



**TESTIMONY OF LEGAL SERVICES FOR THE
ELDERLY IN SUPPORT AN ACT TO INCREASE
FUNDING FOR CIVIL LEGAL SERVICES (LD
564)**

March 21, 2023

Senator Carney, Representative Moonen, and esteemed members of the Judiciary Committee, my name is Jaye Martin, and I am the Executive Director of Legal Services for the Elderly.

I submit this testimony today in support of LD 564, an Act to Increase Funding for Civil Legal Services.

Legal Services for the Elderly (LSE) is a nonprofit corporation that was formed in 1974. LSE's mission is to provide free legal help to older people in Maine when their basic human needs are at stake. This includes shelter, food, health care, public benefits and safety.

With forty-eight years of service to Maine's older residents, LSE has deep insights into the past and current needs, and unmet needs, for legal help. I can tell you that the current landscape facing older people in Maine is unlike anything LSE has seen in its history.

LSE is currently able to help 3,200 older adults per year. Half of these cases involve emergency situations. LSE is getting on average 125 calls per month for help with legal emergencies. This is more than twice the number of emergencies that LSE handled in 2019 and the upward trajectory is continuing into 2023. These cases are urgent and resource intensive.

It is important to understand what it means for an older person to face a legal emergency. These are situations where legal help must be made immediately available or an older person is going to suffer physical or financial harm.

Picture Mary, a 75 year old woman living alone in rural Maine. Her sole source of income is Social Security. She remains fiercely independent

despite some health problems. She is at her kitchen table with a legal document in front of her. She is distraught. She could be facing:

A lawsuit filed by a credit card company or collection agency;

An eviction notice;

A foreclosure complaint; or

A notice of reduction in her home care services, or SNAP benefits, or Social Security;

She needs free legal help right away. She was already living on the edge.

Now picture Sue. Sue decided to rent out a room in her house to her grandson to bring in money to help her pay her bills. The grandson has stopped paying rent, taken her credit card, and threatened to lock her in her room if she tries to do anything about it. She is living in constant fear in her own home. She needs free legal help right away.

To try to ensure people like Mary and Sue who face legal emergencies get help, LSE is turning away more and more people who have problems that are not quite as serious. In 2022, LSE turned away nearly 500 people who would have benefited from our help. We did that because the stakes are so high for people like Mary and Sue. This means hundreds of people did not get help that might have otherwise prevented or minimized future problems. It is easy to predict that this approach of withholding help from anyone not yet facing an emergency will only serve to fuel the growth in people who face emergency situations.

The harm that results when older Mainers who face legal problems that implicate their basic needs don't get access to free legal help extends well beyond the loss of safety, independence and dignity experienced by individuals. As the oldest state in the nation, failing to provide older people with legal help when it is needed adversely impacts all of our local communities and our entire state. It takes the form of increased health care and social services costs and increased burdens placed on caregivers of older Mainers who might have retained their independence if legal help had been available. Increased funding for civil legal aid will help to ensure more

older people in Maine get the free legal help they need when their basic human needs are at stake.

Additional Background About LSE and The Growing Unmet Need for Help

LSE provides services through a statewide Helpline and Staff Attorneys located across the state. About 80% of the older adults who call LSE for help get help exclusively from an employed LSE Helpline Attorney via telephone. Helpline Attorneys may advocate for a client in writing or by telephone and/or review or draft documents but there is no in-person contact. Case types handled entirely via telephone include most housing and consumer debt cases. An experienced Helpline Attorney is able to handle approximately 1,200 legal matters per year. The Helpline also provides a broad range of referrals to the private bar and other legal resources. LSE maintains a statewide panel of over 200 referral attorneys who have agreed to accept pro bono and reduced fee referrals in substantive areas that are in great demand by callers to the Helpline, but are not handled by LSE, including things like probate, MaineCare planning, real estate, and estate planning. A small subset of cases in areas that are handled by LSE are referred by the Helpline on to an LSE Staff Attorney. Many older people desire and would benefit from more extensive help, but the resources are not available to allow for that. 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.

Eleven LSE Staff Attorneys located across the state handle resource intensive, litigation matters. This intensive level of litigation services is limited to circumstances where someone is at immediate risk of harm. Litigation cases are things like eviction, foreclosure, public benefit appeals and elder abuse. These are very complex cases, and a typical Staff Attorney can handle only about 100 cases per year.

LSE is able to improve the situation of 81% of the clients we serve. In the Helpline this includes stopping creditor deception and harassment, resolving housing problems that might lead to homelessness, and ensuring elders obtain all public benefits they are entitled to receive. In the Staff Attorney work, this includes saving homes from improper foreclosure, stopping illegal evictions, preserving housing subsidies, restoring public benefits, and restoring personal safety and recovering stolen assets. LSE helps older Mainers who do not have anywhere else to turn for help.

LSE accomplishes a lot with a small staff. The direct legal services staffing includes: 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). At this time, 3.0 FTEs of attorney capacity are supported by short term relief act funding.

LSE is proud of the quality of our work and the results we get for our clients, but we know we are failing to fulfill our ultimate mission. The number of older Mainers with unmet legal needs is growing at an accelerating rate. **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.

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 elders 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 face additional financial challenges, including 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 25th in the nation (with 1 being best) for older people living in poverty, 33rd for food insecurity, 31st for severe housing problems, and 41st for suicide.

¹ America’s Health Rankings 2022, [2022-senior-report-state-summaries.pdf \(americashealthrankings.org\)](https://www.americashealthrankings.org/2022-senior-report-state-summaries.pdf)

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 seniors 70 years of age or older).² This is consistent with a more recent national study showing that 56% of low-income seniors’ households experienced a civil legal problem in 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.**

Ironically, it is a fear of loss of independence that keeps many older Mainers from seeking assistance. In addition, of growing concern is the reality that older Mainers are being preyed upon in large numbers by unscrupulous caregivers and family members. A recent survey found that 5.4% of all older people are financially exploited by a family member each year.⁵ A study in Maine found that financial exploitation cost Maine seniors at least \$10,500,000 annually (not including the cost of the protective, legal and social services required by victims). The primary asset being stolen is the

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.

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.

⁵ Office of Justice Programs, Elder Abuse Fact Sheet, November 2011.

older person's home and the median loss across victims is \$27,000.⁶ These are devastating losses for someone on a low, fixed income. Elder abuse adversely impacts the financial and physical health of victims and harms the broader society.

LSE does everything it can to increase capacity through innovations including: using interns and externs; increasing the number of pro bono and reduced fee referrals made to the private bar; using a paralegal to support attorneys handling complex financial exploitation cases; and improving the self-help material available from LSE. LSE has also pursued efficiencies by collaborating with other legal services providers to share technology resources.

LSE has also worked tirelessly to expand private support for our services and has successfully competed for private and public grant funding. The problem is that grant funding is time-limited and restricted. It does not support core operations. That is where public support plays an essential role. LSE currently receives a broad range of financial support from local, state and federal sources, and has strived to maximize all sources of funding, but more and more people are going without the help they need. The only solution to this growing problem is to increase the public funding for civil legal services.

Passage of LD 564 is of critical importance to Maine's future. This bill will help to ensure more people in Maine have access to free legal help when their basic human needs are at stake. This investment would help and support every community across the state of Maine.

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⁶ Financial Exploitation of Maine's Older Adults, University of Southern Maine Muskie School of Public Service.