

BRIDGING THE JUSTICE GAP IN MAINE

Now is the Time to Invest in Civil Legal Aid: *Support LD 1326*

The familiar phrase “**with liberty and justice for all**” states our core value that in a truly free society justice must be accessible to everyone.

In **criminal cases**, the accused has a **right to a lawyer**. Civil legal problems can also threaten people’s livelihoods, health, or families in profound ways. In those **civil matters, however, there is no right to counsel**. Every year, hundreds of Mainers must face civil legal problems without help, including foreclosure, eviction, property disputes, domestic abuse, probating estates, disability claims, and more.

Most low-income Mainers face at least one civil legal issue each year that cannot be fairly resolved without legal advice or effective legal advocacy.¹ When people wrestle with the complexities of legal issues and the courts on their own, the promise of equal justice under our laws remains unfulfilled: those who face serious legal issues without a lawyer are far more likely to have poor outcomes from the court system, with less fairness and increased costs for all involved.

The goal of civil legal aid is to provide legal help to everyone who needs it but is unable to afford it. Unfortunately, the legal needs of many Mainers in civil matters are going unmet, and in recent years civil legal aid providers have been challenged to do more with less.

This year, we must take steps to fulfill the promise of equal justice by investing more in civil legal aid services throughout the state. That investment will put real money back into our local economy and change people’s lives for the better.²

Maine’s Civil Legal Aid Providers...

- ✓ **Offer a range of legal assistance**, from representation, advice, and legal self-help tools to advocacy that advances and protects the legal interests of similarly situated groups of low-income people.³
- ✓ are virtually the **sole source** of legal representation for over 360,000 low-income Mainers.
- ✓ provide legal help to those facing many of **life’s crises and turning points**: the custody of a child, the loss of a home, essential services to veterans, financial exploitation, asylum, domestic violence, unemployment, food insecurity.
- ✓ avert the pitfalls of **addressing legal problems without legal training**, which is like acting as your own doctor in the hospital.
- ✓ provide direct legal services that result in an influx of millions of dollars into Maine’s economy.⁴
- ✓ streamline the court system and **cut down on court costs**, by moving cases that must be in court more quickly and by resolving matters outside of court or other formal proceedings.

INCREASED INVESTMENT IN CIVIL LEGAL SERVICE WILL:

- **Result in an influx of millions of dollars into Maine’s economy.**⁵ Providing legal services to those who cannot afford them brings tangible cost savings to our state; it puts money back into our local economy and it changes people’s lives for the better. A 2015 study found that the economic impact of direct civil legal aid services totaled \$37 million and systemic advocacy attracted (and maintained) \$68.3 million in federal dollars.
- **Make the system work better and more efficiently.** Civil legal aid helps to streamline the court system. As the courts reopen and address a massive backlog, it will be even more important to maximize the legal aid resources available for reducing the number of unnecessary lawsuits, cutting down on court costs, and improving the efficiency of court proceedings.
- **Help civil legal aid providers meet the demands of the moment.** The pandemic has increased the number



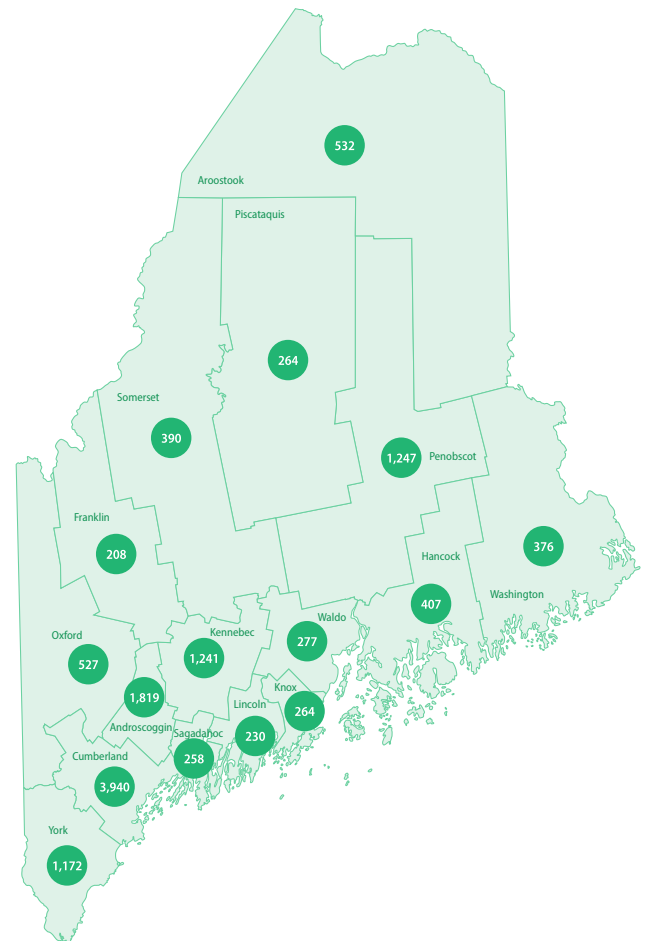
of persons in poverty and has taxed the resources of civil legal providers, causing shortfalls in funding for basic operations. Investing in civil legal aid right now would enable the providers to maintain their current capacity and respond to critical and growing needs faced in our Maine communities.

Maine's civil legal aid providers have responded rapidly to the pandemic and consequent recession notable for its disproportionate impact on the poor.

More is needed and the costs of these responses cannot be sustained without additional funding relief. Response from civil legal aid providers has included:

- ✓ **Small Business Clinic and Unemployment Benefits.** Small businesses are struggling to keep their doors open, as many working people find themselves out of work as a result of COVID-19. Legal aid providers developed a Small Business Clinic to provide consultation services and information related to pandemic response and employment issues. Providers are also assisting people who lost work as a result of the pandemic to access unemployment benefits.
- ✓ **Serving those who served:** Maine has the highest percentage of veterans living in rural areas in the United States. Veterans are especially in need of information about their rights under federal and state law and legal advocacy to enforce those rights. These legal services are not available from traditional veteran service organizations.
- ✓ **Addressing the housing crisis in Maine.** Maine landlords are represented in more than 80% of eviction cases, while tenants are represented less than 20% of the time. In eviction cases, tenants with an attorney are much more likely to avoid an eviction, which is the leading cause of homelessness. Legal aid providers have developed resources for tenants facing eviction, and are advancing solutions to ensure that housing is affordable and accessible to every Maine resident. Between 2019 and 2021, providers have seen a significant increase in demand for services on housing related issues.
- ✓ **Protection from Abuse (PFA) hearings.** During the most severe "lockdown" restrictions, civil legal aid providers have continued to go to court to provide in-person representation to victims of domestic violence, sexual assault, and stalking. The number and severity of such cases has markedly increased. Providers have also provided remote assistance to these clients.
- ✓ **Help for low-wage immigrants disproportionately affected by COVID-19.** Legal aid providers are assisting Mainers who are immigrants to make ends meet and enter or re-enter the workforce. They are assuring that people seeking asylum meet their one-year filing deadlines, and are helping immigrant victims of domestic violence who are trapped in abusive relationships made more dangerous by social distancing measures.
- ✓ **Access to affordable health care during a public health crisis.** Providers have assisted hundreds of Mainers across the state to access the health care coverage they need to stay safe and well during the pandemic. Access to affordable care is difficult in the best of times, but in the pandemic the need for help in obtaining coverage has surged.

Despite shrinking resources, significant challenges, and more complicated and urgent cases to handle, Maine's legal aid providers were able to represent Mainers facing crises in all 16 counties in Maine.



In addition to households that received direct legal assistance in 2020, systemic legal advocacy and outreach impacted at least 348,857 Mainers across all counties in significant ways.

Now is the time to invest in civil legal aid.

Passage of LD 1326 will allow civil legal aid providers to:

- (1) maintain current staffing and capacity,**
- (2) continue pandemic response efforts, and**
- (3) increase organizational and technological capacities to move Maine closer to meeting the unmet legal needs of Mainers with low incomes.**

The pandemic has increased the number of persons in poverty, while taxing legal services budgets in a way that threatens their ability to sustain current capacity.

Well before the pandemic, civil legal aid providers were unable to meet the need for legal assistance. As hardship has increased over the last two years, so has demand for legal assistance.

Investing more in civil legal aid will move Maine closer to fulfilling the promise of equal justice for ALL according to the National Justice Index.⁶

The **national standard sets the goal of ten legal aid attorneys for every 10,000 low-income people.** Meanwhile, the general population has access to **40 attorneys on average per 10,000 people.**

Currently, Maine falls far short of the Justice Index goal of 10 per 10,000, with fewer than two legal aid attorneys per 10,000 people. We can and must do better than Maine's current level of civil legal aid to meet the challenges of today and help Maine's communities and economy recover from the pandemic and its fallout.

We must make sustained progress toward the Justice Index standard if we are serious about fulfilling the American promise of Justice for ALL.

There are now more Mainers struggling to get by today than there were before the pandemic. As of October of 2021:

- Nearly **1 in 4 Maine adults** were having difficulty covering **usual household expenses.**
- Nearly **1 in 8 Maine renters** were **not caught up** on rent.
- **64,000 Mainers (7% of adults)** reported that their household **did not have enough to eat.**

Even with the help of temporary federal relief, a quarter of Maine adults are still struggling to make ends meet. Civil legal aid providers offer education and assistance to help people overcome barriers to receiving this relief and to assist them in resolving other unmet needs and challenges.

Produced by the **Justice Action Group Legislative Committee**

For more information please contact *Charlie Dingman* at cdingman@kozakgayer.com

1. Justice for Some: Assessment by Maine's Legal Aid Providers, 2016; The Essence of Liberty Report by the Justice Action Group, 2014, located at: https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ATJReports/ME_2014_Report.pdf.

2. <https://www.justicemaine.org/wp-content/uploads/Gabe-Report-Submitted-November-14-2016.pdf>

3. In Maine, Cumberland Legal Aid Clinic of the University of Maine School of Law, Immigrant Legal Advocacy Project, Legal Services for the Elderly, Maine Equal Justice Partners, Maine Volunteer Lawyers Project, and Pine Tree Legal Assistance collaborate, cooperate, and share resources to provide access to justice for tens of thousands of Maine people in need of legal help.

4. <https://www.justicemaine.org/wp-content/uploads/Gabe-Report-Submitted-November-14-2016.pdf>

5. <https://www.justicemaine.org/wp-content/uploads/Gabe-Report-Submitted-November-14-2016.pdf>

6. National Justice Index, <https://justiceindex.org/methodology/overall-methodology/#site-navigation>. Notably, this is a far lower ratio than the overall number of lawyers per capita, thus recognizing that even at these levels low-income clients would collectively have far less representation than more affluent individuals and business organizations.