



# Maine Trial Lawyers Association

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## MTLA Testimony in Support of L.D. 1022, An Act to Protect and Increase Access to Justice in Civil Legal Matters for Persons with Low Incomes

Judiciary Committee, March 17, 2025

Senator Carney, Representative Kuhn, and members of the Judiciary Committee:

My name is Chris Boots. I live in South Portland. I practice law at Berman & Simmons, a state-wide firm that represents victims in personal injury and medical malpractice cases. I am also a co-chair of the Legislative Committee of the Maine Trial Lawyers Association. I am writing on behalf of the MTLA to voice our strong support for L.D. 1022, An Act to Protect and Increase Access to Justice in Civil Legal Matters for Persons with Low Incomes.

Part of MTLA's core mission is the promotion and preservation of the civil justice system. MTLA's commitment to the civil justice system drives our support of L.D. 1022, which would provide a desperately needed increase in funding for civil legal aid in Maine.

Unlike the criminal justice system, where defendants are putatively entitled to court-appointed and state-funded representation, there is no entitlement to have counsel provided in the civil justice system. As a result, those who can afford to pay an attorney have the benefit of counsel, while those who cannot, do not. This disparity means that many of our most vulnerable citizens are denied the competitive advantage that a lawyer provides when they are party to civil litigation that can have life-altering consequences.

For example, a tenant who is sued for eviction has the responsibility to provide themselves with an attorney, or else risk facing a landlord (who is far more likely to be represented by counsel) without professional advice, and with their housing on the line. A domestic violence victim who is seeking a protection from abuse against an abuser must pay for an attorney or navigate the complex court system alone. An elderly victim of exploitation must hire an attorney to weigh their options to protect themselves. And a homeless veteran who is entitled to VA benefits but unable to handle the bureaucracy must pay for advice. Maine's existing civil legal aid organizations provide excellent representation for persons in these circumstances – but they do not have the resources to meet demand for their services.

The need for expanded civil legal aid in Maine is particularly stark. According to the National Center for Access to Justice, states require 10 civil legal aid attorneys per 10,000 people living below 200% of the poverty line in order to meet the most basic demand. In stark contrast, Maine has fewer than 2 civil legal aid attorneys per 10,000 people living under 200% of the poverty line. This ranks Maine 41st of 50 states in our ability to meet access to justice demands.

L.D. 1022 would provide Maine desperately needed funds for civil legal aid. More broadly, by passing L.D. 1022, you will send a message that legal rights are real, and not just theoretically available to those who can afford an attorney to assert them. L.D. 1022 will also have systemic benefits. Unrepresented litigants tend to be challenging for the courts, requiring more time and case management resources. Increased civil legal aid will move cases through our court system faster, helping our already under-resourced judiciary and paring down the backlog of cases weighing on our court system.

In short, L.D. 1022 will take a critical step in the right direction toward a robust civil justice system in which any Mainer—regardless of means—can access and avail themselves of the legal protections our state affords them. MTLA urges your support for L.D. 1022. Thank you for your consideration.