



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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February 9, 2022

Senator Joseph Rafferty
Representative Michael Brennan
Committee on Education and Cultural Affairs
Cross Building, Room 208
Augusta, ME 04330

RE: MACDL Testimony in Support of LD 1924: An Act to Expand Access to Justice in Rural Maine through Legal Education

Dear Senator Rafferty, Representative Brennan, and Members of the Committee on Education and Cultural Affairs:

MACDL is here to today to testify in support of LD 1924. In order to ensure access to justice for all of Maine's citizens—including those who are charged with crimes—we must fund and support efforts to recruit and retain legal talent throughout the state. This bill is a good first step towards realizing that goal.

I grew up in the St. John Valley—Madawaska—and each time I return to visit family, I am reminded of how different a place it now is in so many ways. There are only a handful of attorneys in Aroostook County, and the Valley has felt this acutely. I was friends with the children of Madawaska's two remaining attorneys: Mr. Bellefleur, who is nearly 70, handles real estate matters exclusively and Mr. Lavertu, who is over 70, has a general practice and does very little criminal work. Fort Kent fairs a bit better—with Toby Jandreau and Neil Prendergast both in their 40s and managing challenging caseloads—but desperately needs a least a few more attorneys to do criminal and child protective work.

More than 80 percent of Maine's attorneys are located in Cumberland, York, Kennebec and Penobscot Counties. The aging of Maine's bar is impacting our rural communities—including those in the Valley—disproportionately, as reflected above. Quite frankly: there are not enough attorneys currently to represent people effectively in the rural parts of Maine in any area of the law. In just a few short years, that very well could become a crisis. And our clients cannot wait for that time.

I was thrilled to learn that this project is being proposed as a collaboration with the University of Maine at Fort Kent. Fort Kent has dire need for exceptional legal service providers, but it is also a wonderful place to live, raise a family, and become an integral part of a thriving community. It is exactly the type of place that could attract legal talent long-term—if that talent is well educated, trained, and supported in that area.

The Sixth Amendment of our federal constitution ensures that all people accused of a crime have the right to counsel to defend them—and if the person is too poor to hire a lawyer and is facing the possibility of jail time, that the State must provide legal counsel to that person. Training and supporting the next generation of Maine's attorneys—work that the University of Maine School of Law and its legal aid clinic have done for decades—is necessary to breathe life into the constitution, to provide people with counsel, and ensure that Mainers' rights are protected and vindicated.

The current proposal as I have read it seems modest—too modest—but well organized and developed. It is imperative that this Committee pass this bill and move it to Appropriations. It is even more imperative that this Committee commit to fully funding this program for at least three years. No program of this importance has been able to establish its efficacy in a short time, nor if it is underfunded. Funding is the only way to give this necessary project the foundation it needs to set up law students—Maine’s future lawyers—for success in our rural communities.

Thank you for your attention to this matter and for allowing me to speak with you all today. I would be happy to try to answer any questions by the Committee.

Sincerely,

A handwritten signature in blue ink, reading "Tina Heather Nadeau". The signature is fluid and cursive, with a large loop at the end.

Tina Heather Nadeau, Esq.
MACDL Executive Director