

**State of Maine  
131st Legislature  
Joint Standing Committees on Appropriations and Financial Affairs and on the Judiciary**

**Testimony of Associate Justice Andrew Mead  
For the Justice Action Group**

*Supporting and Providing Further Information Regarding*

**LD 2214, An Act to Make Supplemental Appropriations and Allocations for the  
Expenditures of State Government, General Fund and Other Funds and to Change Certain  
Provisions of the Law Necessary to the Proper Operations of State Government for the  
Fiscal Years Ending June 30, 2024 and June 30, 2025**

**February 28, 2024**

Senator Rotundo, Representative Sachs, Senator Carney, Representative Moonen, and members of the Joint Standing Committees on Appropriations and Financial Affairs and the Judiciary, I am Andrew Mead, Senior Associate Justice of the Maine Supreme Judicial Court. I am testifying today specifically in my role as Chair of the Justice Action Group—“JAG”—a judge-led coalition including Maine’s seven legal aid providers and a cross-section of judges, lawyers, and others who support equal access to justice through civil legal aid for low-income Mainers.<sup>1</sup> The Justice Action Group was created 30 years ago by Judge Frank Coffin of the federal First Circuit Court of Appeals and Chief Justice Daniel Wathen of the Maine Supreme Judicial Court. JAG’s mission includes, among other things, educating and advocating for funding for Maine’s civil legal services providers.

The Justice Action Group thanks the Governor and Legislature for the existing support for the Maine Civil Legal Services Fund but urges that this supplemental budget must continue the recent trend of increasing and ongoing support to meet the vast unmet need for civil legal aid.

This supplemental budget includes vitally important new investment in the Court’s infrastructure and in indigent legal defense services in criminal cases. Yet, *civil* legal problems can also threaten people’s livelihoods, health, or families in profound ways, and the participation of unrepresented civil litigants often unnecessarily complicates and lengthens the processes of justice for everyone. I have attached the current version of our “one-pager,” on how civil legal aid works and why funding for it is critically important.

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<sup>1</sup> The Justice Action Group is described more fully here: <https://justicemaine.org/grants-and-programs/justice-action-group/>

The JAG is grateful that, in addition to the original patchwork of allocations supporting the Maine Civil Legal Services Fund, the State budget now includes a baseline, General Fund, continuing appropriation of \$1.3 million. Last year, in response to our pleas for much greater investment due to the enormous unmet need, you provided a one-time addition of \$4 million to this amount. This one-time funding was deeply appreciated, but the obvious problem is that the need is *constant* and *growing*, so a sharp drop in funding would be disastrous. We ask, therefore, that you takes steps to ensure, at the very least, that this level of support continues through this biennium and into the next.

For decades, the Justice Action Group has urged that the enormous unmet need for civil legal services must be met if our system of justice is truly to be available to all. This requires sustained and ultimately increasing support from state government through baseline appropriations to the Maine Civil Legal Services Fund. I urge you to take the essential next step of making permanent the added funding provided last year on a one-time basis.

An investment at this level would:

- ✓ Preserve existing legal aid capacity, including the increased capacity made possible by last year's one-time funding.
- ✓ Maintain access to justice for tens of thousands more low-income Mainers.
- ✓ Retain the expanded tools and technology made possible by the one-time increase.
- ✓ Avoid moving backward instead of forward toward an adequate number of legal aid attorneys. The National Justice Index calls for 10 legal aid lawyers for every 10,000 low income people. We estimate that last year's funding has moved us somewhat above 2 lawyers per 10,000, but that number will obviously decline sharply unless the funding becomes permanent.

The resources are available now to continue last year's level of this commitment to access to justice for all. The JAG asks that this Legislature take that important step.

Thank you for your time and attention today. I would be pleased to respond to any questions now or via the contact information provided below.

# BRIDGING THE JUSTICE GAP IN MAINE

## Now is the Time to Invest in Civil Legal Aid

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. **There is no such right to counsel in civil legal cases**, even though such problems can threaten people's livelihoods, health, or families in profound ways. 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 the law 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 help to everyone who needs to understand and act upon their legal rights and responsibilities but is unable to afford legal counsel.** Unfortunately, the legal needs of many Mainers in civil matters go unmet.

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'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.

Maine needs to invest more in access to civil legal aid. The one-time investment of \$4 million appropriated last year is helping legal aid providers maintain operations, but the “cliff” this creates and the fact that ongoing positions make up the primary need mean it is essential to convert this one-time funding into an ongoing commitment.

What is needed now is an investment to make the \$4 million one-time funding a baseline increase starting in 2024-2025.

#### This investment would:

- ✓ Preserve existing legal aid capacity.
- ✓ 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.

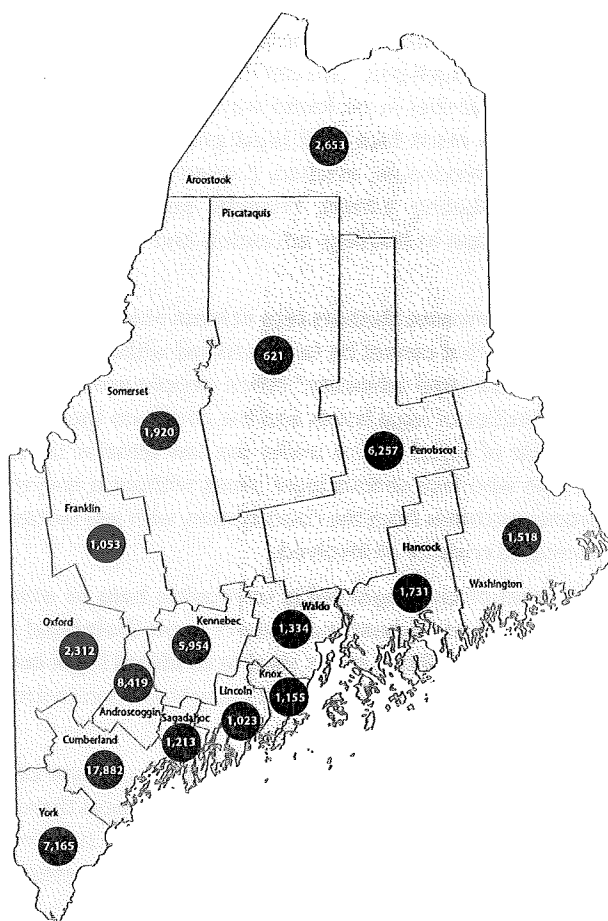


# Maine's civil legal aid providers represent thousands of Maine residents each year in all 16 counties.

## 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 need and deserve information about their rights under federal and state law as well as 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 people facing eviction, and are advancing solutions to ensure that housing is accessible to every Maine resident. Between 2019 and 2023, 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.
- ✓ **Help for low-wage immigrants:** Legal aid providers are assisting Mainers who are immigrants to enter or re-enter the workforce and make ends meet. 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.
- ✓ **Help respond in times of crisis:** Civil legal aid providers have stepped up time and again to help Mainers keep their homes during the foreclosure crisis, avoid homelessness during the affordable housing crisis, and find critical information and resources after the mass shooting in Lewiston. A stable civil legal services community is essential for the state's ability to weather times of trouble and volatility.

Between 2020 and 2023 Maine's Legal Aid providers represented thousands of Mainers facing crises in all 16 counties.



In addition to representing Mainers through direct legal assistance from 2020-2023, systemic legal advocacy had 856,798 positive impacts on Mainers across all counties in significant ways.<sup>6</sup>

Produced by the **Justice Action Group Legislative Committee**  
For more information please contact *Charlie Dingman* at [cdingman@kozakgayer.com](mailto:cdingman@kozakgayer.com)

<sup>1</sup> 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\\_in\\_digent\\_defendants/ATJReports/ME\\_2014\\_Report.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_aid_in_digent_defendants/ATJReports/ME_2014_Report.pdf).

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

<sup>3</sup> 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. In 2023, these seven legal aid providers served over 17,000 households and impacted many more thousands of Mainers across all 16 counties.

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

<sup>5</sup> Maine Civil Legal Aid Services Fund Commission Report to the Joint Standing Committee on the Judiciary, 2020-2023; Individual reports of the six civil legal aid providers to Maine Civil Legal Services Fund (MCLSF). MCLSF's 2023 report is expected in Feb. 2024.

<sup>6</sup> Systemic advocacy includes administrative advocacy with state agencies and impact litigation in the courts.