

## Horkan, Dylan

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**From:** Billings, Jim <Jim.Billings@maine.gov>  
**Sent:** Monday, March 3, 2025 1:16 PM  
**To:** Cmte EDU  
**Subject:** LD 375

**This message originates from outside the Maine Legislature.**

Senate Chair Rafferty and House Chair Murphy:

I signed up to appear for zoom to testify neither for nor against LD 375, but it looks like I could have a scheduling conflict that will prevent me from appearing. Please accept this email as the testimony of the Maine Commission on Public Defense Services (PDS).

PDS is neither for nor against LD 375 as currently drafted. However, PDS does support the University of Maine School of Law (UMSOL) becoming more flexible in offering remote learning options for law students.

Maine is facing a constitutional crisis in the provision of indigent legal services. There are hundreds of cases pending in Maine where a person is entitled to court appointed counsel and there simply is no lawyer for the courts to assign. The American Civil Liberties Union is suing Maine and multiple state actors over this crisis. The court hearing that lawsuit ruled in early January that people's 6<sup>th</sup> Amendment rights are being violated in Maine due to this issue. PDS cannot solve this crisis alone. Maine needs to increase attorney capacity, and PDS needs help from a variety of Maine institutions to deal with the constitutional crisis.

One way to increase overall system capacity for the provision of indigent legal services is for UMSOL to become more flexible in offering remote learning. The Chief Justice urged this in her State of the Judiciary address last week. Maine needs to lure more non-traditional students to practice law. This is especially true for rural areas of the state because it is very difficult to entice traditional law students who have lived in Portland for three years to move to remote rural Maine counties. Prospective law students in rural areas of the state with family or professional commitments cannot simply uproot themselves and move to Portland to attend law school—one of the most expensive places to live in Maine. This is especially true in these uncertain times where continued reliance on federal funds for grants and loan forgiveness cannot be assumed. These non-traditional rural Mainers are much more likely to remain in their hometowns and practice law in geographic areas of intense need after graduation.

The ABA already allows remote learning, and many law schools in other New England states have remote learning, such as Vermont, New Hampshire, and Massachusetts. The following is a link to the ABA website that lists many more law schools and gives more information on accredited law schools and remote learning. [https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.americanbar.org%2Fgroups%2Flegal\\_education%2Fresources%2Fdistance\\_education%2Fapproved-distance-ed-jd-programs%2F&data=05%7C02%7Cjim.billings%40maine.gov%7Cdfdb85b5c17944681e3c08dd5a7d459a%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638766216279728610%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIslIAiOiJXaW4zMilslkFOljoitWFpbCIsIlldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=uT%2B2NwBKlh24Fx4R%2FRAEWGQ31QoEv10hnLKKBcXfrA%3D&reserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.americanbar.org%2Fgroups%2Flegal_education%2Fresources%2Fdistance_education%2Fapproved-distance-ed-jd-programs%2F&data=05%7C02%7Cjim.billings%40maine.gov%7Cdfdb85b5c17944681e3c08dd5a7d459a%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638766216279728610%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIslIAiOiJXaW4zMilslkFOljoitWFpbCIsIlldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=uT%2B2NwBKlh24Fx4R%2FRAEWGQ31QoEv10hnLKKBcXfrA%3D&reserved=0)

UMSOL is in a new modern building, and it has the technological infrastructure to make remote learning a real possibility to attract more Mainers to the practice of law. Whether that should be mandated in the form of this bill or in some other manner such as requiring a certain number of fully remote seats in each class, requiring remote

learning for the first year classes, or mandating that some percentage of courses have remote learning options, I defer to the committee and other education experts.

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