney, caller attended an IEP meeting and requested that the District provide all the services (i.e., a functional behavioral assessment, occupational therapy) that the student needed to return to school in person and on a full-time basis. The District refused the request to support the Student for a full school day, so DRM filed a due process complaint on her behalf. The DRM attorney attended a mediation session with the caller and negotiated a settlement agreement. It provided, among other things, that the District return the student to school on a full-time in-person basis; complete an independent functional behavioral assessment at public expense; and provided the student with a very significant compensatory education fund. But the District did not adhere to the terms of the settlement agreement and were not prepared to appropriately support the student's disability-related behaviors. As a result, shortly after the Student was returned to a full day, District staff confronted the student and caused him to leave the school building. After unsuccessfully trying to return him to the school building, staff called the police to intervene. Police responded by placing the student in handcuffs and ankle shackles and taking him to a local emergency department. Hospital staff then sedated the student. The DRM attorney filed a second due process complaint on the caller's behalf. The DRM attorney attended another mediation and negotiated a second settlement agreement. It included, additional evaluation and support requirements that the District had to complete and specific prohibitions to the District contacting the police as well as additional compensatory education funds. The DRM attorney referred the caller to a personal injury attorney for assistance with associated tort claims related to the conduct of law enforcement and hospital staff.

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IMMIGRANT LEGAL ADVOCACY PROJECT

Immigrant Legal Advocacy Project Report to the Maine Civil Legal Services Commission January 12, 2024

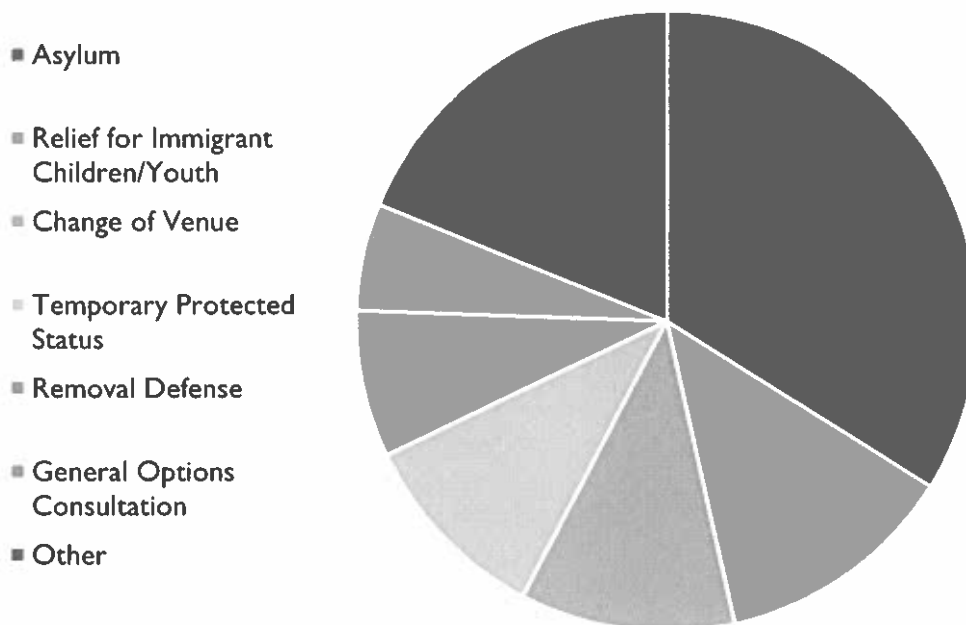
In 2023, funding from the Maine Civil Legal Services Fund (MCLSF) allowed the Immigrant Legal Advocacy Project (ILAP) to advance justice and equity for immigrants and their families through direct immigration legal services and community legal education. Other sources of funding supported our systemic advocacy work.

In total, ILAP served 4,547 people and benefitted an additional 1,852 people, including:

- 2,314 people through 1,936 direct legal service cases (case types detailed in the chart below), which also benefitted 1,852 of their household family members; and
- 2,233 people through 108 community legal education and outreach events.

Immigrations cases have increased in complexity and longevity in recent years, including many more humanitarian cases for clients in immigration court amid growing court backlogs. These cases require removal defense and often involve interaction with immigration enforcement/detention.

Case Types



Overview

Founded in 1993, ILAP's mission is to help low-income immigrants improve their legal status and to work for more just and humane laws and policies affecting immigrants. We are Maine's only statewide immigration legal services organization, with full-time offices in Portland and Lewiston and a regular presence across the state through our Rural Maine Project. Technology, volunteers, and partners help us directly engage with thousands of people each year in all sixteen Maine counties.

Our core work advances justice and equity for immigrants and their families through three complementary strategies:

- 1) Provide a continuum of direct legal services to low-income immigrants to help them find safety from violence and persecution, keep their families together, and advance toward economic security.
- 2) Offer accurate, timely, and translated education and outreach to immigrant community members and service providers to share knowledge, build power, and prevent future legal complications.
- 3) Collaborate with immigrant-led groups and partner organizations on systemic advocacy at the local, state, and federal levels to safeguard and promote legal protections for immigrant communities.

In recent years, many thousands of newly arrived immigrants have settled in Maine, and the need for free, high-quality immigration legal services in our state continued to grow in 2023. We are pleased to update you on our progress over the last year, highlight key trends shaping our work, and share plans for moving forward.

Types of cases handled

The core of ILAP's work is our direct legal services, which are provided by our highly trained and dedicated staff attorneys, accredited representatives, and paralegals. Beyond making a significant and tangible difference in the lives of Maine's immigrants, our casework deepens the expertise we then share in our community workshops and informs our advocacy priorities.

In 2023, ILAP handled **389 full representation cases** and **1,547 limited representation cases**. In line with our mission and strategic plan, we prioritize humanitarian cases that assist those at risk of persecution and violence—including asylum seekers, victims of domestic violence or human trafficking, and children—as well as cases with clients experiencing or at risk of family separation, those involving due process violations, and those that will improve a client's economic security.

Case Type	Number
Asylum	657
Relief for Immigrant Children & Youth/Special Immigrant Juvenile Status (SIJS)	243
Change of Venue	216
Temporary Protected Status	199

Removal Defense	148
General Options Consultation	108
Permanent Residency	76
Relief for victims of domestic violence, human trafficking, and other crimes	63
Work Authorization	49
Family Reunification	16
Other	161
Total	1936

Number of people served

Direct legal services

With the expert attorney guidance and representation available only at ILAP, last year immigrant community members again found safety from violence and persecution, kept their families together, and advanced towards economic security because of improved legal status. Whether through an in-depth one-time consultation or full legal representation in complex multi-year cases, our services ensured that immigrant Mainers could remain the neighbors, business owners, parents, and leaders making a better future for us all. ILAP is honored to be a part of their journey, fulfilling the potential of our welcoming communities by ensuring that everyone, regardless of immigration status, can fully participate and have equal protection under the law.

In 2023, we provided **direct legal services to 2,314 people** on the case types detailed above and benefitted an additional **1,852 of their household family members**.

ILAP has a **200-member Pro Bono Panel** and, because of the complexity and length of cases in recent years, not all Panel members have open cases. Last year, *67 pro bono* attorneys had open cases and **donated 3,620 hours of their time at a value of \$1,156,848** providing full representation or asylum application assistance to asylum seekers and vulnerable immigrant youth. We also received hundreds of hours of volunteer time from community members assisting with interpretation/translation, mental health evaluations, and other organizational projects. These dedicated volunteers our reach and add valuable capacity to serve clients we would otherwise be unable to serve.

Note that the number of people served differs from the number of cases because some people had multiple cases and some cases involved multiple people.

Community legal education

Through our community legal education, we provided timely, accurate, and accessible group informational workshops and other resources on immigration law matters to immigrant groups, service providers, adult education staff, healthcare providers, and the public. Available in several languages, materials and presentations counteracted incomplete or inaccurate information and prevented complications that could negatively affect legal status or lead to exploitation or

deportation, including victimization by individuals engaged in the unauthorized practice of law. They also seek to build on the power and resiliency within Maine’s immigrant communities to respond to new challenges that may arise in the future.

Of note, throughout the year, ILAP staff traveled throughout the state to conduct outreach and provide legal education to new arrivals in Maine, meeting with people at shelters, hotels, partner organizations, and community events to provide critical legal information and education. During these sessions, staff provided vital information for navigating those initial days in the United States – helping people understand the time and location of court hearings, their rights in the United States, and the types of immigration benefits and relief that they may pursue.

We also provided brief assistance such as helping people change their address or moving the location of their immigration court and made referrals for further assistance to other ILAP services. New arrivals leave these sessions empowered with knowledge of their own case and the next steps in their process and are less likely to be influenced by misinformation or fall prey to the unauthorized practice of law.

In 2023, **2,233 immigrant community members and service providers** across the state attended **108 outreach events**.

Selected training topics in 2023
Immigration Law 101
Legal Orientation for Asylum Seekers
Immigration Law Options for Survivors of Domestic Violence
Working with Non-Citizen Children
Preparing and Submitting an I-589 application for asylum
Temporary Protected Status

Building on learnings and best practices developed during the height of the COVID-19 pandemic, we continued to use technology to extend our reach and improve access to our services, supplementing the in-person services provided through our offices in Portland and Lewiston and our field-based Rural Maine Project. Through ILAP’s website, potential clients may request an appointment with our legal team using an online form available in six languages. Additionally, clients receiving direct legal services have the option to meet with members of our legal team in person or remotely via a video or phone call.

With ongoing improvements to our online intake system, website, and other digital communication channels, community members have accessed self-help guides, legal information, and instructions on how to request ILAP services more easily and in their primary languages. In 2023, ILAP launched a new “Get Legal Help” section of our website, available in six languages, with resources to answer common immigration questions.

In 2023, digital platforms that shared information for immigrant community members had the following reach:

- ILAP’s website (www.ilapmaine.org) had 191,000 unique visitors and 231,000 visits. Top pages visited shared how to find information about your immigration court case and resources for people seeking asylum and those in immigration court.
- Our *Golden Door* e-newsletter reached 3,491 subscribers each month and achieved a 44% open rate. ILAP shared important calls to action, immigration law and policy changes, program highlights, press mentions, and legal advisories with our subscribers.
- ILAP’s Facebook page reached 23,767 people (a 68% increase over last year), including 4,310 followers, with timely immigration updates, information about ILAP, and calls to action. ILAP also launched an Instagram account, reaching 5,607 people in its first year.
- ILAP was a regular contributor to Amjambo Africa and Maine Public News Connect, two multilingual news services focused on topics relevant to Maine’s immigrant communities, and we were featured in the media on 61 occasions in response to a range of immigration issues in the news.

Systemic advocacy

A highlight of ILAP’s 2023 systemic advocacy work was the launch of the #LetAsylumSeekersWork Campaign. ILAP was a founding member of this new national campaign and coalition aimed at removing barriers to work permits for asylum seekers, helping them get on the pathway to stability faster. At the state level, ILAP and partners worked to secure funding for civil legal aid and laid the groundwork for a “driver’s license for all” bill. This systemic advocacy work is built on goals identified by client communities and trends that emerge while providing direct legal services.

Note that MCLSF funds supported ILAP’s direct legal services and community legal education, but not our systemic advocacy work. We include a short summary here simply to share the full scope of our interconnected model.

Demographic information about people served

ILAP services are available to people living in Maine with incomes up to 200% of federal poverty guidelines. Demographic information for the 2,314 people reached through our direct legal services is detailed in the table below.

Category	% of people
Gender	49% female 50% male <1% nonbinary/gender nonconforming <1% unknown
Age	27% under 18 69% ages 18-60 3% over 60
Race/ethnicity	67% African or African American 6% Asian

	21% Latinx 1% other 3% White 2% unknown
Citizenship status	99% noncitizens <1% U.S. citizen by birth or naturalization
Top countries of origin	Angola, Democratic Republic of the Congo, Haiti, Honduras, Afghanistan, Burundi
Top primary languages	Spanish, Portuguese, French, English, Lingala (27 languages total)

Note that although we do not collect detailed demographic information for people participating in our community legal education, the data listed above is broadly reflective of those services as well.

Geographic area served

In 2023, approximately two thirds of ILAP clients lived in Cumberland County and one third lived outside of Cumberland County. This split continues a trend in recent years of greater geographic diversity amongst our clients—in 2020, 75% lived of clients in Cumberland County and 25% lived outside of Cumberland County.

Geographic information for 2,314 clients served through our direct legal services is reflected in the table below.

County	# of people
Androscoggin	271
Aroostook	5
Cumberland	1555
Franklin	2
Hancock	29
Kennebec	75
Knox	2
Lincoln	2
Oxford	5
Penobscot	29
Piscataquis	1
Sagadahoc	3
Somerset	28
Waldo	8
Washington	22
York	260
Unknown	17

Note that although we do not collect detailed geographic information for people participating in our community legal education, the data listed above is broadly reflective of those services as well.

Status of matters handled, including whether they are complete or open

For our 389 full representation cases, at year-end, 320 of these cases remained open, and 69 were closed/completed. For our 1547 limited representation cases, 501 were open and 1046 were closed/completed at year-end.

Whether and to what extent the organization has complied with its proposal to the Commission

As detailed in this report, ILAP fully complied with our proposal submitted to the Commission in fall 2021 for 2022 and 2023 funding. In total, we reached 4,547 people in 2023, exceeding our target of 2,750-3,300 people per year. These outcomes indicate that we achieved our goal of helping more immigrants in Maine attain and maintain legal status, a threshold need and the critical first step towards finding safety from persecution and violence, keeping families together, and improving economic security.

Outcome measurements used to determine compliance

ILAP uses specialized case management software to track our legal work and determine compliance with requirements imposed by MCLSF and other funders. This software allows us to retain quantitative data on client demographics, legal services provided, case outcomes, and much more.

We measure the quality of our full representation work by tracking the outcomes of all intermediate or final decisions received. In 2023, we maintained a greater than 98% approval rate for full representation cases that received a final decision (which can take several years).

Because decisions on limited representation cases go directly to the client, rather than ILAP, we are unable to track final outcomes. Instead, we measure our performance by the number of applications successfully filed without being rejected by the relevant government department or agency.

Program updates and additional accomplishments

ILAP continues to progress towards our strategic plans goals of providing more direct legal assistance and outreach, making services equitable statewide, and advancing racial justice for immigrants, including:

- Strengthening and expanding core services, including *pro se* assistance and *pro bono* partnerships, to meet the growing immigration legal needs in local communities.
- Launching our Asylum Assistance and Legal Orientation Program (AALOP) to expand access to critical legal information and asylum application assistance for new arrivals.
- Expanding the capacity of our Immigrant Children's Project to provide legal help to a greater number of immigrant children and youth seeking safety and stability.

- Through our Rural Maine Project, expanding access to immigration legal services in rural parts of the state, with an emphasis on reaching victims and survivors of labor trafficking and labor exploitation.

Strengthening and Expanding Core Services

Over the last year, ILAP has continued to strengthen and expand our core services to meet more of the existing and growing need for free, high-quality immigration legal services across Maine. A key strategy in this effort was significantly expanding the reach of our *pro se* (limited representation) services to help meet critical legal needs in local communities.

ILAP staff provided *pro se* assistance to 189 individuals eligible to apply for Temporary Protected Status (TPS), a form of humanitarian protection granted to eligible foreign nationals who are unable to return home safely due to natural disasters, unrest, or conflict. Those granted TPS receive lifesaving protection from deportation and access to work authorization, enabling them to support their families and contribute to Maine's economy. Clients served included nationals of El Salvador, Haiti, Honduras, Somalia, Ukraine, and Venezuela.

Throughout the year, we also hosted a monthly Change of Venue clinic to help immigrants prepare and submit motions to move their immigration court cases to Boston Immigration Court, which is the closest immigration court to Maine. Through no fault of their own, many newly arriving immigrants have had their cases docketed in immigration courts in other parts of the country and many find it extremely difficult, if not impossible, to participate in legal proceedings. When an immigrant fails to appear at an immigration court hearing, they are generally ordered deported. In 2023, ILAP helped file 121 motions to change venue for 175 people, helping to ensure that none of the beneficiaries will receive a deportation order for failing to appear in a faraway court.

With the support of our panel of *pro bono* attorneys, ILAP continued to provide legal representation to Afghan evacuees in their asylum cases and advocated for long-term legal pathways for Maine's Afghan community two years after the U.S. withdrawal from Afghanistan. Supported by ILAP mentors with significant expertise in Afghan issues, these *pro bono* attorneys newly represented 22 Afghan asylum seekers, many of whom have already received approvals for their cases and can begin to rebuild their lives in safety and security.

In 2023, ILAP also continued to provide representation to victims of domestic violence, human trafficking, and other crimes. These cases have been a central part of our work since becoming a staffed organization in 2000 and utilize long-term partnerships with our peer civil legal aid providers and domestic and sexual violence prevention and response organizations across the state.

The growth of our work has been made possible in part due to the creation of several new positions at ILAP. In 2023, we hired a Rural Maine Community Liaison, two Legal Program Assistants in the Asylum Assistance and Legal Orientation Project, and a Director of Human Resources and Operations. ILAP was also selected as a host organization by the Immigrant Justice Corps (IJC), the country's first dedicated immigration law fellowship program, for two full-time

Fellows who will complete two-year placements. And last summer, ILAP launched a “Racial Justice Fellowship” paid internship program for outstanding law students with lived immigrant experience.

Expanding Access to Critical Legal Information and Asylum Application Assistance for New Arrivals

In recent years, Maine has seen large numbers of new arrivals in search of safety and stability, nearly all of whom need legal assistance to seek humanitarian protection to remain in their new home. Seeing that many people quickly filed their asylum applications with the assistance of people or organizations who are not authorized to practice law, ILAP saw a pressing need to quickly scale up its services in novel ways to provide critical legal information and asylum application assistance to growing numbers of new arrivals.

In fall 2022, ILAP launched the Asylum Assistance and Legal Orientation Program (AALOP) to reach as many people as possible with crucial, foundational legal information about the asylum system and helps them fill out and submit their asylum applications using an innovative workshop series designed and implemented with the American Bar Association's Commission on Immigration (ABA COI), Maine Law's Refugee and Human Rights Clinic (RHRC), and Catholic Charities Maine's Immigrant Legal Services (CCM ILS).

In 2023, AALOP held 52 legal education and outreach sessions, meeting 1,315 asylum seekers where they are in the community – including at emergency shelters and hotels – to provide them with information and orientation about the asylum process. Additionally, AALOP provided individualized screening/legal consultation to 628 individuals and assisted 129 asylum applicants to prepare and file asylum applications for them and their families with help from immigration attorneys, bringing them a step closer to being able to work, secure stable housing, and find the safety and security needed to rebuild their lives.

Expanding the Capacity of our Immigrant Children's Project

ILAP believes that no child or young person should face the immigration system alone. In fall 2020, we launched the Immigrant Children's Project to increase legal representation for immigrant children and youth across Maine. Over the last several years, we have significantly expanded our capacity, and the Project now assists more than 250 children and youth annually. Much of the work of the Immigrant Children's Project involves the representation of children and youth in their pursuit of Special Immigrant Juvenile Status (SIJS), a humanitarian form of immigration relief that provides a pathway to legal permanent residence.

In 2023, the Immigrant Children's Project focused significant efforts on assisting the many newly arrived unaccompanied immigrant teens and young people who settled in the greater Portland area and who are eligible for SIJS. Most of these young people came to the United States without the protection of a parent or legal guardian and stand to benefit greatly from the stability and opportunity that comes with receipt of legal status.

As part of this work, Immigrant Children's Project staff held twice monthly office hours at the Preble Street Teen Center to help ensure that the many unaccompanied and unhoused immigrant

young people accessing services there receive the immigration legal help they need. We also continue to maintain an online resource library to support *pro bono* attorneys representing immigrant children and youth, convene monthly practitioner meetings, and hold regular trainings for schools, nonprofit service providers, attorneys, and others who work with vulnerable youth.

Expanding Access to Immigration Legal Services in Rural Parts of the State

Last year, ILAP expanded the capacity of the Rural Maine Project by adding a new full-time position to serve as a bridge between the organization and farmworkers and other rural communities across the state. With this knowledge and expertise, the Rural Maine Project has deepened connections, built trust, and become more accessible to the ever-increasing number of immigrants in rural Maine. In addition, we continue to use affirmative outreach to connect clients to ILAP's services and make warm referrals to partners for wraparound services.

In coordination with partners, this fall the Rural Maine Project responded to a large-scale labor exploitation case in central Maine impacting approximately 40 people from South America. Our immediate response included triaging immigration legal needs, coordinating referrals for housing, food, and healthcare, and liaising with the Maine Department of Labor. We then offered a comprehensive legal clinic for the workers, assisting with Temporary Protected Status and work permit applications, providing guidance on navigating the asylum and immigration court systems, and screening for trafficking and other immigration legal issues. Because of the success of this response, it will serve as a model for future situations involving large-scale labor exploitation or trafficking.

Other highlights of 2023 included deepening key relationships with partners based in rural Maine, creating new Rural Maine Project outreach materials, and experimenting with new immigration legal service delivery models combining in-person and remote services.

Information regarding unmet and underserved needs

Over the past few years, we have seen record numbers of new arrivals, from countries such as Angola, the Democratic Republic of Congo, Haiti, and Venezuela, arriving in Maine seeking safety and protection. In 2023, more than 1,600 asylum seekers arrived in Portland alone, while national data shows that over 3,600 new cases were initiated in immigration court for Maine residents in fiscal year 2023.

ILAP has responded to the growing need by scaling up our core services and developing innovative projects to reach more people. Despite these successes, we continue to be outpaced by the exponential increase in need for immigration legal services. In 2023, we were **forced to turn away 361 individuals** who were eligible for ILAP services and needed legal assistance because we did not have the capacity to help them. We know that there are many more individuals who do not come to ILAP because they have heard that we are unable to help everyone.

Unfortunately, when ILAP does not have the capacity to help a particular person, they are forced to navigate our complex and unjust immigration system alone, risking loss of legal status, loss of work authorization, and deportation. Research has long shown that members of mixed-status or

undocumented families suffer many adverse effects, such as poorer health outcomes, higher rates of homelessness and food insecurity, and lower rates of educational attainment.

Conclusion

When people come to ILAP, they are all too often in crisis. They are facing violence and even death, separation from family members, or the loss of work authorization and, with it, security. ILAP is the only organization in Maine with attorney expertise and decades of experience to respond in these moments and help people seek safety, be with family, and pursue a better life. But unfortunately, the need for free, accessible, and expert guidance from a trusted advocate is outpacing our growth. With comprehensive immigration reform unlikely over at least the next several years, we expect this heightened demand to continue.

At the same time, the last few years have shown us that we must expect uncertainty and be ready to respond no matter what happens across the country or around the globe. The United Nations High Commissioner for Refugees estimates there are nearly 100 million people worldwide who have been forcibly displaced from their homes, and much of ILAP's work is directly impacted by these global trends.

As we look ahead to 2024-2025, we are focused on strengthening our core services, remaining flexible to respond to the next unforeseen crisis, and moving forward with the initiatives detailed above that advance our five-year strategic plan.

MCLSF is an important source of funding for ILAP, increasing to approximately 7% of our revenue in 2023 because of increased state support. In addition, approximately 12% of last year's funding was from state grants (including the second and final allocation of ARPA funds), 4% from the Maine's Interest on Lawyers' Trust Accounts (IOLTA) program, 26% from private and corporate grants, 48% from individual donations and special events, and 3% from interest and other revenue. Because ILAP is ineligible for most federal funding, MCLSF remains one of our only reliable revenue sources from year to year.

On behalf of ILAP's Board of Directors, staff, volunteers, and clients, I would like to thank the Commission for their continued support of Maine's civil legal aid community. We very much appreciate your generous investment in ILAP's mission again in 2023. Our strong network of support, of which MCLSF is a vital part, makes our work possible and helps Mainers with low incomes navigate the immigration system we have now while we push for lasting structural change.

Respectfully submitted:



Susan Roche, Esq.
Executive Director



IMMIGRANT LEGAL ADVOCACY PROJECT

**Immigrant Legal Advocacy Project
Addendum on Use of ARPA Funds**
January 12, 2024

ILAP has been part of the network of people and organizations welcoming asylum seekers to Maine since our founding in 1993. In recent years, Maine has seen large numbers of new arrivals in search of safety and stability, nearly all of whom need legal assistance to seek humanitarian protection to remain in their new home.

In 2023, the second and final allocation of ARPA funds enabled ILAP to sustain and expand legal services for individuals seeking asylum, a key component of our work to assist Mainers to recover from the pandemic. Other sources of funding supported our systemic advocacy work related to asylum.

As described in last year's report, we prioritized the expansion of the Asylum Assistance and Legal Orientation Project (AALOP), which we launched in fall 2022 to reach as many people as possible with crucial, foundational legal information about the asylum system. During community legal education workshops, staff provided vital information for navigating those initial days in the United States – helping people understand the time and location of court hearings, their rights in the United States, and the types of immigration benefits and relief that they may pursue. We also provided brief assistance during these sessions, such as helping people change their address, and made referrals for further assistance to other ILAP services. New arrivals leave these sessions empowered with knowledge of their own case and the next steps in their process and are less likely to be influenced by misinformation or fall prey to the unauthorized practice of law.

Seeing that many people quickly filed their asylum applications with the assistance of people or organizations who are not authorized to practice law, ILAP saw a pressing need to quickly scale up its services in novel ways to provide critical legal information and asylum application assistance to growing numbers of new arrivals. Working with the American Bar Association's Commission on Immigration (ABA COI), AALOP developed and piloted an innovative workshop series designed to help *pro se* defensive asylum applicants properly prepare and file their asylum applications with help from immigration attorneys. Our partnerships with Maine Law's Refugee and Human Rights Clinic (RHRC) and Catholic Charities Maine's Immigrant Legal Services (CCM ILS) makes these workshops possible.

Throughout the year, we also hosted a monthly Change of Venue clinic to help immigrants prepare and submit motions to move their immigration court cases to Boston Immigration Court, which is the closest immigration court to Maine. Through no fault of their own, many newly arriving

immigrants have had their cases docketed in immigration courts in other parts of the country and many find it extremely difficult, if not impossible, to participate in legal proceedings. When an immigrant fails to appear at an immigration court hearing, they are generally ordered deported. Our work helps ensure that none of the beneficiaries will receive a deportation order for failing to appear in a faraway court.

The growth of our work has been made possible in part due to the creation of several new positions at ILAP. In 2023, we hired two Legal Program Assistants to support the work of AALOP. We also welcomed two new Staff Attorneys through the Immigrant Justice Corps (IJC) to support the work of our full representation team, which includes a strong focus on providing removal defense in immigration court for people seeking asylum and other forms of humanitarian relief. Statistics show that individuals are five times more likely to win their case in immigration court if they have a lawyer.

Direct legal services

ILAP provides full representation to individuals seeking asylum by placing their case with a lawyer from our *Pro Bono* Panel or with one of our in-house staff attorneys. These attorneys help clients submit their application for asylum, prepare for their interview with an Asylum Officer and, when necessary, present their case before a judge in Boston Immigration Court.

We also offer limited representation, including *pro se* forms assistance, consultations, brief legal advice, and referrals during intake, when targeted intervention can make a significant difference in the outcome of a case.

In 2023, our direct legal services included:

- Providing full or limited representation in 657 asylum cases, some of which can require more than 200 hours of work over several years.
- Assisting with 129 *pro se* applications for asylum.
- Helping file 121 motions to change venue for 175 people.

With training and mentorship by ILAP staff, *pro bono* attorneys donated over 3,620 hours of their time and expertise at a value of more than \$ \$1,156,848 providing representation in asylum cases or assistance completing and filing asylum applications.

Community legal education

To provide expert legal guidance to as many people as possible, we also conduct community outreach and host legal education workshops to people who are applying for asylum without an attorney, with a focus on connecting with people who have newly arrived in Maine. ILAP staff travel throughout the state to meet people at shelters, hotels, partner organizations, and community events to provide critical legal information and education.

In 2023, our community legal education included:

- Conducting 52 education/orientation sessions reaching 1,315 people.
- Completing 628 individual brief legal screenings/consultations.
- Assisting with more than 200 *pro se* applications for work authorization or change of address.

Our education and outreach activities were made possible through collaboration with a range of community partners, including Angolan Community of Maine, City of Portland General Assistance, Congolese Community of Maine, Hope Acts, International Community Center, Maine Immigrants' Rights Coalition, Portland Adult Education, Salvation Army, and YMCA of Southern Maine.

Systemic advocacy

As noted above, the need for legal services related to asylum is far greater than what ILAP can provide, so we also join with our partners to advocate for systemic change and to promote and safeguard the rights of all asylum seekers in Maine.

A highlight of ILAP's 2023 systemic advocacy work was the launch of the #LetAsylumSeekersWork Campaign. ILAP was a founding member of this new national campaign and coalition aimed at removing barriers to work permits for asylum seekers, helping them get on the pathway to stability faster. We also continued our participation in the Welcome With Dignity campaign, a national coalition of organizations, activists, asylum seekers, and advocates ensuring people forced to flee their homes are treated humanely and fairly. This systemic advocacy work is built on goals identified by client communities and trends that emerge while providing direct legal services and community legal education.

Note that ARPA funds supported ILAP's direct legal services and community legal education, but not our systemic advocacy work. We include a short summary here simply to share the full scope of our interconnected model.

Priorities for 2024

In 2024, we will prioritize continuing to refine our model for AALOP service delivery to include remote workshops through a new *pro bono* partnership with Fragomen, one of the nation's largest immigration law firms. We will also add staffing as our budget allows. Ultimately, our goal is to assist more clients with their asylum applications, including in other parts of the state outside of Portland.

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Legal Services for the Elderly Annual Report to the Maine Civil Legal Services Fund Commission Calendar Year 2023

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 2023. 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 older adults when their basic human needs are at stake. This includes things like shelter, sustenance, income, safety, public benefits, health care, and self-determination.

During this reporting period, the Fund provided 34% of the funding required to provide the legal services described in this report. This is a substantial increase (prior report was 24%) over the prior report. This report describes only services that are supported in part by the Fund. See **Attachment A** for summary information about additional services provided by LSE that are not supported by the Fund. See also **Attachment B** for a summary of foreclosure prevention services provided using American Rescue Plan Act funding that was distributed to LSE through the Fund.

STATISTICAL INFORMATION

Number of People Served and Legal Matters Handled

In 2023, LSE provided free legal help to 3,692 older Mainers in 3,777 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 eviction and foreclosure defense;
- Nursing home eligibility and other long-term care matters;
- Medicare appeals;
- Social Security appeals;
- MaineCare, food stamp, heating assistance, General Assistance, and other public assistance program appeals;
- Guardianship limitation or revocation; and
- Financial and health care powers of attorney.

This was a 10% increase over the prior year, and LSE had seen a 19% increase in service levels in 2022. LSE was able to help 499 more people than we helped in 2022 (and 1,000 more as compared to 2021). Unfortunately, 501 callers were turned away at intake that would have received Helpline services if LSE had not restricted intake to ensure we were able to serve all callers who were facing emergencies.

The number of cases that were emergency calls requiring a higher level of service and immediate attention continues to trend much higher than pre-pandemic levels (2019-761; 2020-1,250; 2021-1,438; 2022-1,528; 2023-1,366). Every caller with an emergency legal problem was served on the day they called or on the next business day. Cases that LSE defines as emergencies run across a range of case types including eviction, foreclosure, public benefit denials and reductions, resident rights and elder abuse, but the common theme across all of them is that an older person is facing a legal problem that puts their housing, health, and/or safety at imminent risk. These are cases where a person is living in an unsafe situation, is threatened with loss of housing, or is being denied critically needed public benefits. Legal problems that are emergencies are time sensitive and more resource intensive to address.

LSE provided this level of service with a small staff. The direct legal services staffing in 2023 included: 0.80 full time equivalent (FTE) Litigation Director; 0.50 FTE Helpline Director; 1.0 FTE Intake Paralegal; 2.70 FTE Helpline Attorneys; 1.00 FTE Elder Abuse Paralegal; and 10.60 FTE Staff Attorneys. This is a total of only 16.60 FTEs of direct legal services staff (including supervisory staff). This is a 1.00 FTE increase in Staff Attorneys and .20 FTE increase in Helpline Attorney as compared to 2022.

Types of Cases Handled

The following chart breaks down the number of cases handled in 2023 by general case type.

LSE CLIENT SERVICES BY GENERAL CASE TYPE	
Case Type	Total
Housing (976)	26%
Self Determination (851)	23%
Consumer/Finance (724)	19%
Health Care (502)	13%
Individual Rights (includes elder abuse and exploitation) (295)	8%
Income Maintenance (229)	6%
Family (110)	3%
Miscellaneous (88)	2%
Employment (2)	--
Total Cases (3,777)	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 housing (public and private rental housing issues, foreclosures, evictions), self-determination/aging preparedness (probate referrals, powers of attorney, advance directives, will referrals), consumer issues

(debt collection, consumer fraud, creditor harassment), and access to health care (Medicare and MaineCare).

Status of Matters Handled

The reported matters were all opened during 2023 and are reported regardless of whether or not they were closed in 2023. 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.

Of these 3,777 matters, 20% (754) were handled by Staff Attorneys as litigation matters, and 80% (3,023) were assisted by Helpline Attorneys. A further breakdown of the level of service is as follows (from most to least resource intensive): 10% extended representation services; 46% counsel and advice; 36% information and referral; and 8% 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 34% male and 66% female (with 6 declining to answer). All clients served were sixty years of age or older, and 57% were 70 years of age or older. Seven percent of those served were veterans. While LSE serves both socially and economically needy older adults, 89% of LSE's clients were below 250% of the federal poverty level and 43% were below 100% of the federal poverty level. Those clients who are not below 250% 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

LSE provides services on a statewide basis. LSE's clients are generally distributed across the state in proportion to the distribution of older people across the state though we do have some underserved areas that we are focusing our outreach efforts on in 2024. Year after year, LSE serves clients in nearly every township in Maine. We attribute this to the strength of our statewide partner and referral relationships. The chart provided as **Attachment C** provides data regarding the geographic distribution of LSE's clients in 2023. This includes a chart comparing LSE's service data to 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 older adults who are 60 years of age or older when their basic human needs are at stake. This includes things like shelter, sustenance, income, safety, public benefits, 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 services provided by LSE include the following: 1) brief services, advice, and counseling to clients throughout Maine by the LSE Helpline (1.0 FTE intake, 2.7 FTE Helpline Attorney); 2) litigation services by eleven Staff Attorneys (10.60 FTEs) located across the state; and 3) outreach conducted throughout the state including via a website, direct mail, and presentations to referral sources. As noted in Attachment A, LSE also engages in extensive public policy advocacy, but that work is not supported by the Fund.

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. Overall, LSE is able to improve the situation of those who receive services 86% of the time.

The case types accepted by LSE, the level of service provided by LSE in each case type (information and referral only; telephone assistance only; or full representation), and the range of possible desired outcomes for each case type are governed by comprehensive written client service guidelines that are consistently applied on a statewide basis ("LSE Targeting Guidelines"). The LSE Targeting Guidelines ensure LSE is thoughtfully putting its limited resources to work where they will have the greatest impact. The Guidelines also ensure an equitable distribution of LSE's resources and services across the entire state.

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

Statewide Helpline Services

LSE operates a statewide Helpline that provides all older people in Maine, 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 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 that LSE assists with, except those calling about an emergency situation, receive a call back from a Helpline Attorney in the order the calls were received. All emergency calls are handled immediately. **In 2023, all callers (1,366) with emergency legal problems received same day or next business day services.** Other callers received a call back from a Helpline Attorney within four to six days on average. **LSE's intake system is set up to ensure that anyone trying to reach LSE to**

ask for legal help with a civil matter is able to speak with someone about their problem.

The Helpline Attorneys provide legal assistance to older people exclusively via telephone. This is the level of service received by 80% of the people receiving help from LSE though most desire and could benefit from more extensive help. Only a small subset of case types is referred on to the nearest Staff Attorney for in person representation. Because Helpline services are much less expensive to deliver than the Staff Attorney services, this overall approach stretches LSE's limited resources as far as possible. LSE's Helpline services are provided at an average cost per case of only \$132.60.

The Helpline received over 9,550 calls for help in 2023, and these calls were handled by a single Intake Paralegal. About 60% of those callers were referred to other resources because the callers were calling on behalf of someone else, did not have legal problems, or were 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.

LSE maintains a panel of referral attorneys who have agreed to provide reduced fee or *pro bono* services when a client is between 125% and 200% of the federal poverty level. The panel has 172 members from across the state. The panel is shrinking as more and more attorneys retire and LSE struggles to replace them with newer attorneys. 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 MaineCare planning, real estate, probate and estate planning. LSE has a joint project with the Elder Law Section of the Maine State Bar Association to support LSE in recruiting referral attorneys to the panel. In addition to making full fee referrals to panel members, LSE made 12 *pro bono* and 58 reduced fee referrals to referral panel members in 2023. LSE was unable to refer 46 cases because there were no panel members able to take the referrals.

Statewide Litigation/Staff Attorney Services

The other primary component of LSE's service delivery system involves providing litigation services to older adults through Staff Attorneys who historically worked out of local Area Offices that were co-located at the local Area Agencies on Aging (except in Augusta) but are now working from home offices. This level of service was provided to 20% of those seeking help from LSE (754 cases). These more resource intensive services are provided by eleven Staff Attorneys (one is part-time) who each cover assigned geographic areas of the state.

The Staff Attorneys provide legal services for older people with legal problems that place them at immediate risk of harm and 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.

LSE rigorously merit assesses cases before committing these intensive resources to a case, but once cases are accepted for full representation, Staff Attorneys are successful 76% of the time in stopping abuse, recovering homes and assets that have been stolen, saving homes from foreclosure that families have lived in for decades, stopping evictions and/or preserving housing subsidies, and helping older people obtain needed home care and other long-term care services that allow them to continue living in their own homes longer.

Outreach and Education

LSE provides legal information to the public through public presentations, print material, and its website. LSE distributed over 10,900 LSE brochures in 2023. LSE information is posted at the courts, Community Action Programs, Social Security offices, congregate meal sites, Department of Health and Human Services offices, and Area Agencies on Aging. LSE materials are also distributed directly to homebound residents through the Meals on Wheels program and by direct mail to a broad range of referral sources including all town offices, food banks, homeless shelters, assisted living facilities, home health agencies, hospice programs, and nursing facilities. In addition to the distribution of print materials, LSE's Staff Attorneys do direct outreach with key referral sources based upon statewide and regional outreach plans. To magnify the impact of the direct outreach, LSE focuses on connecting with professionals who are potential referral sources rather than trying to directly reach older people. LSE also continued to focus in 2023 on reaching out to new and different referral sources in an effort to ensure services are reaching traditionally underserved populations.

The LSE website includes an extensive online elder rights handbook. The handbook 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. The website provides a valuable resource not just to older people in Maine, but also to their family members and caregivers. The design of the online handbook meets all national standards for online materials for older users and is accessible on a wide range of devices.

LEADERS IN THE FIGHT AGAINST ELDER ABUSE

Elder abuse remains a top priority systemic issue for LSE. In addition to providing legal representation to 443 victims of elder abuse in 2023, up from 384 in 2022, LSE is a leader in efforts to prevent elder abuse and improve the community response when it does occur. LSE provides infrastructure support for the Maine Council for Elder Abuse Prevention including maintaining the website and handling registration for two conferences that are held every year. The Council includes over 80 members from a broad range of public and private organizations as well as individuals. The Council focuses on raising awareness about elder abuse and improving the response by

providing multi-disciplinary training for professionals who work with victims. In addition, LSE Staff Attorneys serve on local Elder Abuse Task Forces where they exist. These groups enable professionals from many different disciplines to work together to raise awareness of elder abuse and improve the local response.

LSE's Executive Director continues to Co-Chair the Elder Justice Coordinating Partnership (EJCP), created by Executive Order in 2019, which includes 22 members from a broad range of public and private sector leaders. The EJCP published an Elder Justice Roadmap in January of 2022 that focuses on reducing elder abuse in Maine and improving the response to elder abuse. Maine is one of eight states to recently receive a grant from the National Center for State and Tribal Elder Justice Coalitions. This grant was awarded to the Governor's Office of Policy Innovation and the Future. The grant will support a full time staff person for the EJCP and going forward the EJCP will be Co-Chaired by Elizabeth Gattine, Senior Policy Analyst and Cabinet on Aging Coordinator.

OUTCOMES MEASUREMENT

Using electronic case management software called Legal Server that is shared by several of the legal services providers, LSE is able to collect, maintain, and analyze comprehensive data regarding the demographics of those served and the scope and nature of its services. This includes things like the location of the individual served, the type of case, and the specific outcomes achieved. Outcomes are assigned to every case that is closed based upon the range of potential outcomes for the given case type. Information from this database is used to monitor compliance with all funder requirements and commitments, including the MCLSF. In addition to monitoring outcomes achieved across all case types, LSE also conducts periodic client satisfaction surveys for our Helpline services. Most callers who are not satisfied with the services are unhappy because they face problems outside of LSE's scope of services.

LSE service and outcome data is 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 Justice Foundation, United Way agencies, the Area Agencies on Aging, the Office of Aging and Disability Services, and the Administration for Community Living.

In addition, in 2023, the LSE Board of Directors and staff worked to update a strategic plan that had been expected to run through 2023. The updated plan will run through 2024 and includes measurable objectives in five areas. This includes increasing the number of older adults who seek and obtain help, helping older adults maintain safe and affordable housing, helping older adults access publicly funded health care services, increasing the financial security of Maine's older adults, and helping older adults to live their lives free from abuse, neglect, or exploitation. LSE plans to undertake a

comprehensive planning process in 2024 and develop a new three year plan. The Board closely monitors progress under the plan.

UNMET AND UNDERSERVED NEEDS

LSE is required as a part of this annual report to provide information regarding the unmet and underserved legal service needs of older people in Maine. The unmet need continues to grow. There are at least three major drivers behind the significant and growing unmet need for legal services among Maine's older population.

1. Maine is the oldest state in the nation, and the number of older people living in Maine is growing at an incredible rate.

By 2030, it is expected that nearly one out of every three Maine residents will be over 60. That means there will be over 460,000 older people living in Maine. The growth rate of those in the 65 and older group is projected to be 44.6% from 2018 to 2028 as the baby boomers age into this age group.

2. There is a very high poverty rate among older Mainers, and older people face many other unique challenges.

In Maine, 18% of older people live below 150% of the poverty level, and nearly one third live below 300% of the poverty level. Seventy percent of low-income older people receive Social Security as their sole source of income compared to only half of older people who are above poverty levels. The high poverty rate among older people in Maine does not tell the whole story. Older Mainers with low incomes live on fixed incomes and face additional financial challenges, including a high tax rate, high medical costs, high food costs, high electricity costs, and an aging housing stock heated with oil. Many older people in Maine are also extremely vulnerable in other ways. Under America's Health Rankings for Seniors¹, Maine ranks 34th for food insecurity among those 60 and older (with 1 being best), 33rd for housing cost burden, and 37th for suicide.

3. Older people who are low-income face frequent legal problems.

Older people face more frequent legal problems than the general low-income population and are at higher risk of harm when facing a legal problem. **A legal needs study conducted in Maine in 2011 by the University of Maine Center on Aging revealed that 56% of Maine's older people with low incomes had experienced a legal problem in the past year (this went up to 67% for low income older people 70 years of age or older).² This is consistent with a more recent national study showing that 56% of low-income older people's households experienced a civil legal problem in**

¹ America's Health Rankings 2023, [2023 Senior Report | AHR \(americashealthrankings.org\)](https://www.americashealthrankings.org/)

² Legal Needs Assessment of Older Adults in Maine: 2011 Survey Findings from Key Populations of Older Adults, University of Maine Center on Aging, December, 2011.

the past year, and a stunning 10% experienced six or more legal problems per year.³ LSE is meeting at most 10% of the need for services.

Complicating the landscape is the fact that without ready access to free legal assistance, Maine elders who can't afford a lawyer are most likely to "do nothing" about their legal problem. A national survey that is consistent with prior Maine surveys showed that 87% of older people with low-incomes who experience legal problems receive inadequate or no help because they don't know where to seek help, decide to deal with the problem on their own, don't have time to deal with the problem, or aren't sure they have a legal problem.⁴ **Doing nothing when facing a legal problem like abuse, foreclosure, eviction, or overwhelming medical debt quickly leads to a downward spiral in what had previously been a productive and independent person's life.**

SUMMARY

LSE is pleased to be reporting that just as was the case in 2022, every single older person calling LSE with an emergency legal problem in 2023 received free legal help from LSE. In addition, LSE was able to help 499 more people in 2023 than in 2022 and 1,000 more than in 2021. This growth in the number of people getting free legal help was possible due to new sources of pandemic relief funding made available to LSE over the past two years and increases in the Fund. Those sources of pandemic relief funding will expire in 2024.

At the same time, 501 people who sought help with less serious problems were turned away to ensure those with emergency needs could be served. We know that over 50% of older people in Maine with low incomes face at least one legal problem each year. Even with the increases in funding in 2023, LSE is meeting less than 10% of the actual need for free legal help. This leaves more and more older Mainers without access to an attorney when facing legal problems that will keep them from meeting their basic human needs.

Prepared by: Jaye L. Martin, Executive Director

³ Justice Gap Measurement Survey, The Justice Gap: Measuring the Unmet Civil Legal Needs of Low Income Americans, 2017.

⁴ Legal Services Corporation, The Justice Gap, June, 2017, page 47.

**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, Adult Protective Services, Office of Securities, and the state's public guardianship program. Working closely with these partners, LSE provides comprehensive, statewide services to older people in Maine. This includes the provision of 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 older and disabled Maine residents with information and assistance on health insurance matters, in particular Medicare and MaineCare. In 2023, the LSE Medicare Part D Appeals Unit assisted 563 low-income Maine residents who were being denied access to needed prescription drugs under Medicare Part D.

Systemic Work and Public Policy Advocacy

Through its full time Public Policy Advocate and the efforts of other LSE staff, 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 much larger impact on the policies and systems affecting older people in Maine than would be possible if LSE were to limit its activities to individual representations. The LSE Board of Directors has adopted guidelines which govern the nature and scope of this systemic advocacy work. These legislative and systemic activities are not supported by the Fund.

**ATTACHMENT B
LEGAL SERVICES FOR THE ELDERLY**

Foreclosure Prevention Services Provided with American Rescue Plan Act Funding

LSE handled 93 foreclosure defense cases in 2023 (20 more than 2022). Prior to June of 2022, these services were provided by all LSE Staff Attorneys with each attorney handling the cases arising in their assigned geographic area. Starting in June of 2022, LSE moved to having a single Foreclosure Prevention Staff Attorney handle all foreclosure cases on a statewide basis.

The clients served were 59% female and 41% male.

Sixteen of the reported cases remained open at the time of this report.

Twenty older homeowners avoided homelessness as a direct result of receiving legal services.

Overall, 91% of the clients receiving foreclosure prevention services had their situation improved as a direct result of obtaining access to free legal assistance.

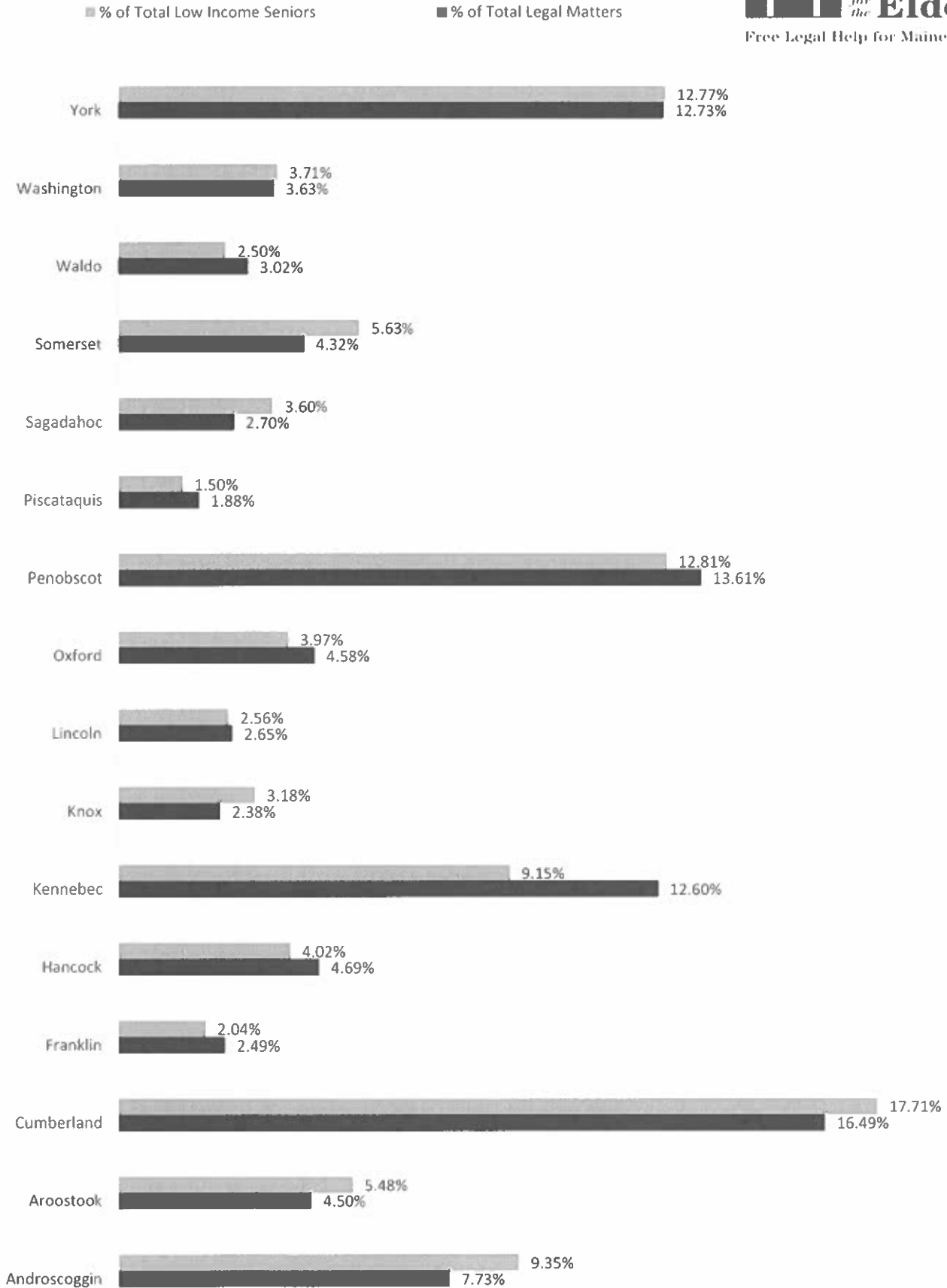
LSE provides a formal annual report on our ARPA funded work through the Maine Judicial Branch consistent with applicable requirements from U.S. Treasury and Maine's Department of Administrative and Financial Services.

**ATTACHMENT C
LEGAL SERVICES FOR THE ELDERLY**

Geographic Distribution of Services

	LSE 2022 STATISTICS		LSE 2023 STATISTICS	
	Total Clients Served	% of Total LSE Clients Served by County	Total Clients Served	% of Total LSE Clients Served by County
Androscoggin	265	8%	285	8%
Aroostook	149	5%	166	4%
Cumberland	541	17%	605	16%
Franklin	72	2%	92	2%
Hancock	139	4%	175	5%
Kennebec	383	12%	466	13%
Knox	95	3%	88	2%
Lincoln	85	3%	99	3%
Oxford	139	4%	170	4%
Penobscot	429	13%	503	14%
Piscataquis	58	2%	71	2%
Sagadahoc	59	2%	98	3%
Somerset	148	5%	157	4%
Waldo	94	3%	113	3%
Washington	119	4%	133	4%
York	418	13%	471	13%
Total	3,193	100%	3,692	100%

Legal Matters Calendar Year 2023
Compared to Percent of Low Income Older Adults by County



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126 Sewall Street
Augusta, ME 04330
(207)626-7058

2023 Annual Report to the Maine Civil Legal Services Fund Commission January 2024

Empowering justice across Maine, our impactful legal representation, administrative advocacy, and extensive outreach and training programs are made possible by the vital support of the Maine Legal Service Fund (MCLSF). In 2023, the MCLSF played a pivotal role in our work, contributing 64% of the funding necessary to fuel the breadth of legal services detailed in this report. As our single largest source of multi-year funding, the MCLSF is the backbone enabling us to deliver crucial services spanning all sixteen counties.

In 2023, 21% of the MCLSF funds were temporary ARPA funds strategically used to extend an expiring Bank of America grant. These funds allowed Maine Equal Justice (MEJ) to provide continuity in our consumer rights program for an additional two years. Particularly during Maine's post-COVID recovery, these ARPA funds allowed us to provide indispensable legal services to low-income consumers. The entirety of the consumer protection initiatives outlined in this report was made possible by these funds, originating from the groundwork laid by the Bank of America grant established in 2019.

Throughout the past year, MEJ has not only met but exceeded expectations outlined in the 2022-2023 proposal submitted in the fall of 2021. Our commitment is evident in the sustained delivery of all services detailed in the proposal. Addressing the most urgent community needs through our legal services, community outreach, and collaborative efforts with other organizations, providers, and agencies, MEJ has diligently worked to fulfill basic needs and create economic opportunities for individuals with incomes under 200% of the federal poverty line.

BACKGROUND

In 1996, recognizing the limitations imposed by federal legislation on funding for legal representation in class-action litigation, administrative advocacy, and legislative advocacy, Maine's legal community took bold action. The result was the creation of Maine Equal Justice Partners, now known as Maine Equal Justice, to fill the crucial gap in advocating for those with low incomes across all branches of government.

- Dedicated to enhancing economic security, opportunity, and equity in Maine, MEJ employs a multifaceted approach: (1) rigorous public policy advocacy within the legislature¹ and governmental agencies; (2) impactful legal representation and strategic litigation addressing systemic issues; and (3) widespread outreach and training on vital supports that prevent or lift individuals out of poverty. Using many tools, MEJ not only directly advocates for clients but also pioneers innovative solutions aimed at reducing poverty on a broad scale. Our focus is on issues impacting people's daily lives, most importantly access to healthcare, food, housing, income, employment, and higher education opportunities.

INFORMATION REQUESTED by the COMMISSION

Maine Equal Justice relies on funds from the MCLSF to support the services described below.

1. **Direct Legal Representation** (Advice, Referrals, Limited & Extended Representation, including Impact Litigation):

MEJ's impact is felt directly through our responsive toll-free telephone and online intake system, tackling issues of denied, terminated, or reduced public assistance, public health insurance, and education/training programs. Armed with a comprehensive grasp of state and federal statutes, our team navigates the intricate program landscapes with on-the-ground expertise. Beyond direct representation for our clients, MEJ serves as a legal resource on economic security programs, extending our reach to other organizations, agencies, and municipalities throughout Maine.

In our direct representation efforts, we don't just address individual cases; we identify systemic issues. Collaborating with program administrators, we drive essential changes to prevent recurring legal challenges. This dual approach ensures immediate resolutions for individuals while uncovering systemic barriers for broader impact. By efficiently addressing these systemic issues, MEJ maximizes the impact of limited civil legal aid resources, benefiting thousands across Maine.

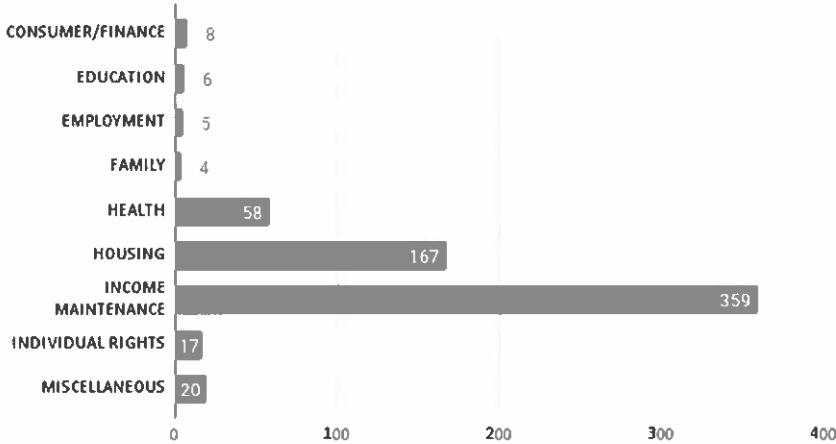
Moreover, MEJ has extended support to people falling through the cracks of Maine's civil legal aid infrastructure. Some Mainers who are immigrants, including many people seeking asylum, who have a legal need related to housing or public benefits, are not eligible for assistance from Pine Tree Legal Assistance based on their immigration status. MEJ has been taking these cases, even when they do not have systemic implications, and working to build capacity to meet these legal needs. In 2023, our efforts reached 85 immigrants in eviction cases, achieving a remarkable 95% success rate—a testament to our dedication to serving every community member in need.

MEJ handled **644 direct legal cases** in 2023. Most cases MEJ handled related to income maintenance, with a substantial number in housing and health care. MEJ handled more housing cases in 2023 than in prior years because of the increase in need in this area. MEJ handled the

¹ No funds from the Maine Civil Legal Services Fund are used to support MEJ's legislative work or lobbying activities.

following types of legal cases in the form of advice and referrals, and limited and full representation to clients throughout the state:

2023 Cases Handled by Case Type



Impact litigation in 2023:

Maine Equal Justice pursued impact litigation to address the needs of clients with low income while also shaping policy impacting thousands of similarly situated individuals across the state. MEJ represented the interests of low-income consumers in an effort to strengthen consumer protections in many of these cases. This work to maintain and strengthen consumer protections was supported and made possible by the ARPA funding that came through the MCLSF.

MEJ spearheads impactful litigation, weaving individual client advocacy with systemic policy reform to benefit low-income individuals statewide. ARPA funding through the MCLSF enabled us to fortify consumer protections and challenge injustices in this area. Here are snapshots of our impact litigation in 2023:

i. **Consumer Data Industry Association v. Frey (Maine Federal District Court/ U.S. First Circuit Court of Appeals)**

- **Challenge:** Defending a Maine law enacted in 2019 protecting domestic violence victims from economic abuse.
- **Outcome:** First Circuit ruled in our favor, setting a precedent against preemption.
- **Impact:** U.S. Supreme Court denied petition for cert, case was remanded to Federal District Court of Maine and the Court rejected additional arguments from the credit reporting industry; CFPB adopted First Circuit's decision in regulations.

ii. **Portfolio Recovery Associates, LLC Plaintiff – Appellee, v. Casey Clougherty (Maine Law Court)**

- **Challenge:** Establishing rules of evidence in credit card collection cases.
- **Status:** Law Court remanded for further findings due to pandemic-related trial delays.

- iii. **HSBC Bank USA National Assoc v. Lombardo (Maine Federal District Court)**
 - **Challenge:** Asserting state law mediation in a federal foreclosure case.
 - **Outcome:** Federal Court adopts state law mediation rules, ensuring broader impact.
- iv. **JP Morgan v. Camille Moulton (Maine Law Court)**
 - **Challenge:** Defending the *res judicata* effect in foreclosure cases.
 - **Status:** Awaiting Law Court decision, advocating against changing existing rules.
- v. **SAVE (Systematic Alien Verification for Entitlements) Policy Enforcement**
 - **Initiative:** Advocating for consistent implementation of federal SAVE requirements.
 - **Outcome:** Administrative hearing successes; DHHS to propose rules in January 2024.
- vi. **Susan Kiralis-Vernon and Sara Halsey v. FEDCAP (First Circuit Court of Appeals)**
 - **Case:** Challenging Fedcap's mismanagement of Maine's ASPIRE program.
 - **Status:** District Court dismissal, awaiting First Circuit decision after oral argument
- vii. **Jane Doe v. Town (Maine Human Rights Commission)**
 - **Complaint:** Alleging violations of Maine Human Rights Act and Fair Housing Act.
 - **Argument:** Town's actions disproportionately impact Black, Indigenous, and People of Color.
- viii. **In Her Presence, et.al. v. DHHS (Maine Law Court):**
 - **Challenge:** Contesting DHHS rules prohibiting transitional benefits for TANF recipients.
 - **Status:** Superior Court grants MEJ standing; appeal filed with the Maine Law Court.

MEJ's pursuit of justice extends beyond individual cases, striving for enduring systemic change.

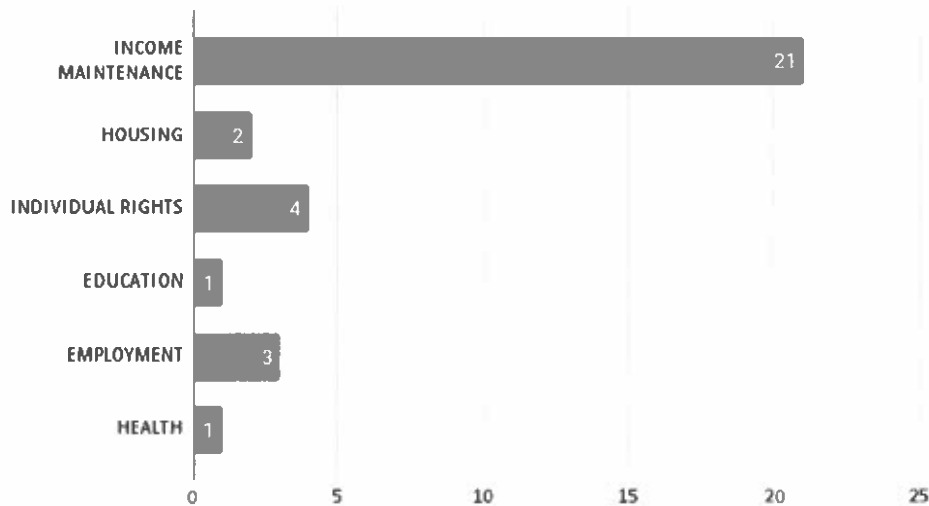
2. Administrative Advocacy:

Maine Equal Justice'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 for individuals with low incomes and agencies that serve them; and (4) participation on multiple work groups, commissions, and boards with government functions that affect MEJ's clients.

MEJ conducts administrative advocacy at the federal and state level in all our focus areas. Federal and state agencies often define and operationalize law in regulations and rules, and these details can have a significant impact on people with low income. MEJ strives to ensure fairness and due process at the administrative level. MEJ also aims to resolve gray areas in the applicable statutes. By so doing, MEJ clarifies eligibility and services covered, which improves the ability of other providers and agencies assisting people with low income to efficiently use their resources. This also enables our clients to navigate a complex and confusing system more successfully.

In 2023, MEJ submitted rulemaking comments at the state and federal level on **eight proposed rules** covering a range of issues and handled **thirty-two administrative cases**. MEJ handled the following types of administrative advocacy cases with the support of the MCLSF:

2023 Administrative Cases Handled by Case Type



MEJ collaborated with state agencies including the Maine Department of Health and Human Services (DHHS), Maine Department of Labor (DOL), and MaineHousing to address the needs of people with low income. MEJ provided recommendations for systemic improvements based on research, policy expertise, and community input, as well as technical support and assistance to implement changes to meet people’s immediate and longer-term needs.

3. Training, Education and Outreach

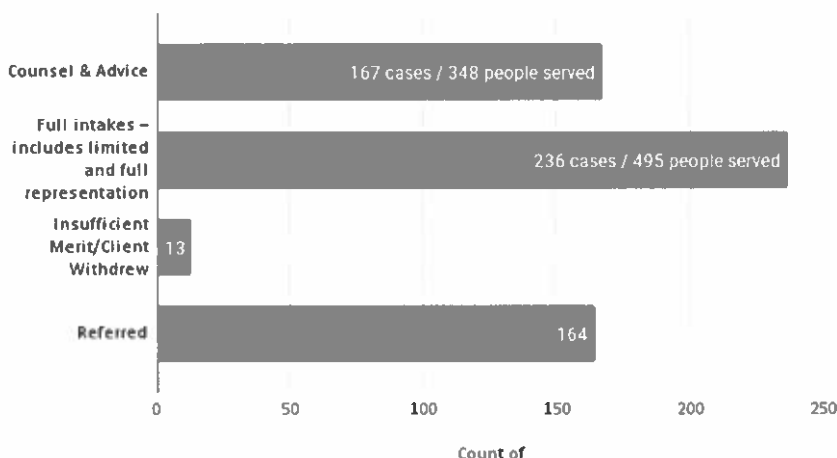
Maine Equal Justice provides outreach and training on public benefits and programs for low-income community members and the agencies and providers who assist them. We impart critical information on Maine’s economic security programs and how to access them. At the same time, we learn about potential barriers and issues faced by people accessing benefits and about systemic problems that need to be addressed. In 2023, MEJ conducted **15 virtual and in-person training events** throughout the state, reaching over **773 individuals**, including staff from social service agencies, health centers, homeless shelters, and individuals living with low income.

MEJ’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 public assistance programs, public health insurance, and training and educational programs. In 2023, MEJ produced and shared resources related to health coverage, food security, immigrant program eligibility, and transportation assistance.

Number of people served as a result of the award received from the MCLSF:

In 2023, Maine Equal Justice handled **644 cases**. Of those cases, MEJ closed **580 cases**, impacting at least **1,007 individuals**. Of the 644 cases handled, **65 are pending**. Thirteen cases closed because the client withdrew or failed to return, or due to insufficient merit.

2023 Number of Legal Aid Cases Handled and People Served



These numbers, however, do not include those impacted by our administrative advocacy, which impacts similarly situated individuals, or by our training, education, and outreach efforts. Through our administrative advocacy MEJ served at least **82,793 individuals**. In addition, through statewide training sessions, MEJ served another **773 individuals**.

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

Maine Equal Justice 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 \$49,720 in annual income for a family of three in 2023.² According to the most recent state data on the Kaiser Family Foundation website, there were **347,600 Maine people**, of all ages, living under 200% FPL in 2022.³

MEJ’s direct legal assistance targets people who are eligible for economic security programs. The following numbers provide a snapshot of the number of Maine people receiving public assistance from these programs as of November 2023:

- 12,768 people were enrolled in Temporary Assistance for Needy Families (TANF) that provides income support to families with children;
- 173,393 people were enrolled in the Food Assistance (SNAP) program that helps people with low income put food on the table; and

² <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>

³ <https://www.kff.org/other/state-indicator/population-up-to-200-fpl/?dataView=1¤tTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

- 409,066 people were covered by MaineCare or CubCare, which provides public health insurance for people with low income who otherwise could not afford it.⁴

The geographical area served by the organization as a result of funds from the MCLSF:

MEJ provided direct legal assistance to individuals residing in all sixteen Maine counties in 2023.

County	# of Cases
Androscoggin	47
Aroostook	30
Cumberland	281
Franklin	4
Hancock	15
Kennebec	42
Knox	7
Lincoln	5
Oxford	21
Penobscot	66
Piscataquis	3
Sagadahoc	7
Somerset	9
Waldo	12
Washington	29
York	66
TOTAL	644

MEJ also advanced two projects in 2023 that involved extensive outreach, education, and direct assistance. While these projects were not funded by MCLSF, they are coordinated with our legal services work described above.

- i. **Build HOPE Project:** The aptly named Higher Opportunity for Pathways to Employment (HOPE) program was enacted by the Maine legislature in 2018. The HOPE program makes higher education and training possible for low-income parents with children. HOPE provides critical support that can enable low-income parents and caregivers to go back to school and succeed, but many students reported they still struggle to meet their needs over the course of their program, especially in the face of unexpected emergencies. The Build HOPE Project at MEJ fills in those gaps by providing additional income support.

Through the Build HOPE Project, MEJ provided critically needed financial support to **284 parents** in the HOPE or the Parents as Scholars (PaS) program to increase the likelihood of success in their education or training. MEJ staff gathered and tracked project data, and

⁴ <https://public.tableau.com/app/profile/waynecarino/viz/DHHSbytheNumbers/DHHSbytheNumbers>

research is now underway that will build collective knowledge of how to improve programs to be most effective in helping low-income parents succeed in their educational and training pursuits. MEJ legal services staff verified participation in HOPE or PaS with DHHS and worked with participants to ensure they were accessing other public benefits and supports for which they were eligible.

ii. Peer Workforce Navigator Project: The Peer Workforce Navigator (PWN) Project connects people who are under- or unemployed with education and training, apprenticeships, unemployment insurance, healthcare, and other supports they need to get and keep gainful employment. The PWN Project is a collaborative effort that MEJ is leading with four other community-based organizations and the Maine Department of Labor (MDOL). MEJ's advocates and legal team were instrumental in designing and launching the project.

The project seeks to: (1) connect community members to good, quality jobs and education and training opportunities to promote career advancement and economic security; (2) help community members navigate Unemployment Insurance and get the benefits they need in critical times; (3) help workers access economic security programs that give people the support they need to work toward their career goals; and (4) identify systemic barriers that are preventing people from moving ahead and work with the MDOL to resolve those issues. Through this project, MEJ hired a Peer Workforce Navigator who works in close collaboration with the legal services team to address peoples' legal needs.

Outcome measurements used to determine compliance:

The proposal submitted for 2022-2023 is based upon the core legal representation and substantive work that MEJ pursues; therefore, we evaluate our work using outcome measurements that reflect our ability to achieve systemic reform.

Success Metrics for Brief Services, Advice, Referrals, and Extended Representation:

- Favorable case resolutions and negotiated settlements; and
- Comprehensive survey upon case closure, capturing client feedback.

Success Metrics for Administrative Advocacy:

- Acceptance of rulemaking comments;
- Implementation of administrative policy changes benefiting low-income individuals;
- Appointments to task forces, workgroups, and commissions, showcasing expertise recognition; and
- State requests for MEJ's analysis and assistance in meeting federal requirements.

Success Metrics for Training, Outreach, and Education:

- Extent of statewide outreach and training activities;
- Number of individuals trained, reflecting our impactful educational reach; and
- Positive feedback from diverse organizations, including social service providers, family practice residency programs, associations, shelters, and community coalitions.

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

MEJ sustains its operational lifeline through diverse funding channels, including MCLSF, Maine Justice Foundation, Campaign for Justice, foundations, and individual donors. Key pillars, IOLTA and MCLSF, fuel MEJ's legal services.

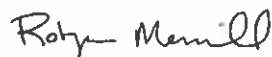
Rising living costs have led to a surge in individuals grappling with unmet basic needs and has increased demand for our legal services. The housing crisis looms large, with 72% of extremely low-income households in Maine allocating over 30% of their income to rent. The acute shortage of affordable housing poses a grave risk to Mainers, pushing them towards eviction and homelessness. MEJ, witnessing this mounting challenge, endeavors to address both immediate needs and systemic issues. However, the demand far outpaces our current resources. We were hoping to create another paralegal position in 2023 to help respond and meet requests for assistance but were unable to due to funding constraints.

MEJ ambitiously seeks to bolster capacity, particularly for immigrant Mainers underserved due to their immigration status. Collaborating with Pine Tree Legal Assistance, we've stepped in to cover eviction dockets in Portland and hope to extend our reach to Biddeford and Lewiston with support from the private bar. The quest for additional capacity echoes the urgent need to bridge gaps in Maine's legal aid infrastructure and address the pressing demand for legal services.

CONCLUSION

MEJ receives critical support from the MCLSF that enables the organization to pursue individual and systemic solutions on behalf of Maine people with low income. Without the MCLSF, the level and breadth of legal services MEJ currently provides would be severely diminished. The MEJ Board, staff, and our clients thank the MCLSF Commission for making this important work possible.

Respectfully submitted:



Robyn Merrill
Executive Director

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Maine Volunteer Lawyers Project Report to the Maine Civil Legal Services Fund Commission January - December 2023

A. Overview of Applicant Organization

The Maine Volunteer Lawyers Project (VLP) celebrated its 40th anniversary in 2023. It was formed in 1983 as a joint project of the Maine Justice Foundation (MJF) and Pine Tree Legal Assistance (PTLA). In 2016, the VLP became a separate, non-profit organization.

The Mission of the VLP is to increase equal access to justice for low-income and vulnerable Maine people by engaging Maine lawyers in pro bono service. Our goals are to increase awareness of the civil legal needs of people with low incomes, to highlight the importance of pro bono service in filling the gaps in legal aid, to connect low-income clients who have civil legal issues with volunteer lawyers, and to develop pro bono opportunities for lawyers and non-lawyer volunteers.

We work towards these goals with a small staff of seven (four full-time, three part-time) who provide administrative support to the volunteer efforts of the Maine legal community. The VLP also provides training, supervision, and support for student and community volunteers who assist with VLP pro bono projects. We provide free continuing legal education programs for volunteer attorneys as an incentive to provide pro bono service. We invite attorneys to join our volunteers through our website and with direct recruitment. We connect with newly admitted lawyers to engage them in pro bono service as a routine part of their legal practice and partner with community service agencies to make services as effective and accessible as possible. We connect with the courts and community organizations to increase awareness of VLP's services. We advocate for changes to court rules and other procedures to reduce barriers to volunteer service. We partner with the other legal aid providers, the Maine State Bar Association, the Maine Justice Action Group, and community organizations to increase available pro bono legal assistance. These activities all support our work of delivering legal services to low-income Mainers who need them.

The VLP provides services statewide with offices in Portland and Bangor. The Executive Director supervises six program staff. Those positions are as follows:

- **Community Development Coordinator (full time):** Recruits, trains, and supervises non-lawyer volunteers; operates Workers Rights and Small Claims clinic programs.
- **Justice Referral Coordinator (full time):** Manages telephone intake and outreach to lawyers; refers cases for full representation.
- **Justice Project Coordinator (full time):** Manages Domestic Violence Pro Bono Panel in Portland, Lewiston Protection from Abuse Project, Courthouse Assistance Programs statewide, and Family Law Helpline.
- **Communications Manager (0.75 FTE):** Responds to client requests for assistance; manages social media and website.
- **Bangor Staff Attorney (0.6 FTE):** Manages all operations for cases in seven northern counties.

- Pro Bono Engagement Director (0.6 FTE): Recruits and supports volunteer attorneys statewide. Manages Small Business and Nonprofit Organization Program, Maine Homeless Legal Project, Free Legal Answers Maine, and the Justice Andrew M. Mead Fellowship for Pro Bono Service.

Together with the Executive Director, these six staff members arranged for volunteer legal services to be delivered to more than 2,000 people in all sixteen counties of Maine last year.

To be eligible for VLP services, clients must have a civil legal issue in Maine and have an income of 200% or less of the annual federal poverty guidelines or up to 250% if they are part of a priority population (veterans and victims of domestic violence, for example) or have exceptional needs or circumstances that are determined on a case-by-case basis.

B. Information Requested by the Commission

Types of Cases Handled

The VLP coordinates legal services provided by volunteer attorneys generally in three ways: full referral, limited representation clinics, and online legal advice.

“Full referral” means that VLP has recruited an attorney to accept a client for full, pro bono representation in their legal matter, and the lawyer will provide the same service that would be provided to a paying client. Full representation in civil legal matters, including the following case types: bankruptcy, access to benefits, consumer complaints, family matters including domestic violence cases, employment, end-of-life issues including wills and probate matters, foreclosure, real estate, debts, and other types of civil legal problems. VLP recruits attorneys to do outreach to members of the bar regarding specific cases through our “Lawyer to Lawyer” referral program (formerly known as the “Lawyer of the Day” program).

Given the high volume of requests for some case types or due to certain populations with specific needs, VLP has several programs referred to as “clinics,” where qualified individuals meet with an attorney for limited representation and advice. Clients can have multiple clinic appointments if needed. VLP’s current clinic programs include the Court House Assistance Program (CHAP) for family law; Helpline, for family law with domestic violence concerns; Workers Rights Legal Clinic, for employment-related concerns; Small Claims Clinic, to assist people with small claims matters; Small Business and Non-Profit Organization Program, to assist qualified organizations with civil legal problems; and the Maine Homeless Legal Project, to assist unhoused people with civil legal problems. Those consultations sometimes lead to extended representation.

VLP organizes and manages volunteer attorneys to assist in domestic violence related matters through our Portland Domestic Violence Pro Bono Panel and Lewiston Protection from Abuse (PFA) Panel, in partnership and coordination with domestic violence resource centers around the state. The volunteer attorneys in these programs provide consultations and in-person

representation for protection from abuse cases in Portland and Lewiston, which may include representation through the conclusion of the PFA matter.¹

Finally, VLP manages the Free Legal Answers Maine website, a partnership with the American Bar Association, where qualified Mainers can go online and ask questions about civil legal matters, and attorneys recruited and supported by VLP provide answers. VLP staff serve as site administrators, including screening and monitoring the questions and providing referrals to other resources where appropriate.

VLP has developed partnerships with a variety of community organizations to facilitate referrals of their clients to VLP for help with civil legal matters. In addition to Maine's domestic violence resource centers, VLP's community partners include Acadia Hospital, Wabanaki Health and Wellness, Groups Recover Together, Adoptive and Foster Families of Maine, Maine Access Immigrant Network, and Preble Street.

Number of People Served

In 2023, 2,366 people received legal assistance in one of the above-mentioned ways through VLP. 2,037 individuals had open cases with VLP during 2023; of those, 1,689 were new cases opened during the year. The services provided ranged from referrals for pro bono full representation to limited representation to providing advice and guidance about a civil legal matter. The level of service is determined at the time the case is closed. For matters closed during 2023, 1,640 individuals received limited representation or legal information services. Sixty-one people received extended representation, with 77% of those having a resolution of their legal issues by the end of 2023. 292 cases remained open as of January 1, 2024, so the level of service had not yet been determined.

In addition, in 2023, VLP's volunteer attorneys answered 344 questions asked by 329 individuals through the Free Legal Answers Maine (FLAME) online portal for a total of 2,366 people served.

These numbers do not reflect the total number of people who contact VLP for help. Many are provided information about other resources available to resolve their issues, including referrals to other legal aid providers and other community services when they are not eligible for our services. VLP uses a tracking system to collect the data to document the extent of this additional service. In 2023, more than 1,300 people received resource referrals from VLP.

As of December 31, 2023, VLP had 292 cases open. Of those, 122 were referred to a volunteer attorney, and 26 were waiting for a volunteer attorney to accept their case. The remaining 144 individuals were scheduled for a clinic, pending review (such as when we are waiting for client documents before we schedule them for a clinic or refer them to a volunteer attorney), or ready to close.

¹ We are currently exploring the possibility of providing in-person representation on PFA matters in York County.

The cases that were open during 2023 covered a range of civil legal case types. As has been true in the past, family law and related matters were the largest areas of client need, representing 1,537 open cases in 2023. VLP mission places special emphasis on providing legal help to survivors of domestic violence; last year, we assisted individuals with 373 family law matters with domestic violence and 249 Protection From Abuse cases. Other case type data includes the following:

Case Type	Number of Cases
Benefits	77
Consumer	6
Bankruptcy	46
Employment	89
End of Life/Wills/Estates	159
Small Claims	68
Miscellaneous (including foreclosure, tort claims, and real estate)	55

Demographic Information about People Served

VLP collects various forms of demographic information about the people we serve. The age groups of our clients were as follows:

Under age 25	235	12%
Age 25-34	633	31%
Age 35-44	629	30%
Age 45-60	378	19%
Over age 60	162	8%

Additional demographic information for our clients includes the following:

- 85% of clients identified as White, 4.7% as Black, 2.9% as Hispanic, 2% as Native American, 0.8% as Asian, and 3.7% as other.
- 4.1% of clients did not speak English as a first language.
- 71.7% of clients were female, 26.4% were male, and 1.9% were other/no answer.

Geographic Areas Served

The VLP is a statewide organization that connects clients in need with pro bono volunteer attorneys statewide. All of our programs received requests for assistance from all 16 counties of Maine.

The VLP receives requests for assistance in several ways. The VLP website provides links for potential clients to complete intake request forms or to email requests for help. For those who cannot use the online forms or email, VLP conducts telephone intake through two toll-free telephone numbers, one to the Bangor office and one to the Portland office, largely staffed by trained community and student volunteers. Community partners refer people to VLP through established channels. Family law and PFA intakes for survivors of domestic violence come from the domestic violence agencies in Maine through a special referral process. VLP also receives requests for assistance from incarcerated people via regular mail. Potential clients are screened for eligibility, and their type of legal problem is reviewed. If accepted, the client may be referred for full representation to a member of our pool of volunteer attorneys located throughout Maine, or the client may be scheduled to meet with a trained legal volunteer through a legal clinic for their type of matter. Free Legal Answers Maine is available statewide for those who can access the internet.

In 2023, the VLP director traveled to courts in Waterville, Augusta, Rockland, Wiscasset, West Bath, South Paris, Rumford, Farmington, and Lewiston to connect with the court clerks and distribute informational materials. VLP also continued outreach to community partners in northern Maine. In 2023, cases opened out of the Bangor office increased by 25% and comprised 23% of VLP's total cases opened. In 2024, VLP will continue our efforts to increase access to our services in northern Maine.

VLP partnered with Pine Tree Legal Assistance and Disability Rights Maine to provide a coordinated rapid response to the legal needs of those affected by the horrific mass shootings in Lewiston in October 2023. VLP put out a call for assistance to our attorney volunteers, and we have been able to quickly place seven requests for assistance, and we expect to place two additional requests soon. We will continue to place cases in 2024 as we receive requests for help.

The geographic distribution of VLP clients by county in 2023 is as follows:

<u>County</u>	VLP cases	FLAME	Total	% of Total
Androscoggin	366	34	400	17%
Aroostook	40	15	55	2%
Cumberland	472	54	526	22%
Franklin	52	7	59	2%
Hancock	33	16	49	2%

Kennebec	182	34	216	9%
Knox	26	5	31	1%
Lincoln	40	7	47	2%
Oxford	99	12	111	5%
Penobscot	207	57	264	11%
Piscataquis	26	4	30	1%
Sagadahoc	46	6	52	2%
Somerset	66	19	85	4%
Waldo	40	11	51	2%
Washington	44	10	54	2%
York	252	43	295	12%

(Out of state / Unknown: 47)

Compliance with Proposal to Commission

In the application to the Maine Civil Legal Services Fund in September of 2021, VLP identified three areas where increased funding would support organizational growth and better delivery of services during 2022 and 2023. Those three areas were general operations, including support for staff; recruitment of volunteer lawyers; and improved use of technology. In 2023, VLP built on the gains achieved in 2022 in these areas.

Regarding general operations and better staff support, VLP is currently fully staffed with a group of skilled and dedicated individuals. In late 2022, thanks to increased funding, VLP was able to increase the number of hours for our part-time Communications Manager to assist in managing the high volume of email requests for assistance that VLP receives and supporting the work of our Northern Maine full representation referral program. We saw the benefit of that additional capacity throughout 2023. What were walk-in services in the past are now entirely by telephone or electronic means, and as a result, each client request for help takes more staff time than previously. The Communications Manager has provided relief to overwhelmed staff who were trying to manage the email communications and enabled us to reduce the wait time for response.

As with many non-profits, it is difficult for VLP to compete with the private sector for compensation and incentives. The dedicated VLP staff members are consistently working to refine and improve our systems for accepting clients and referring for services, as we share the passion for our mission of increasing access to justice. Being such a small organization, any staff turnover has a significant impact on the entire team. Through prudent fiscal management and increased revenue from other sources, VLP was able to provide modest salary increases to staff in late 2023 and to provide increased staff development/education in 2023, such as training about

managing vicarious trauma. These actions support our goal of increased staff retention, which in turn minimizes any disruption in the provision of services to clients.

An important part of the work that VLP does to benefit the state of Maine is coordination and cooperation with a variety of partners, including the other legal aid providers, the Justice Action Group (JAG), community agencies, and the courts. Adequate funding to support these activities is critical, and MCLSFC funding for general operations allows this to happen. In 2023, VLP expanding our work with community partners to promote awareness of our services and facilitate referrals.

Another area of development is the recruitment of volunteers, and VLP engaged in several activities in 2023 to advance this goal. First, we successfully re-launched the Justice Andrew M. Mead Pro Bono Fellowship program with a full cohort of eight Mead Fellows in 2023. This recruitment effort started in the winter of 2019-2020 and focused on newly admitted lawyers in Maine. The pandemic upended these plans, and the program was on hold for two years. In 2023, the robust program provided many activities and presentations to teach the Fellows about pro bono opportunities, to prepare them to provide pro bono service, and to encourage them to make pro bono service a regular part of their practice throughout their careers. We have accepted another full cohort of Mead Fellows, and the 2024 program began in January.

VLP engaged in several education and outreach projects throughout 2023, which also serve to increase attorney engagement. In January, VLP and PTLA collaborated to present information about the benefits of pro bono service at the Winter Bar Meeting of the MSBA. VLP partnered with Adoptive and Foster Families of Maine to provide information about legal issues related to kinship care in four regional seminars. VLP continues to work with the JAG Pro Bono Committee on various projects, and on May 10, this committee hosted a pro bono roundtable for in-house counsel to discuss various opportunities for pro bono service by this group of attorneys. VLP also serves on the Rural Access to Justice Task Force, led by the MSBA and the Judicial Branch.

In 2023, VLP hosted continuing legal education trainings to support our lawyer volunteers and to encourage pro bono service in exchange for free CLE credits. 2023's trainings included a full day training on domestic violence and representation in protection from abuse matters, an introduction to family law court procedures, a small claims court procedures 101 program, and several trainings for the Justice Mead Fellowship program on topics such as practice before Maine's trial and appellate courts, employment issues, immigration law, and the many ways that attorneys can provide pro bono services.

A third area of improvement for VLP in 2023 is better use of technology. Our recent system and workflow improvements have resulted in expanded services to Mainers in need. Our rate of new files opened in 2023 is approaching levels closer to pre-pandemic rates, when walk-in services provided easier access to pro bono help. We continue to critically review our processes and make improvements as needed. We made substantial progress on the development of a new, streamlined online intake module, which will launch in early 2024 and facilitate access to pro bono services more quickly. We conducted a clean-up of our database of full-representation attorneys to make it a better tool for staff and volunteers to identify potential pro bono attorneys

for specific cases. We launched a new scheduling system for our clinics which has streamlined the process for creating appointments and decreased the number of no-shows.

Outcome Measures Used to Determine Compliance

As noted above, our improved systems are reflected in the increased number of cases opened in 2023. Another measure of the improvement with the general operations is the reduced wait times for response to a request for services. In early 2022, wait times were upwards of two weeks for a response to an email request. This was unacceptable, and because of the additional funding provided, VLP was able to develop better systems to manage these requests and to assign a staff person to handle the incoming email. This has reduced the average wait time to less than one business day. Staff responses to those emails may include a link to our intake request forms or referrals for those who do not qualify for our services. In 2023, the Southern Maine Office began accepting voicemail messages but then noted problems with our phone system. We are working to improve the system so that potential clients can leave a message that will be returned by a staff member or volunteer within a few days at the most. We expect our new online intake system to further reduce wait times for those who contact us for legal help.

VLP is currently fully staffed with dedicated and talented people. We have completed a multiyear project of thorough data cleanup and closed out many older cases. In late 2020, in the wake of the pandemic and the sudden loss of VLP's director, Juliet Holmes-Smith, VLP had nearly 1,000 cases open and almost that many incomplete intake files. We have reduced those numbers considerably, and we now typically have fewer than 400 open cases at a time and 100 intakes in progress in our system, reflecting the good work that staff have done to clean up the data and improve our internal processes. We are implementing additional systems that should further reduce the average number of intakes in progress during 2024.

As indicated, VLP relies on a large file management system, Legal Server, to manage our case files and volunteers, track our data, and report our work. We made additional modifications to that system during 2023 so that we can more effectively use the system and report our activities. This work was also a prerequisite to implementing the online intake software that we expect will further streamline our operations.

For cases referred to volunteer attorneys, VLP requires regular reporting on case progress, including the number of pro bono hours provided and the final case outcome. Case reporting forms are sent to volunteer attorneys periodically, and attorneys who do not report regularly are contacted by staff to ensure the case is progressing appropriately. Additionally, VLP staff members maintain contact with clients whose cases are open with volunteer attorneys.

Finally, another outcome measure of our program is the number pro bono attorneys who participate in our program and the extent of the services they provide. In 2023, 165 Maine attorneys volunteering through VLP provided over 3,527 hours of pro bono services to the people of Maine. Based on an estimated average rate of \$200 per hour, VLP's volunteer attorneys provided over \$705,000 worth of legal services for free to Mainers in need.

Unmet and Underserved Needs

There are many individuals with civil legal problems who are unable to access legal help. Some of those legal needs are in the case types where we do not have a sufficient pool of volunteer attorneys available to provide assistance. Those case types include:

- **Minor and Adult Guardianship:** These probate actions require specialized knowledge of the probate courts and procedures. Due to the structure of the probate courts in Maine, the speed at which the cases progress through the court system is slow relative to state court. They are family matters with complex emotions and involve some of the most sensitive issues of any legal matter, including custody of a child or the ability of an elderly person to make decisions for themselves. The number of attorneys who practice in this area is low. VLP has a very difficult time finding volunteer attorneys to provide pro bono services in this type of case.
- **Family Matters:** The volume of family matters that go through the Maine courts every year reflects the high number of Mainers who need help with this kind of legal problem. On Free Legal Answers Maine, the largest number of questions related to family law. The CHAP clinics and Family Law Helpline are helpful to many people. However, full representation in family matters is still needed by many, especially survivors of domestic violence, people with disabilities and/or mental health problems, those with language or literacy problems, and others. In addition, VLP is not back to the pre-pandemic numbers of people served when we had walk-in clinics.² We continue to explore ways to increase access to these services.
- **Cases involving the Department of Health and Human Services:** Many people come to VLP every year with problems that relate to their interactions with DHHS, including child protection and elder abuse matters. To effectively advocate for a client involved with DHHS, an attorney needs specialized training and knowledge of the administrative and legal procedures available and the impacts of related court proceedings. Attorneys with this training and experience are generally on the court-appointed counsel list, and given current circumstances, those attorneys are not generally available for volunteer work. This is an area where there is unmet need that VLP has been unable to resolve.
- **Administrative Law:** VLP receives requests from people who have problems with their health insurance or medical provider, a dispute with a municipality, or a dispute with a government agency. In most cases, VLP does not accept these cases for referral because we do not have volunteer attorneys available on our roster to volunteer for pro bono administrative law service.
- **Bankruptcy:** We have received far more requests for help with bankruptcy-related matters than we have pro bono attorneys to provide that help. For this reason, we temporarily suspended intake for these matters through our Southern Maine intake system in late 2023 while we attempted to expand the pool of volunteers.

² As a result of our staff's targeted efforts, we have had some modest success recruiting volunteer lawyers to return to providing in-person services at the courthouses for the CHAP clinics. We held two in-person CHAPs in Lewiston District Court in 2023 and have scheduled further sessions for the start of 2024.

- **Social Security Appeals:** We have also struggled to find volunteer attorneys to assist clients with Social Security matters, particularly those with overpayment cases. We reduced the backlog for these case types by the end of the year.
- **Small Claims Matters:** Our Small Claims Clinics provide valuable guidance to many individuals who are parties to small claims matters. However, some of these clients have limited ability to represent themselves in court and could benefit from having full representation on their matter.
- **Employment Related Matters:** Towards the end of 2023, we noticed an uptick in employment-related matters, particularly unpaid wage claims. So far, we have been able to provide help through our Workers Rights Clinic, but we may need to expand our volunteer pool to keep up with the requests for assistance with these matters.

C. Conclusion

By organizing donated services of private attorneys and community volunteers and by pioneering new service models, VLP provides high-quality legal assistance for Maine people who would otherwise go without such help. VLP continues to develop opportunities for pro bono service for attorneys at all stages of their careers and in all areas of practice while innovating new ways for Maine people to access these services.

The funds received by VLP from the Maine Civil Legal Services Fund were critical to our organization in 2023 and supported our work in all programs described in this report. We are very appreciative of our renewed grant for 2024 and 2025 and look forward to continuing to innovate and expand our services over the next two years.

Respectfully submitted,

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**Report to the Maine Civil Legal Services Commission
 January 2024**

On behalf of the Board of Directors and staff of Pine Tree Legal Assistance, I would like to thank the Commission for their continued support of equal access to civil justice in Maine. We are pleased to submit this report on Pine Tree’s work supported by the Fund in 2023.

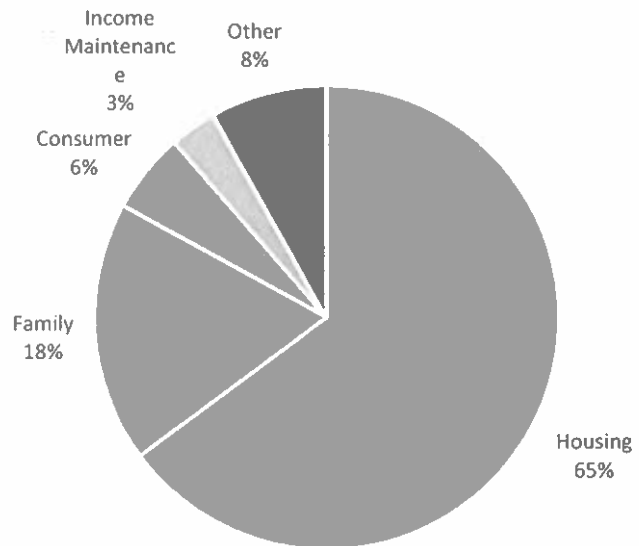
Types of cases handled

In 2023, Pine Tree Legal Assistance worked on a total of 7,545 cases. MCLSF provided partial funding support for all cases, augmenting and leveraging funding from other sources in a very important way that has ensured greater access to justice for thousands of Mainers.

Sixty-five percent of Pine Tree cases involved housing issues, including preventing evictions and foreclosures, enforcing safe housing and anti-discrimination laws, and others. Our housing advocacy addressed issues arising in homeownership, federally subsidized housing, public housing, private rental housing, and mobile homes.

Eighteen percent of Pine Tree cases involved family law, primarily working with survivors of domestic and sexual abuse and the non-offending caregivers to child sex abuse victims.

Additionally, six percent of Pine Tree cases involved consumer protections, such as access to utilities, auto issues, and debt; three percent of Pine Tree cases involved income maintenance, including helping people access benefits, such as General Assistance; and other cases handled involved education, employment, tribal, health, juvenile, and other issues. The following chart shows the number of cases handled in 2023 by area of law.



Law Category	Cases Handled
Consumer	426
Education	257
Employment (including tax)	171
Family Law (including PFAs)	1,369
Juvenile	10

Health	28
Housing	4,891
Income	247
Individual Rights	30
Miscellaneous (including Tribal law)	116
Total	7,545

Number of people served

Pine Tree’s services reached more than **one million people** in 2023 through our direct legal services, outreach, and websites.

- Pine Tree served 18,342 people through individual cases, including 6,900 children.
- Pine Tree served 8,369 people through community education activities including consultations, meetings, presentations, and trainings.
- Pine Tree’s websites were utilized by 985,000 users in 2023, accessing Pine Tree’s websites for a total of 1,849,837 page views.

MCLSF funding is crucial for the maintenance and development of website resources and self-help tools. Pine Tree maintains three websites: ptla.org, kidslegal.org, and statesidelegal.org. All three websites are freely available to any individual and remain an important way of increasing access to the justice system, especially for unrepresented individuals. Pine Tree’s websites are nationally recognized for their accessibility and successful provision of tools for unrepresented people to navigate the legal system when they need to do so. In 2023, ptla.org alone recorded 608,000 users and 1.2 million page views. The following table highlights the most frequently viewed pages on ptla.org.

Rank	Page	2023 Pageviews
1	ptla.org homepage	85,363
2	Rights of Maine Renters: Eviction (Spanish language version)	49,252
3	Contact Us	47,175
4	Rights of Maine Renters: Security Deposits (Spanish language version)	36,896
5	What Can I do if my Landlord is Trying to Evict Me?	35,232
6	What is a Guardian ad Litem?	32,878
7	Rights of Maine Renters: Eviction	30,452
8	Rights of Maine Renters: Unsafe or Unfit Housing (Spanish language version)	27,566
9	Self-Help: Divorce, Custody, & Family	27,479
10	Self- Help: Rental Housing	27,033

Demographic information about people served

Pine Tree’s clients in 2023 are representative of the broad demographic diversity seen throughout the state:

- Two out of three are women and one in fifty identify as nonbinary, genderqueer, or a different gender than man or woman.
- One in three has a disability and more than half have someone in their household with a disability.
- One in five is a single mom with children.
- One in six is age 60 or older.
- One in six is Black, Indigenous, or another person of color.
- One in twelve households include a veteran or current member of the military.

To make the most of its limited resources, Pine Tree prioritizes services to individuals and families with a household annual adjusted gross income that is at or below 125% of the federal poverty guidelines, which were, for reference, \$24,650 for a household of two in 2023. The chart below shows the breakdown of households served in 2023 by poverty level.

Below 100% poverty	52%
100% – 199% poverty	33%
Over 200% poverty	15%

Geographic area actually served

Pine Tree provides legal services to low-income residents in all sixteen counties. Its six neighborhood offices are strategically located around the state to be close to Maine courts. Its statewide phone intake system provides further access for all Mainers. The chart below shows the geographical distribution of Pine Tree’s cases and clients in 2023.

County	Cases Handled	All People Served
Androscoggin	1,045	2,614
Aroostook	475	1,111
Cumberland	1,671	3,706
Franklin	138	411
Hancock	179	385
Kennebec	740	1,905
Knox	87	217
Lincoln	83	187
Oxford	343	936
Penobscot	993	2,290
Piscataquis	97	290
Sagadahoc	149	379
Somerset	252	701
Waldo	155	456
Washington	145	352
York	928	2,148
Out of State	57	266

Unknown	8	26
Total	7,545	18,342

Status of matters handled, including whether they are complete or open

In 2023, Pine Tree staff and volunteers worked on 7,545 cases for individuals and families. Pine Tree’s advocacy ranged from the provision of legal information, advice, and brief service to negotiations and full legal representation in court and administrative hearings and in litigation. Pine Tree continues to prioritize providing full legal representation to our clients when possible. Of the 6,300 cases closed in 2023, clients in **more than 45%** (2,845 cases) received legal representation in a court or administrative hearing. Of cases receiving representation, **97% were resolved in favor** of the Pine Tree client, highlighting the impact of legal services in ensuring that legal rights are properly investigated and heard in the appropriate tribunal. The following chart shows the status of matters handled in 2023.

Status	# of Cases	%
Resolved in favor of the client after full legal representation	2,761	36%
Resolved in favor of the opposing party after full legal representation	84	1%
Resolved after Pine Tree provided information, advice, or limited assistance	3,455	46%
Cases still open as of 12/31/2023	1,245	17%
Total cases worked on in 2023	7,545	

Whether and to what extent the organization has complied with its proposal to the Commission

The activities supported with MCLSF funding in 2023 are consistent with the activities proposed in Pine Tree’s 2022-23 application to the Commission. In the application, Pine Tree sought funding to support its three key strategies:

- direct civil legal advocacy for individuals and families who are unable to afford private counsel.
- maintenance and development of program website resources and self-help and other community-facing educational tools.
- training events and presentations to client groups, social service providers, members of the private bar, and others.

Outcome measurements used to determine compliance

Using case management software, Pine Tree tracks both the number of cases opened and closed within a given period and the extent to which the client's objectives were achieved. Specific case closing codes are used to track the results of closed cases and to distinguish between successful and unsuccessful outcomes. Additionally, Pine Tree records data on more than 50 potential case outcomes. With Pine Tree’s unique emphasis on full legal representation throughout Maine, the outcomes of its 2023 advocacy are extensive.

The following data highlights some of Pine Tree's most significant outcomes. In 2023, Pine Tree's advocacy:

- Resulted in \$4,242,004 in income, savings, and benefits to our clients.
- Prevented homelessness for 1,756 households by preventing or delaying an eviction.
- Preserved housing subsidies for eligible tenant families worth more than \$250,000 annually.
- Secured more than 400 new or extended protection orders for victims of domestic violence, sexual assault, stalking, and dating violence.

The data collected on outcomes provides only a glimpse into the impact of Pine Tree's advocacy. The impact of direct legal services can be profound. The following examples help further illustrate how funding from the Maine Civil Legal Services Fund is used to stabilize the lives of Mainers with low incomes.

Our client, a veteran living in rural Maine, lived in his apartment for seven and a half years. When he signed the initial lease, it included electricity. Two and a half years ago, he renewed his lease and, unbeknownst to him, the electricity service was no longer included. Recently, he received a call from his landlord saying they had a bill for him for electricity. This was the first time our client heard that he owed money for electricity. The landlord told him he needed to pay nearly \$900 in past bills, or he would be evicted. Our client switched the electricity service to his name, but then received an eviction notice. A Pine Tree attorney researched the issue and determined that the new lease was inconsistent with the client's Housing Assistance Payments (HAP) Contract. Our attorney relayed the finding of our research with the landlord's attorney, who agreed that our client did not owe any money. The landlord dropped the eviction.

Our client was a victim of identity theft and, as a result, did not receive his tax refund. A Pine Tree Legal Assistance attorney submitted an Identity Theft Affidavit, which was accepted by IRS, and we obtained a tax refund of \$12,020.98 for our client. He was able to use the refund to replace his failing car, which he desperately needed to transport his young daughter to medical appointments.

Pine Tree assisted our client obtain a Protection from Abuse Order against her husband. He threatened to take the kids away from her, telling her she would never see them again if she didn't move to Maine with him, punched holes in cabinets and dents in her truck, and drove erratically at excessive speeds with her in the car. Once, he got extremely intoxicated and became belligerent around the kids, and she told him to leave. He came back, tried breaking the bedroom window, and threatened to kill her. One of the children was in the room and called 911. He was arrested that night and Pine Tree represented her in a protection from abuse case. We negotiated a 2-year order that includes a firearms protection. Our client was awarded possession of the house, temporary sole parental rights, and the vehicle. The defendant ordered into substance abuse evaluation and to follow all recommendations.

Information regarding unmet and underserved needs

Pine Tree Legal Assistance is Maine's oldest and largest legal aid provider, providing legal representation throughout the State in a wide variety of legal proceedings. As a result of being in operation since 1967, it is a widely recognized resource for people with civil legal needs. However, as a result of serious and growing funding limitations, Pine Tree does not have sufficient staff to accept every meritorious case for which help is sought.

In 2023, Pine Tree Legal Assistance recorded 9,685 requests for legal help. Just under 80% of the requests for assistance resulted in a new case. The remaining 22% were addressed with general legal information and/or referrals to other resources but could not be opened as Pine Tree cases because of insufficient staffing. Of the requests that Pine Tree Legal Assistance was able to open as cases, we provided clients with the level of service they requested in 68% of cases. Because of our limited staff capacity, a lesser degree of assistance (such as advice rather than full representation) than callers requested was provided in the remaining 32% of cases.

This data documents only a fraction of the actual unmet and underserved civil legal needs in Maine, since it only includes requests received by staff. Despite our outreach efforts, many Mainers remain unaware of legal aid programs or even that their problem is one for which legal services would be appropriate. A national study has shown that most people with civil legal problems do not identify them in that way and do nothing in response, enabling bad actors to continue operating outside the legal system.

Conclusion

A hallmark of Pine Tree's legacy over the past 55+ years is our innovation - creating new and innovative ways to expand access to justice – and 2023 was a year of new opportunities for innovation. Pine Tree expanded its Veterans Unit, Indigenous Peoples Unit, and client education program. Despite these successes, Pine Tree, and the people we serve, continue to face serious challenges. Our clients are struggling with an affordable housing crisis and economic uncertainty. Pine Tree is facing financial uncertainty as many of our funding sources are at risk of decreasing or being eliminated altogether.

Thanks to the funding provided through the Maine Civil Legal Services Fund and other sources, our team continues to strive to meet the needs of our clients all over Maine. Every Pine Tree office – from Presque Isle to Portland – was supported with MCLSF funding in the past year. That funding also assured Pine Tree's presence online, allowing individuals all over the state to access information about legal rights and responsibilities. MCLSF funding will remain very important to our work in 2024. We are very grateful to the Maine Legislature and State leadership for their continuing support of the Maine Civil Legal Services Fund.

Respectfully submitted,



Tom Fritzsche
Executive Director