

Testimony before the Judiciary Committee

LD 2059, SP 0852

January 20, 2026

Senator Carney, Representative Kuhn and members of the Judiciary Committee

I am an attorney and have been representing the indigent for over 30 years. I took a few quotes from the Maine ACLU brief in the Robbins case to highlight the importance of this bill.

“A cornerstone of our constitutional order is that “every right, when withheld, must have a remedy, and every injury its proper redress.” That’s from *Marbury v. Madison*.

In 1984, in *United States v. Cronic*, the US Supreme Court said: The “very premise of our adversary system of criminal justice is that partisan advocacy on both sides of a case will best promote the ultimate objective that the guilty be convicted and the innocent go free.”, The ACLU added: That adversarial testing cannot happen when one side is deprived of counsel.

Even in “times of crisis, judges must not shrink from [their] duty to safeguard the rights’ guaranteed by the Constitution,” and “[d]enying a watershed

right to criminal defendants, presumed to be innocent, is a textbook example of shrinking from this duty.” Betschart v. Oregon, 103 F.4th 607, 626 (9th Cir. 2024)

Sometimes we need help explaining our situation. We misunderstand each other all the time. When you are charged with a crime, or your child is taken away, or you are confined in a hospital against your will, you get really stressed out. It gets harder for you to explain your point of view. You cannot explain the situation without an attorney.

Not every person charged with a crime is guilty or charged with the right crime. I have had trials where an innocent person has been found not guilty. I have had cases where a person was charged with many crimes but only committed one of them, I have had cases where the state wanted the court to terminate a person’s parental rights and the court said no. A person cannot do this effectively without legal training. You need an attorney.

I have been doing this long enough that I have saved my pennies and I will keep doing what I am doing. But without cash flow many of the attorneys who take these cases will not be able to continue representing the indigent. I have consistently, over the years, received calls from people who want to give me \$5,000 or \$10,000 to help them with their divorce or custody battle. Attorneys who take those cases charge at least \$300 an hour because it is expensive to run a law

office. The hourly rate of most car mechanics is \$100 or more an hour. I just paid a \$100 an hour to get my clothes dryer fixed.

The attorneys we have for the indigent must be kept on board. They are dedicated and willing to work for less but they can't work for nothing. How do they pay rent, pay staff, keep their equipment up to date and be calm, cool and collected under fire in court?

Please pass this bill and uphold our democracy.

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