

We are members of the University of Maine School of Law organization *Students for the VI Amendment*; a student organization for future attorneys who advocate for a more robust indigent criminal defense system in Maine. As an organization, we are heavily invested in seeing the LD2214 proposal pass. *Students for the VI Amendment* encourages the Appropriations and Financial Affairs Committee (AFA) to approve each line item currently proposed for the *Maine Commission on Indigent Legal Services* (MCILS). Allocating financial resources is a necessary step forward in rectifying the State of Maine's current and ongoing violation of the Sixth Amendment. These allocated resources benefit: (1) current and future indigent defendants here in the State of Maine; (2) current and future defense attorneys who provide indigent legal services here in the State of Maine; and (3) current and prospective law students who plan to practice law in the State of Maine.

First, the financial resources allocated to MCILS will be of critical benefit to indigent defendants because our current structure is inadequate and unsustainable. It is undeniable that there are not enough attorneys in Maine to meet the overwhelming need for a comprehensive indigent criminal defense system. The private sector cannot fix this specific issue, nor is it their responsibility. Recent history has shown that merely raising the hourly reimbursement rate has not garnered the numbers needed to address the shortage of public defenders. Currently, there are more than 100 people sitting in jail without an attorney.¹ Each person in this situation has no idea who will be representing them or how and when their case will be resolved. Each person does not know how long they will be in jail – days, weeks, months. This is a direct violation of constitutional rights, which demands a robust solution. Solutions have already been delayed for far too long; further delay is untenable. Chief Justice Valerie Stanfill has expressed her concerns

¹ [More-than-100-mainers-are-in-jail-waiting-for-lawyers-no-one-can-agree-on-the-cause-or-a-remedy](#)

in her State of the Judiciary address last week. She stated unequivocally: “We are currently in a constitutional crisis.”² She went on to say she “fear[s] the system may indeed collapse.”³ The proposed resources will help the state of Maine supply the legal representation it is required to provide to indigent defendants under the Sixth Amendment.

Opening Public Defender offices is critical to solving the constitutional crisis in Maine because: (1) it creates more opportunities for lawyers to practice indigent criminal defense in Maine; and (2) centralized public defense bolsters and enlarges the network of resources for all Maine defense attorneys.

More opportunities to practice criminal defense in Maine is critical because, as discussed above, there are simply not enough indigent criminal defense attorneys. The creation of a network of public defense offices opens a direct pipeline for new lawyers to start indigent defense careers and lowers the barriers to entry, thereby helping to solve the crisis faster and in a more sustainable way. Without this infrastructure attorneys will continue to be incentivized to leave Maine if they desire to do this kind of work. Likewise, Maine’s current system fails to be an attractive option for out of state attorneys who wish to practice indigent criminal defense. Without approving funding initiatives like LD2214 Maine will continue to fail at its Constitutional duty.

Centralized public defense is necessary to bolster resource sharing in Maine. Institutional Public Defender positions will also allow new lawyers to be indigent defense attorneys with the direct support of colleagues in an established office setting – a much more conducive environment for learning and gaining experience than going it alone. The access to knowledge

² <https://www.courts.maine.gov/courts/sjc/soj/soj-2024.pdf>

³ <https://www.courts.maine.gov/courts/sjc/soj/soj-2024.pdf>

and experience that a Public Defender office will bring is essential to addressing the Sixth Amendment crisis in Maine.

Finally, the financial resources allocated to MCILS will be of critical benefit to current and incoming law students. As Maine's only law school, current opportunities for students interested in pursuing criminal defense are extremely limited. Without incentivizing this type of work through public defense networks, prospective lawyers will continue to leave Maine to pursue their passion in public defense. Increasing financial allocations will be a direct increase in education and opportunities available, in the form of internships, externships and informal learning opportunities. This kind of direct experience in law school encourages students to pursue indigent defense as a viable career, further addressing the shortage of attorneys who are willing to take on indigent defense cases here in the State of Maine.

In summation: as representatives of the future criminal defense bar, we request that the AFA approve the entire allocation for MCILS as outlined. Indigent defendants need these measures to protect the constitutional rights that Maine has been denying them, and Maine citizens need these measures to uphold the integrity of our criminal justice system. We want to do this work and we want to do this work in Maine. We implore you to approve the entire allocation for MCILS. Denying this proposal is to deny indigent clients access to justice, and to continue to incentivize public defense-oriented lawyers to leave the state. This proposal is a necessary step towards rectifying the constitutional crisis Maine is facing. The time to act is now.

Signed,

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