

# BRIDGING THE JUSTICE GAP IN MAINE

Now is the Time to Invest in Civil Legal Aid: Support LD 483 and 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**. But in *civil matters*, which can affect the essentials of life in profound ways, **most low-income Mainers have to go it alone** without legal help.

Most people in Maine with low incomes face at least one legal issue each year that cannot be fairly resolved without professional advice or effective legal advocacy. Very few of them can get the legal help they need.<sup>1</sup>

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 experience negative outcomes.

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.<sup>2</sup>

Maine’s civil legal aid providers<sup>3</sup> 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.

## Maine’s Civil Legal Aid Providers...

- ✓ 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**.<sup>4</sup>
- ✓ 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**.<sup>5</sup> 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.



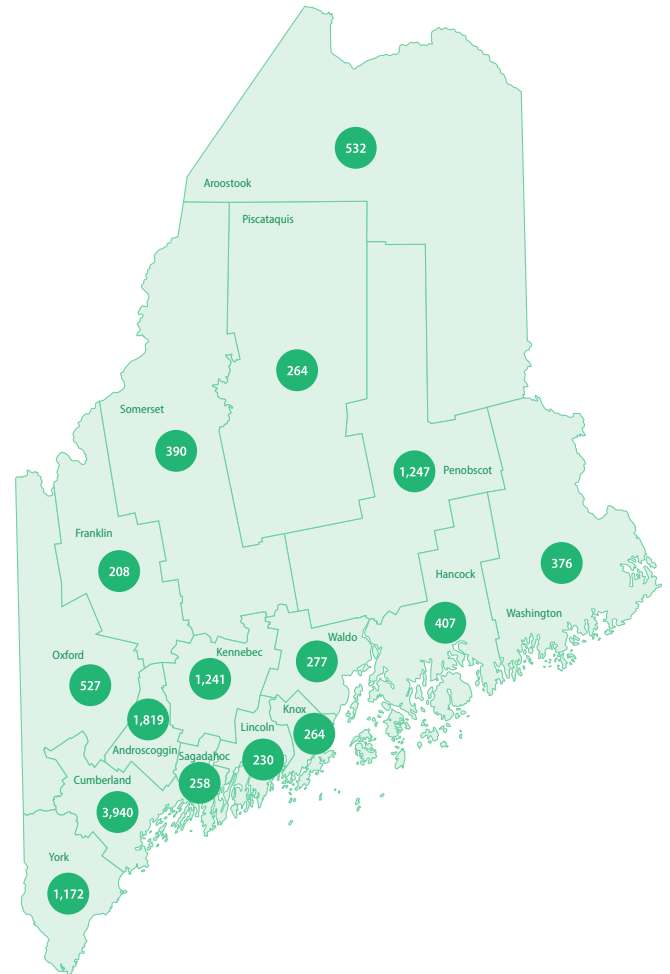
- » **Help civil legal aid providers meet the demands of the moment.** The consequences of COVID-19 have taxed the resources of civil legal providers and caused shortfalls in funding they rely on for basic operations. Investing in civil legal aid right now would enable the providers to maintain their current capacity and respond to critical and growing needs faced in our Maine communities.

# As hardships have grown due to the COVID-19 pandemic and resulting job losses, evictions, and hunger, the need for legal assistance has increased.

## Civil legal aid providers have responded rapidly and effectively in numerous ways:

- ✓ **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.
- ✓ **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.
- ✓ **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.
- ✓ **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.
- ✓ **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.
- ✓ **Addressing the housing crisis in Maine.** Legal aid lawyers represent tenants in eviction cases. Maine landlords are represented in more than 80% of eviction cases, while tenants are represented less than 20% of the time. Tenants with an attorney are much more likely to avoid an eviction, which is the leading cause of homelessness. Legal aid providers have also developed resources for tenants facing eviction, and are developing solutions to ensure that housing is affordable and accessible to every Maine resident.

**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 of 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.

Androscoggin:	1,819	Oxford:	527
Aroostook:	532	Penobscot:	1,247
Cumberland:	3,940	Piscataquis:	264
Franklin:	208	Sagadahoc:	258
Hancock:	407	Somerset:	390
Kennebec:	1,241	Waldo:	277
Knox:	264	Washington:	376
Lincoln:	230	York:	1,172

## Two Vital Measures to Protect and Improve Legal Aid in Maine:

### 1. **Pass LD 483 - Fix a drafting error in legislation passed in 2019 that was intended to increase funding for civil legal aid.**

This drafting error created a shortfall in the Maine Civil Legal Services Fund that provides critical operating support to the civil legal aid providers.

This came at a time when the Fund was further **reduced in 2020 as a result of COVID-19**. This drafting error increased budget shortfalls for Maine's legal aid providers at a time when they face significant need and great financial uncertainty.

Every day that goes by without a fix to this problem increases the shortfall in the Fund, making it increasingly difficult for the civil legal aid providers to meet the legal needs of Mainers throughout the state.

### 2. **Pass LD 1326 - Help Maine move closer to fulfilling the basic promise of Justice for ALL.**

Now is the time to invest in civil legal aid. 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.<sup>6</sup>

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, modest though that is, if we are serious about fulfilling the American promise of Justice for ALL.

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

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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](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.