

Testimony of Deirdre M. Smith, University of Maine School of Law in Support of  
**LD 1924, “An Act To Expand Access to Justice in Rural Maine through Legal Education”**

submitted to the Joint Standing Committee on Education and Cultural Affairs, February 9, 2022.

Good morning, Senator Rafferty, Representative Brennan, and other members of the Joint Standing Committee on Education and Cultural Affairs. My name is Deirdre M. Smith. I am a member of the faculty of the University of Maine School of Law. I am also the Director of the Law School’s Cumberland Legal Aid Clinic, a statewide program through which law students assist low-income Maine residents with legal matters in state, county, and federal courts and agencies. I am testifying today in support of LD 1924 on behalf of the University of Maine School of Law and the University of Maine System.

LD 1924 would provide funding for the University of Maine System to expand the Law School’s clinical legal education program by launching a Rural Practice Clinic pilot project and to strengthen and grow the Cumberland Legal Aid Clinic through increased administrative staffing. This investment in the Law School’s signature experiential and public service program would increase the number of law students who learn key lawyering skills by helping clients in underserved Maine communities and would provide more Maine residents access to legal help for some of the most urgent problems a person can face.

### **The Cumberland Legal Aid Clinic**

The University of Maine School of Law established the Cumberland Legal Aid Clinic in 1970 as an experiential learning program through which law students could learn core lawyering skills while assisting the public. Through the Clinic’s various programs, second- and third-year law students—specially licensed under court and agency rules to practice as “student attorneys”—provide legal assistance under the supervision of faculty members who are experienced practitioners and members of the Maine bar. The Clinic’s mission is two-fold: educating law students through an intense, high-quality clinical and mentoring experience while providing free legal aid to indigent Maine residents. Each year at least 40 Maine Law students participate in the Clinic, and they collectively provide about 14,000 hours of free legal assistance to more than 500 Maine residents throughout the state. The student attorneys receive academic credit during the school year and are paid interns during the summer. The Clinic handles a wide range of legal matters including family, criminal, juvenile, probate, elder, protection from abuse, and immigration law, among others.

As required by the student practice rules and the American Bar Association accreditation standards for law schools, as well as to ensure compliance with the Maine Rules of Professional Conduct for Attorneys, the student attorneys receive close supervision from the Clinic’s faculty on all aspects of their client work while they hone core lawyering skills and enhance their knowledge of substantive law. Faculty must review and approve all letters, documents, and court filings drafted by the students and accompany the students to all court and agency hearings. Such supervision and instruction by faculty may be labor-intensive, but it is also essential to ensure the highest quality of legal assistance provided to clients and educational benefits to participating law students.

## **The Rural Practice Clinic as an important expansion of the Clinic's impact**

Maine Law proposes to build on the Clinic's long-standing program by hiring key administrative and teaching professionals to enable the Clinic to expand its educational and public service impact statewide. Specifically, by adding a Managing Attorney as part of the Clinic's leadership team, oversight of the Clinic's administrative and legal operations—akin to those required for both a small law firm and a non-profit legal aid agency—would be handled by a dedicated legal professional. This would shift the substantial operational responsibilities away from the Clinic's faculty, enabling them to dedicate their time to the important work of teaching and mentoring law students. The administrative demands on the Clinic faculty's time have increased over the past several years as a result of the addition of new projects and innovations in our educational program to address community needs and to enhance law students' learning opportunities. We cannot consider any further expansions without restructuring the Clinic's management responsibilities. An additional Administrative Coordinator is also essential to supporting the Clinic's work going forward, as any further expansions will involve increased enrollment and clients served, as well as programmatic changes and logistical challenges.

With this enhanced operational staffing at the Clinic's primary location, Maine Law can establish, for the first time, satellite locations for the Clinic, enabling law students to learn and work right in the regions where their clients live. By placing programs in rural regions of the state, the law students would also gain specific the specific skills and knowledge needed to practice law in Maine's small towns and rural communities. Through the pilot program envisioned for the Rural Practice Clinic (RPC), Maine Law students would participate for academic credit or work full-time as paid summer interns, for which they would receive modest stipends funded by LD 1924. The students would practice law in Aroostook County as student attorneys under the supervision of a newly hired Clinical Professor who would work on-site with the students in the County providing the same high degree of supervision, training, and mentoring students receive at the Clinic's primary location. The student attorneys would represent low-income County residents in legal matters pending in Maine courts including criminal, juvenile, child protection, probate, family, and other matters. During the school year, the RPC students would enroll in other Maine Law classes using remote technology as needed. UMaine Fort Kent will provide space for the RPC as well as student housing for the RPC student attorneys.

## **LD 1924 would address the shortage of attorneys in rural communities in Maine**

The RPC would place Maine Law students directly into rural communities and courtrooms on a year-round basis. The program would expand the enrollment and number of clients served through Maine Law's Clinic. Each year, RPC student attorneys could be expected to collectively provide at least 1500 hours of pro bono legal help to Aroostook County residents.

As Maine Law's Dean Leigh I. Saufley explained in her testimony, the RPC would not only expand the Law School's experiential learning program; it would also represent a new and important component of Maine Law's overall strategy to train law students to serve rural communities throughout Maine. This extension of the Maine Law's rural justice initiatives would immediately mitigate the shortage of legal aid in Maine's most rural county while creating a pool of law school graduates who have both interest in and direct experience with rural practice and are ready to hit the ground running. It would enhance the training of future attorneys who will take court-appointed cases and aid Maine's courts at a time when Maine's justice system is grappling with a substantial backlog of cases due to the pandemic. By living and practicing law in a beautiful and vibrant rural region such as the St. John Valley, the law students participating in the RPC would be exposed to and learn the advantages of rural practice. They would also make professional connections with the bench, bar, and communities that they could use to prepare for and launch their permanent relocation to Northern Maine.

With its location in the County, the RPC collaboration can also serve as part of a pipeline for new rural lawyers, starting in Maine's high schools. For example, with UMFK's 3+3 program with Maine Law, which enables students to start their legal education after 3 years of undergraduate study, UMFK can recruit students from rural Maine who are interested in pursuing a law degree. The RPC program could provide specific learning and public service opportunities for UMFK undergraduate students through volunteering and potentially paid internships with the Clinic or through collaborations with other legal aid providers operating in Northern Maine, such as Pine Tree Legal Assistance and Legal Services for the Elderly. Through such opportunities, undergraduate students could work with Maine Law student attorneys as well as legal aid lawyers practicing in Aroostook County.

The program would benefit rural communities throughout Maine. Direct experience representing clients and appearing in court as part of an intensive experiential training program provides an essential educational foundation for new lawyers who will be practicing in small firms, public service, or launching their own practice, the most common practice settings in Maine's rural communities. Law students who participate in any of the Clinic's new and existing programs can leverage their training and hit the ground running in these settings. Many Maine Law students enroll in the Clinic now specifically to gain lawyering experience in preparation for rural practice. If the RPC pilot is successful, it can serve as a template for replication on other rural campuses in the University of Maine System, such as UMaine Farmington.

### **The Rural Practice Clinic Pilot Project Will Require Significant New and Ongoing Resources**

The RPC pilot project will require a substantial investment and commitment of new and ongoing resources. There are numerous considerations involved with setting up a program in a new location to ensure that it meets the Clinic's existing high standards for providing quality legal representation for clients and training for future attorneys. Specifically, the new program of the Clinic will require the following additional resources at the Clinic's primary location at the Law School as well as in the County:

- **Clinic Managing Attorney:** As described above, this new position based in Portland would manage the legal and administrative operations of all Clinic programs statewide, including the design and launch of the Rural Practice Clinic. The Clinic's existing administration, faculty, and staff are already stretched thin and cannot support the launch of a new program.
- **Clinic Administrative Coordinator:** As described above, this new position based in Portland would provide support to the Managing Attorney and Clinic faculty and students in all aspects of Clinic operations, including the launch of the Rural Practice Clinic.
- **Clinical Professor:** Maine Law will need to recruit an experienced and highly qualified clinical professor to design, start, and oversee the RPC in Aroostook County. That person must be an experienced member of Maine bar as well as someone with teaching experience or strong promise as a clinical instructor.
- **Administrative Specialist:** As a fully-functioning small law firm in the County, the RPC will need administrative staff to support the RPC faculty and students on-site.
- **Summer Intern Stipends:** In order to ensure that the RPC can train law students and serve clients on a year-round basis, the Clinic will need to hire students as summer interns and provide stipends.
- **Program Expenses:** There will be numerous one-time and ongoing expenses to set up and operate the RPC as a Clinic satellite location in the County.

In order for the RPC pilot project to have a chance at success and sustainability, ongoing funding for both the Portland-based administrative positions as well as the employees on-site in the County is essential. I urge you to vote Ought-to-Pass on LD 1924 to enable the UMS to expand hands-on legal education for Maine students and help address the critical need for lawyers and legal aid throughout Maine.

Thank you very much.

Sincerely,



Professor Deirdre M. Smith