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# Maine Equal Justice

## People Policy Solutions

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Testimony of Robyn Merrill, Maine Equal Justice

In support of LD 564 “An Act to Improve Access to Civil Legal Services”

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Good afternoon, Senator Carney, Representative Moonen, and esteemed members of the Committee on Judiciary. My name is Robyn Merrill, and I am the Executive Director of Maine Equal Justice. We are a civil legal services organization, and we work with and for people with low income to increase economic security, opportunity, and equity in Maine. We accomplish our mission through: (1) public policy advocacy in the legislature and with governmental agencies; (2) legal representation and impact litigation on systemic issues; and (3) statewide outreach and training on issues affecting people with low income.

Maine Equal Justice strongly supports LD 564 because collectively, despite our best efforts and strong coordination and collaboration, Maine’s legal aid providers cannot come close to meeting people’s legal needs without additional resources to make that possible. And the need for legal services is only growing. This winter Maine families have faced unprecedented challenges due to the high cost of housing, gas, and food. Some forms of federal relief have or will be expiring despite the continued need. Affordable housing is out of reach for tens of thousands of Mainers.

At MEJ, we focus our work on issues that affect people’s daily lives – access to adequate health care, food, housing, income, employment, and higher education and training opportunities. We work to assist people struggling to meet their basic needs and to open up economic opportunities so that people can move out of poverty permanently.

The Maine Civil Legal Services Fund (MCLSF) enables us to provide statewide legal representation, administrative advocacy, and outreach and training for Mainers with low income. Notably, the MCLSF does not fund our legislative advocacy or any of the lobbying we do. We focus our systemic work on the most pressing community needs identified through our legal services, community outreach, and collaboration with other organizations, providers, and agencies.

Systemic legal aid is legal service provided on behalf of a group of people with low income, with the intention of advancing or protecting the rights of all those similarly situated. Systemic legal aid is a key component of Maine’s legal aid network. It is the most cost-effective and far-reaching way to advance or protect legal rights when a group of people with low income encounter essentially the same legal problem.

The American Bar Association’s Standard for the Provision of Civil Legal Aid provides:

“Legislative and administrative processes are an essential part of the legal system that affect the low-income population. Many administrative agencies adopt rules, regulations, policies and orders of general application that have lasting impact on low income persons. Some recurring problems affecting clients can only be resolved by legislative action or through a rule change by an administrative agency. Legal aid providers, because of their knowledge of the legal problems of low income persons, can have a significant impact on legal interpretations, regulations, rules, policies, and the ways that these are carried out by government agencies, with direct effects on the lives of low income Mainers.”<sup>1</sup>

MEJ’s legal services team hears from an increasing number of people who struggle to access public programs and support for which they are eligible. The high level of inflation has made basic needs harder to meet and lowered the value of public assistance dollars. As the cost of living rises and financial hardship increases, individuals, families, and caseworkers increasingly turn to us to help navigate complex programs and systems. A lack of affordable housing has become a major crisis for Mainers with low income. More households are at risk of eviction and homelessness—and of the cascading events that push them deeper into poverty.

Our legal services team does its best to meet the needs of these individuals and to address the systemic problems inherent in their cases, but with current resources it is not possible to adequately address the demand. More capacity is desperately needed. For this reason, we strongly urge you to support LD 564.

We are grateful to you for the work you are doing to ensure access to justice for all Maine residents. Thank you. I’m happy to answer any questions you might have.

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<sup>1</sup> ABA Standards for the Provision of Civil Legal Aid (2006), Standard 3.2 (On Legislative and Administrative Advocacy).

# BRIDGING THE JUSTICE GAP IN MAINE

Now is the Time to Invest in Civil Legal Aid: *Support LD 564*

The familiar phrase “with liberty and justice for all” states our core value that in a truly free society justice must be accessible to everyone.

Justice for all requires investment in both criminal and civil legal services. In criminal cases, the accused has a right to a lawyer. Like criminal cases, civil legal problems can threaten people’s livelihoods, health, or families in profound ways, yet **there is no right to counsel**. Every year, **thousands of Mainers must face civil legal problems without help**, including foreclosure, eviction, property disputes, domestic abuse, probating estates, financial exploitation, disability discrimination in housing, education and employment, and more.

**Most low-income Mainers face at least one civil legal issue each year** that cannot be fairly resolved without legal advice or effective legal advocacy.<sup>1</sup> When people wrestle with the complexities of legal issues and the courts on their own, the promise of equal justice under our laws remains unfulfilled: people who face serious legal issues without a lawyer have worse outcomes from the court system, with less fairness and increased costs for all involved.

**The goal of civil legal aid is to provide legal help to everyone who needs it but is unable to afford it.** Unfortunately, the legal needs of many Mainers in civil matters are going unmet, and in recent years civil legal aid providers have been challenged to do more with less.

This year, we must take steps to fulfill the promise of equal justice by investing more in civil legal aid services throughout the state. That investment will put real money back into our local economy and change people’s lives for the better.<sup>2</sup>

Maine needs to invest more in access to civil legal aid. An additional investment appropriated last year of \$1.3 million is helping legal aid providers maintain operations and fill detrimental funding gaps, but the allocation is not sufficient to meet the current and growing needs of Maine’s residents and court system.

With an investment of \$3.9M in the first budget year, and \$7.8M in the second budget year, passage of LD 564 would allow Maine’s civil legal aid providers to take significant steps to meet unmet legal needs in Maine.

## This investment would:

- ✓ Preserve existing legal aid capacity (that would otherwise be lost due to an anticipated loss in ARPA funds at the end of 2023).
- ✓ Increase intake capacity and provide free legal help to at least 10,640 more households each year, and address the legal needs of at least 20,000 households through impact litigation and administrative advocacy.
- ✓ Increase education and outreach efforts to people with legal needs, expand client-facing technology tools, and improve self-help to reach and assist even more people in need of legal help.

## Maine’s Civil Legal Aid Providers...

- ✓ **Offer a range of legal assistance**, from representation, advice, and legal self-help tools to advocacy that advances and protects the legal interests of similarly situated groups of low-income people.<sup>3</sup>
- ✓ are virtually the **sole source** of legal representation for over 360,000 low-income Mainers.
- ✓ provide legal help to people facing many of **life’s crises and turning points**: the custody of a child, the loss of a home, essential services to veterans, financial exploitation, the need for asylum, domestic violence, unemployment, food insecurity.
- ✓ avert the pitfalls of **addressing legal problems without legal training**, which is like acting as your own doctor in the hospital.
- ✓ provide direct legal services that result in tangible cost saving to our state and an **influx of millions of dollars into Maine’s economy**.<sup>4</sup>
- ✓ streamline the court system and **cut down on court costs**, by moving cases that must be in court more quickly and by resolving matters outside of court or other formal proceedings.



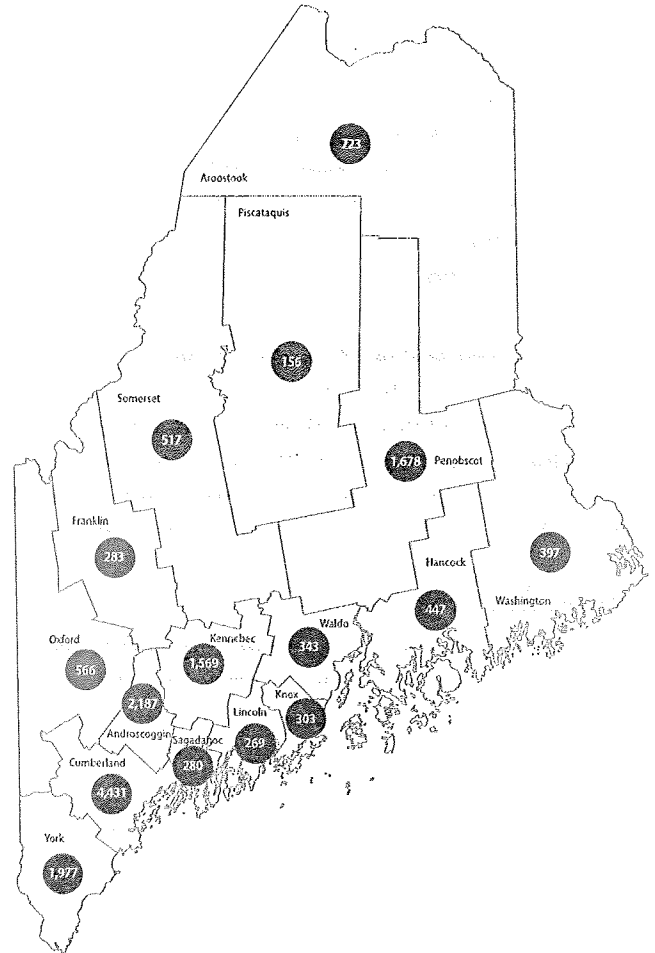
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Maine’s civil legal aid providers represent thousands of Maine residents each year in all 16 counties.

**Civil legal aid providers:**

- ✓ **Serve those who have served:** Maine has the highest percentage of veterans living in rural areas in the United States. Veterans are especially in need of information about their rights under federal and state law and legal advocacy to enforce those rights. These legal services are not available from traditional veteran service organizations.
- ✓ **Address the housing crisis in Maine.** Maine landlords are represented in more than 80% of eviction cases, while tenants are represented less than 20% of the time. In eviction cases, tenants with an attorney are much more likely to avoid an eviction, which is the leading cause of homelessness. Legal aid providers have developed resources for tenants facing eviction, and are advancing solutions to ensure that housing is affordable and accessible to every Maine resident. Between 2019 and 2022, providers have seen a significant increase in demand for services on housing related issues.
- ✓ **Support people who need Protection from Abuse (PFA).** Civil legal aid providers have continued to go to court to provide in-person representation to victims of domestic violence, sexual assault, and stalking. The number and severity of such cases has markedly increased since 2019. Providers also offer remote assistance to these clients.
- ✓ **Help for low-wage immigrants.** Legal aid providers are assisting Mainers who are immigrants to make ends meet and enter or re-enter the workforce. They are assuring that people seeking asylum meet their one-year filing deadlines, and are helping immigrant victims of domestic violence who are trapped in abusive relationships.
- ✓ **Streamline access to affordable health care.** Providers have assisted hundreds of Mainers across the state to access the health care coverage they need to stay safe and well.

Despite shrinking resources, significant challenges, and more complicated and urgent cases to handle, Maine's legal aid providers were able to represent Mainers facing crises in all 16 counties.



In addition to cases handled through direct legal assistance in 2022, systemic legal advocacy and outreach had 345,924 positive impacts on Mainers across all counties in significant ways.<sup>5</sup>

Produced by the **Justice Action Group Legislative Committee**  
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1. Justice for Some: Assessment by Maine's Legal Aid Providers, 2016; The Essence of Liberty Report by the Justice Action Group, 2014, located at: [https://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ATJReports/ME\\_2014\\_Report.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ATJReports/ME_2014_Report.pdf).

4. <https://www.justicemaine.org/wp-content/uploads/Gabe-Report-Submitted-November-14-2016.pdf>

2. <https://www.justicemaine.org/wp-content/uploads/Gabe-Report-Submitted-November-14-2016.pdf>

5. Systemic advocacy includes administrative advocacy with state agencies and impact litigation in the courts.

3. In Maine, Cumberland Legal Aid Clinic of the University of Maine School of Law, Disability Rights Maine, Immigrant Legal Advocacy Project, Legal Services for the Elderly, Maine Equal Justice Partners, Maine Volunteer Lawyers Project, and Pine Tree Legal Assistance collaborate, cooperate, and share resources to provide access to justice for tens of thousands of Maine people in need of legal help.