



Maine Trial Lawyers Association

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Representative Matthew Moonen
Committee on Judiciary
100 State House Station, Room 438
Augusta, ME 04333

RE: Testimony from Dov Sacks on behalf of the Maine Trial Lawyers Association on LD 564 -- An Act to Improve Access to Civil Legal Services

Good morning Senator Carney, Representative Moonen, and esteemed members of the Judiciary Committee.

My name is Dov Sacks, and I live in Portland. I am a partner at the law firm of Berman & Simmons based in Lewiston, with offices in Portland, Bangor and Biddeford. I am here as a member of and on behalf of the Maine Trial Lawyers Association (MTLA). The MTLA has as our mission the promotion and preservation of the civil justice system.

It is MTLA's unwavering commitment to the civil justice system that is driving our support of LD 564, An Act to Improve Access to Civil Legal Services, which would provide the desperately needed increase in funding for civil legal aid in Maine.

Unlike the criminal justice system, which deals with crimes and punishments, the civil justice system is the venue for peaceful resolution of all non-criminal disputes that arise in civil society. In these polarized times, never has a robust and trusted civil justice system for peaceful dispute resolution been more important than now. However, unlike the criminal justice system which provides all defendants with court-appointed and state-funded representation, the civil justice system does no such thing. As a result, two banks facing off in a multibillion-dollar dispute have no problem paying their \$1000/hour attorney's fee for representation. All business owners, wealthy individuals, and folks of more moderate means pay hourly rates to attorneys in order to utilize the civil justice system that protects their businesses and assets. For those who can engage it proactively in this manner, the American civil justice system is second to none.

However, the disturbing underbelly of the civil justice system is the fact that the nearly one-third of Mainers living below 200% of the poverty line are usually left completely on the outside looking in when it comes to asserting, exercising or availing themselves of their supposed rights under our civil legal system. According to the National Justice Index, states require 10 legal aid attorneys per 10,000 people living below 200% of the poverty line in order to meet the most basic demand for civil legal aid. In stark contrast, Maine has fewer than 2 attorneys per 10,000 people living under 200% of the poverty line. Over the next two years, LD 564 would thankfully bring Maine to about 3.6 attorneys per 10,000 people and would recalibrate Maine on a path leading in the right direction.

For 8 years in Philadelphia before moving to Maine in 2014, I worked as a legal aid lawyer at Community Legal Services in Philadelphia, one of the nation's premier civil legal aid providers. As a lawyer there, I worked in the Family Advocacy Unit working to preserve family units amid the onslaught of challenges facing urban America. I also worked in the Consumer Unit representing low-income client facing foreclosure or who had been victimized by intense debt collection harassment. Unfortunately, I have learned in my 9 years living in

Maine since then, that the civil legal challenges facing the most economically vulnerable among us in Maine are much the same as elsewhere. If our elected representatives fail to pass this vital bill, LD 564, these are the folks who will be left out in the cold without civil representation and therefore without the ability to exercise their theoretical legal civil rights:

- The single mother of three who is being wrongfully evicted under Maine law in order to make way for a new development project. 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 nation's leading cause of homelessness;
- The teenage victim of domestic violence. Civil legal aid is part of a coordinated community response to end domestic and sexual violence. Although many people seeking protection orders are victims of criminal acts, civil legal remedies like a protection order can be enforced by law enforcement, are well-known to reduce rates of domestic violence and are often the only recourse available to victims;
- The 90-year-old victim of elder abuse and exploitation in need of the protections theoretically provided by Maine law;
- The military veteran facing obstacles to lawful benefits and healthcare access—benefits earned by years of putting one's life on the line in the defense of this state and country;
- The parent whose disabled child is not getting the educational services theoretically required to be provided by Maine law.

In short, passing LD 564 and increasing funding to legal aid will, for tens of thousands of upstanding Mainers, transform their theoretical legal rights into actual legal rights that will protect them and their families in actual difficult situations. For these individuals, passing LD 564 may well be life and death. More broadly, by passing LD 564, you will send the message loud and clear throughout Maine and beyond, that in Maine—no matter how rich or poor—our lawful protections and legal rights are REAL, not merely theoretical.

Beyond the individual Mainers who will be able to access legal representation if you pass LD 564, the new law will also have more systemic benefits. For example, LD 564 will help to streamline our court system and cut down on court costs, by moving cases that must be in court more quickly and by resolving other matters outside of court or other formal proceedings. LD 564 will also help ensure that all Mainers, regardless of income, have access to accurate, current and valuable information about their civil legal rights and remedies. Maine's civil legal aid providers produce easy-to-access information about people's rights and responsibilities under Maine law. These materials are free and available to anyone, regardless of income. Examples include Legal Services for the Elderly's Elder Rights Handbook and Pine Tree Legal Assistance's Rights of Tenants guides. These publications are of the highest caliber and constitute an invaluable asset to any Mainers in difficult situations in which they quickly need to know their legal rights and protections.

In short, LD 564 will take a critical step in moving Maine in the right direction toward a robust civil justice system which any Mainer—regardless of means—can access and avail themselves of the legal protections our state affords them. I urge you to do all you can to ensure that LD 564 becomes law as soon as possible.

Thank you for your attention.